HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-EIGHTH DAY — FRIDAY, MAY 28, 2021

The house met at 10:42 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1547).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; 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; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Absent, Excused — Coleman.

Absent — Ellzey; Minjarez; Walle.

The invocation was offered by Representative Murr as follows:

Thank you, Lord, for the open spaces, clean air, and the opportunity to see the horizon, where the warmth of the fading day meets the cool restfulness of the new evening. Give us the strength for the long hours and the hard work needed for success. Help us be patient, letting your miracle of life complete its bountiful cycle. Give us understanding to realize that both nature and life will seldom agree with all of our needs. Give us the wisdom of a veterinarian, the knowledge of a lawyer, the resources of a banker, the skills of a carpenter, and the abilities of a mechanic, so that we can be well equipped to address the challenges we face each day. Let us be good neighbors, unselfishly giving and humbly accepting when

needed. And Lord, let us pass on to the next generation the knowledge that individualism, hard work, and the unwavering belief in our convictions are the seeds to success. Amen.

(Minjarez now present)

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

MOTION IN WRITING
RULES SUSPENDED

Representative Guillen offered the following motion in writing:

Mr. Speaker:

I move to suspend Rule 6, Section 11, to authorize the Committee on Resolutions Calendars to prepare and post the Congratulatory and Memorial Resolutions Calendar set for tomorrow, May 29, not later than 10 p.m. today.

Guillen

The motion was read and 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. 29).

RESOLUTIONS REFERRED TO COMMITTEES

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

HB 549 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 549, A bill to be entitled An Act relating to an exemption from civil liability for certain professionals for the disclosure of certain mental health information.

Representative S. Thompson moved to concur in the senate amendments to **HB 549**.

The motion to concur in the senate amendments to **HB 549** prevailed by (Record 1548): 137 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; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, M.;

Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Israel; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Canales; Collier; Ellzey; González, J.; Herrero; Hunter; Jetton; Johnson, J.E.; Martinez Fischer; Slawson; Walle.

STATEMENTS OF VOTE

When Record No. 1548 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 1548 was taken, I was in the house but away from my desk. I would have voted yes.

Collier

When Record No. 1548 was taken, I was temporarily out of the house chamber. I would have voted yes.

Ellzey

When Record No. 1548 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1548 was taken, I was in the house but away from my desk. I would have voted yes.

Slawson

Senate Committee Substitute

CSHB 549, A bill to be entitled An Act relating to exemptions from liability for certain professionals for the disclosure of certain mental health information.

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

SECTION 1. Section 611.002, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Confidential communications or records may not be disclosed except as provided by Section 611.004, 611.0041, or 611.0045.

(b-1) No exception to the privilege of confidentiality under Section 611.004 may be construed to create an independent duty or requirement to disclose the confidential information to which the exception applies.

SECTION 2. Section 611.004, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A professional may disclose confidential information only:

(1) to a governmental agency if the disclosure is required or authorized by law;

(2) to medical, mental health, or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient;

(3) to qualified personnel for management audits, financial audits, program evaluations, or research, in accordance with Subsection (b);

(4) to a person who has the written consent of the patient, or a parent if the patient is a minor, or a guardian if the patient has been adjudicated as incompetent to manage the patient's personal affairs;

(5) to the patient's personal representative if the patient is deceased;

(6) to individuals, corporations, or governmental agencies involved in paying or collecting fees for mental or emotional health services provided by a professional;

(7) to other professionals and personnel under the professionals' direction who participate in the diagnosis, evaluation, or treatment of the patient;

(8) in an official legislative inquiry relating to a state hospital or state school as provided by Subsection (c);

(9) to designated persons or personnel of a correctional facility in which a person is detained if the disclosure is for the sole purpose of providing treatment and health care to the person in custody;

(10) to an employee or agent of the professional who requires mental health care information to provide mental health care services or in complying with statutory, licensing, or accreditation requirements, if the professional has taken appropriate action to ensure that the employee or agent:

(A) will not use or disclose the information for any other purposes; and

(B) will take appropriate steps to protect the information; or

(11) to satisfy a request for medical records of a deceased or incompetent person pursuant to Section 74.051(e), Civil Practice and Remedies Code.

(a-1) No civil, criminal, or administrative cause of action exists against a person described by Section 611.001(2)(A) or (B) for the disclosure of confidential information in accordance with Subsection (a)(2). A cause of action brought against the person for the disclosure of the confidential information must be dismissed with prejudice.

SECTION 3. Section 159.002, Occupations Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) No exception to the privilege of confidentiality under Section 159.003 or 159.004 may be construed to create an independent duty or requirement to disclose the confidential information to which the exception applies.

SECTION 4. Section 159.004, Occupations Code, is amended to read as follows:

Sec. 159.004. EXCEPTIONS TO CONFIDENTIALITY IN OTHER SITUATIONS. (a) An exception to the privilege of confidentiality in a situation other than a court or administrative proceeding, allowing disclosure of confidential information by a physician, exists only with respect to the following:

(1) a governmental agency, if the disclosure is required or authorized by law;

(2) medical, mental health, or law enforcement personnel, if the physician determines that there is a probability of:

(A) imminent physical injury to the patient, the physician, or another person; or

(B) immediate mental or emotional injury to the patient;

(3) qualified personnel for research or for a management audit, financial audit, or program evaluation, but the personnel may not directly or indirectly identify a patient in any report of the research, audit, or evaluation or otherwise disclose identity in any manner;

(4) those parts of the medical records reflecting specific services provided if necessary in the collection of fees for medical services provided by a physician, professional association, or other entity qualified to provide or arrange for medical services;

(5) a person who has consent, as provided by Section 159.005;

(6) a person, corporation, or governmental agency involved in the payment or collection of fees for medical services provided by a physician;

(7) another physician or other personnel acting under the direction of the physician who participate in the diagnosis, evaluation, or treatment of the patient;

(8) an official legislative inquiry regarding state hospitals or state schools, if:

(A) information or a record that identifies a patient or client is not released for any purpose unless proper consent to the release is given by the patient; and

(B) only records created by the state hospital or school or its employees are included; or

(9) health care personnel of a penal or other custodial institution in which the patient is detained if the disclosure is for the sole purpose of providing health care to the patient.

(b) No civil, criminal, or administrative cause of action exists against a physician for the disclosure of confidential information in accordance with Subsection (a)(2). A cause of action brought against a physician for the disclosure of the confidential information must be dismissed with prejudice.

SECTION 5. The changes in law made by this Act apply only to a disclosure of confidential information made on or after the effective date of this Act. A disclosure made before the effective date of this Act is governed by the law in effect on the date the disclosure was made, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2021.

(Ellzey now present)

HB 3961 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3961, A bill to be entitled An Act relating to required posting of information regarding the office of the state long-term care ombudsman on certain long-term care facilities' Internet websites.

Representative Spiller moved to concur in the senate amendments to **HB 3961**.

The motion to concur in the senate amendments to **HB 3961** prevailed by (Record 1549): 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; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Holland; Walle.

Senate Committee Substitute

CSHB 3961, A bill to be entitled An Act relating to required posting of information regarding the office of the state long-term care ombudsman on certain long-term care facilities' Internet websites.

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

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260C to read as follows:

CHAPTER 260C. POSTING OF OFFICE OF STATE LONG-TERM CARE OMBUDSMAN INFORMATION BY CERTAIN FACILITIES

Sec. 260C.001. DEFINITION. In this chapter, "long-term care facility" means:

(1) a nursing facility licensed under Chapter 242;

(2) an assisted living facility licensed under Chapter 247; or

(3) any other facility providing care to residents who are assisted by the state long-term care ombudsman established under Subchapter F, Chapter 101A, Human Resources Code.

Sec. 260C.002. POSTING OF OFFICE OF STATE LONG-TERM CARE OMBUDSMAN INFORMATION ON INTERNET WEBSITE. (a) Except as provided by Subsection (b), a long-term care facility shall post on the facility's Internet website information about the office of the state long-term care ombudsman established under Subchapter F, Chapter 101A, Human Resources Code, including:

(1) information regarding the office's role as an advocate for residents of long-term care facilities; and

(2) the office's statewide toll-free telephone number.

(b) A long-term care facility:

(1) may comply with this section by posting the required information on the Internet website of the facility's parent company if the facility does not maintain a unique Internet website; and

(2) is not required to comply with this section if the facility and any parent company do not maintain an Internet website.

SECTION 2. This Act takes effect January 1, 2022.

HB 19 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 19, A bill to be entitled An Act relating to civil liability of a commercial motor vehicle owner or operator, including the effect that changes to that liability have on commercial automobile insurance.

Representative Leach moved to concur in the senate amendments to **HB 19**.

The motion to concur in the senate amendments to **HB 19** prevailed by (Record 1550): 106 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Craddick; Cyrier; Darby; Davis; Dean; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guillen; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, A.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, E.; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Pacheco; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Cortez; Crockett; Deshotel; Dominguez; Dutton; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Israel; Johnson, J.D.; Johnson, J.E.; Longoria; Martinez Fischer; Morales, C.; Morales Shaw; Muñoz; Ortega; Perez; Ramos; Raymond; Rodriguez; Rosenthal; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — King, T.; Leman; Reynolds; Walle.

STATEMENTS OF VOTE

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Collier

When Record No. 1550 was taken, I was shown voting no. I intended to vote yes.

Cortez

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Davis

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Herrero

When Record No. 1550 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

When Record No. 1550 was taken, I was in the house but away from my desk. I would have voted yes.

Leman

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Martinez

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Moody

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Neave

When Record No. 1550 was taken, I was in the house but away from my desk. I would have voted no.

Reynolds

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Romero

When Record No. 1550 was taken, I was shown voting yes. I intended to vote no.

Sherman

Senate Committee Substitute

CSHB 19, A bill to be entitled An Act relating to civil liability of a commercial motor vehicle owner or operator, including the effect that changes to that liability have on commercial automobile insurance.

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

SECTION 1. The heading to Chapter 72, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 72. LIABILITY OF MOTOR VEHICLE OWNER OR OPERATOR [~~TO GUEST~~]

SECTION 2. Chapter 72, Civil Practice and Remedies Code, is amended by designating Sections 72.001, 72.002, 72.003, and 72.004 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. LIABILITY TO GUEST

SECTION 3. Sections 72.002 and 72.003, Civil Practice and Remedies Code, are amended to read as follows:

Sec. 72.002. LIMITATION NOT APPLICABLE. There is no limitation under this subchapter [~~chapter~~] on the liability of an owner or operator who is not related to the guest within the second degree by consanguinity or affinity.

Sec. 72.003. EFFECT ON OTHER LIABILITY. (a) This subchapter [~~chapter~~] does not affect judicially developed or developing rules under which a person is or is not totally or partially immune from tort liability by virtue of family relationship.

(b) This subchapter [~~chapter~~] does not relieve the owner or operator of a motor vehicle being demonstrated to a prospective purchaser or relieve a public carrier of responsibility for injuries sustained by a passenger being transported.

SECTION 4. Chapter 72, Civil Practice and Remedies Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ACTIONS REGARDING COMMERCIAL MOTOR VEHICLES

Sec. 72.051. DEFINITIONS. In this subchapter:

(1) "Accident" means an event in which operating a commercial motor vehicle causes bodily injury or death.

(2) "Civil action" means an action in which:

(A) a claimant seeks recovery of damages for bodily injury or death caused in an accident; and

(B) a defendant:

(i) operated a commercial motor vehicle involved in the accident; or

(ii) owned, leased, or otherwise held or exercised legal control over a commercial motor vehicle or operator of a commercial motor vehicle involved in the accident.

(3) "Claimant" means a person, including a decedent's estate, seeking or who has sought recovery of damages in a civil action. The term includes a plaintiff, counterclaimant, cross-claimant, third-party plaintiff, and an intervenor. The term does not include a passenger in a commercial motor vehicle unless the person is an employee of the owner, lessor, lessee, or operator of the vehicle.

(4) "Commercial motor vehicle" means a motor vehicle being used for commercial purposes in interstate or intrastate commerce to transport property or passengers, deliver or transport goods, or provide services. The term does not include a motor vehicle being used at the time of the accident for personal, family, or household purposes.

(5) "Compensatory damages" has the meaning assigned by Section 41.001.

(6) "Employee" means a person who works for another person for compensation. The term includes a person deemed an employee under state or federal law and any other agent or person for whom an employer may be liable under respondeat superior.

(7) "Exemplary damages" has the meaning assigned by Section 41.001.

(8) "Motor vehicle" means a self-propelled device in which a person or property can be transported on a public highway. The term includes a trailer when in use with a self-propelled device described by this subdivision. The term does not include a device used exclusively upon stationary rails or tracks.

(9) "Operated," "operating," and "operation," when used with respect to a commercial motor vehicle, means to cause the vehicle to move or function in any respect, including driving, stopping, or parking the vehicle or otherwise putting the vehicle into use or operation. These terms include a commercial motor vehicle that has become disabled.

(10) "Video" means an electronic representation of a sequence of images, with or without accompanying audio, depicting either stationary or moving scenes, regardless of the manner in which the sequence of images is captured, recorded, or stored.

Sec. 72.052. BIFURCATED TRIAL IN CERTAIN COMMERCIAL MOTOR VEHICLE ACCIDENT ACTIONS. (a) In a civil action under this subchapter, on motion by a defendant, the court shall provide for a bifurcated trial under this section.

(b) A motion under this section shall be made on or before the later of:

(1) the 120th day after the date the defendant bringing the motion files the defendant's original answer; or

(2) the 30th day after the date a claimant files a pleading adding a claim or cause of action against the defendant bringing the motion.

(c) The trier of fact shall determine liability for and the amount of compensatory damages in the first phase of a bifurcated trial under this section.

(d) The trier of fact shall determine liability for and the amount of exemplary damages in the second phase of a bifurcated trial under this section.

(e) For purposes of this section, a finding by the trier of fact in the first phase of a bifurcated trial that an employee defendant was negligent in operating an employer defendant's commercial motor vehicle may serve as a basis for the claimant to proceed in the second phase of the trial on a claim against the employer defendant, such as negligent entrustment, that requires a finding by the trier of fact that the employee was negligent in operating the vehicle as a prerequisite to the employer defendant being found negligent in relation to the employee defendant's operation of the vehicle. This subsection does not apply to a claimant who has pursued a claim described by this subsection in the first phase of a trial that is bifurcated under this section.

Sec. 72.053. FAILURE TO COMPLY WITH REGULATIONS OR STANDARDS. (a) In this section, "regulation or standard" includes a statute, regulation, rule, or order regulating equipment or conduct adopted or promulgated by the federal government, a state government, a local government, or a governmental agency or authority.

(b) In a civil action under this subchapter, evidence of a defendant's failure to comply with a regulation or standard is admissible in the first phase of a trial bifurcated under Section 72.052 only if, in addition to complying with other requirements of law:

(1) the evidence tends to prove that failure to comply with the regulation or standard was a proximate cause of the bodily injury or death for which damages are sought in the action; and

(2) the regulation or standard is specific and governs, or is an element of a duty of care applicable to, the defendant, the defendant's employee, or the defendant's property or equipment when any of those is at issue in the action.

(c) Nothing in this section prevents a claimant from pursuing a claim for exemplary damages under Chapter 41 relating to the defendant's failure to comply with other applicable regulations or standards, or from presenting evidence on that claim in the second phase of a bifurcated trial.

Sec. 72.054. LIABILITY FOR EMPLOYEE NEGLIGENCE IN OPERATING COMMERCIAL MOTOR VEHICLE. (a) In a civil action under this subchapter, an employer defendant's liability for damages caused by the ordinary negligence of a person operating the defendant's commercial motor vehicle shall be based only on respondeat superior if the defendant stipulates, within the time provided by Section 72.052 for filing a motion to bifurcate, that, at the time of the accident, the person operating the vehicle was:

(1) the defendant's employee; and

(2) acting within the scope of employment.

(b) If an employer defendant stipulates in accordance with Subsection (a) and the trial is bifurcated under Section 72.052, a claimant may not, in the first phase of the trial, present evidence on an ordinary negligence claim against the employer defendant, such as negligent entrustment, that requires a finding by the trier of fact that the employer defendant's employee was negligent in operating a vehicle as a prerequisite to the employer defendant being found negligent in relation to the employee defendant's operation of the vehicle. This subsection does not prevent a claimant from presenting evidence allowed by Subsection (c) or Section 72.053(b).

(c) In a civil action under this subchapter in which an employer defendant is regulated by the Motor Carrier Safety Improvement Act of 1999 (Pub. L. No. 106-159) or Chapter 644, Transportation Code, a party may present any of the following evidence in the first phase of a trial that is bifurcated under Section 72.052 if applicable to a defendant in the action:

(1) whether the employee who was operating the employer defendant's commercial motor vehicle at the time of the accident that is the subject of the civil action:

(A) was licensed to drive the vehicle at the time of the accident;

(B) was disqualified from driving the vehicle under 49 C.F.R. Section 383.51, 383.52, or 391.15 at the time of the accident;

(C) was subject to an out-of-service order, as defined by 49 C.F.R. Section 390.5, at the time of the accident;

(D) was driving the vehicle in violation of a license restriction imposed under 49 C.F.R. Section 383.95 or Section 522.043, Transportation Code, at the time of the accident;

(E) had received a certificate of driver's road test from the employer defendant as required by 49 C.F.R. Section 391.31 or had an equivalent certificate or license as provided by 49 C.F.R. Section 391.33;

(F) had been medically certified as physically qualified to operate the vehicle under 49 C.F.R. Section 391.41;

(G) was operating the vehicle when prohibited from doing so under 49 C.F.R. Section 382.201, 382.205, 382.207, 382.215, 395.3, or 395.5 or 37 T.A.C. Section 4.12, as applicable, on the day of the accident;

(H) was texting or using a handheld mobile telephone while driving the vehicle in violation of 49 C.F.R. Section 392.80 or 392.82 at the time of the accident;

(I) provided the employer defendant with an application for employment as required by 49 C.F.R. Section 391.21(a) if the accident occurred on or before the 180th day after the date the employee began employment with the employer defendant; and

(J) refused to submit to a controlled substance test as required by 49 C.F.R. Section 382.303, 382.305, 382.307, 382.309, or 382.311 during the 90 days preceding the date of the accident; and

(2) whether the employer defendant:

(A) allowed the employee to operate the employer's commercial motor vehicle on the day of the accident in violation of 49 C.F.R. Section 382.201, 382.205, 382.207, 382.215, 382.701(d), 395.3, or 395.5 or 37 T.A.C. Section 4.12, as applicable;

(B) had complied with 49 C.F.R. Section 382.301 in regard to controlled-substance testing of the employee driver if:

(i) the employee driver was impaired because of the use of a controlled substance at the time of the accident; and

(ii) the accident occurred on or before the 180th day after the date the employee driver began employment with the employer defendant;

(C) had made the investigations and inquiries as provided by 49 C.F.R. Section 391.23(a) in regard to the employee driver if the accident occurred on or before the 180th day after the date the employee driver began employment with the employer defendant; and

(D) was subject to an out-of-service order, as defined by 49 C.F.R. Section 390.5, at the time of the accident.

(d) If a civil action is bifurcated under Section 72.052, evidence admissible under Subsection (c) is:

(1) admissible in the first phase of the trial only to prove ordinary negligent entrustment by the employer defendant to the employee who was driving the employer defendant's commercial motor vehicle at the time of the accident that is the subject of the action; and

(2) the only evidence that may be presented by the claimant in the first phase of the trial on the negligent entrustment claim.

(e) The provisions of Subsection (c) may not be construed to create a new rule or regulation or subject a person to a rule or regulation not applicable to the person without regard to this section.

(f) Nothing in this section prevents a claimant from pursuing:

(1) an ordinary negligence claim against an employer defendant for a claim, such as negligent maintenance, that does not require a finding of negligence by an employee as a prerequisite to an employer defendant being found negligent for its conduct or omission, or from presenting evidence on that claim in the first phase of a bifurcated trial; or

(2) a claim for exemplary damages under Chapter 41 for an employer defendant's conduct or omissions in relation to the accident that is the subject of the action, or from presenting evidence on that claim in the second phase of a bifurcated trial.

Sec. 72.055. ADMISSIBILITY OF VISUAL DEPICTIONS OF ACCIDENT. (a) In a civil action under this subchapter, a court may not require expert testimony for admission into evidence of a photograph or video of a vehicle or object involved in an accident that is the subject of the action except as necessary to authenticate the photograph or video.

(b) If properly authenticated under the Texas Rules of Evidence, a photograph or video of a vehicle or object involved in an accident that is the subject of a civil action under this subchapter is presumed admissible, even if the photograph or video tends to support or refute an assertion regarding the severity of damages or injury to an object or person involved in the accident.

SECTION 5. Subchapter A, Chapter 38, Insurance Code, is amended by adding Section 38.005 to read as follows:

Sec. 38.005. COMMERCIAL AUTOMOBILE INSURANCE REPORT. (a) The department shall conduct a study each biennium on the effect, for each year of the biennium, on premiums, deductibles, coverage, and availability of coverage for commercial automobile insurance of **HB 19**, 87th Legislature, Regular Session, 2021.

(b) Not later than December 1 of each even-numbered year, the department shall submit a written report of the results of the study conducted under Subsection (a) for the preceding biennium to the legislature.

(c) This section expires December 31, 2026.

SECTION 6. The changes in law made by this Act apply only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2021.

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

Amend **CSHB 19** (senate committee printing) in SECTION 4 of the bill, in added Section 72.054, Civil Practice and Remedies Code, as follows:

(1) In Subsection (a) (page 3, line 22), strike "In" and substitute "Except as provided by Subsection (d), in".

(2) In Subsection (b) (page 3, line 31), strike "If" and substitute "Except as provided by Subsection (c), if".

(3) In Subsection (b) (page 3, line 40), strike "Subsection (c) or".

(4) In Subsection (c)(1)(I) (page 4, line 7), strike "180th day after" and substitute "first anniversary of".

(5) In Subsection (c)(1)(J) (page 4, line 12), strike "90 days" and substitute "two years".

(6) In Subsection (c)(2)(C) (page 4, line 31), strike "180th day after" and substitute "first anniversary of".

HB 2721 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2721, A bill to be entitled An Act relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.

Representative Bernal moved to concur in the senate amendments to **HB 2721**.

The motion to concur in the senate amendments to **HB 2721** prevailed by (Record 1551): 142 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; 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; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Nays — Cason; Cortez; Slaton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hunter; Leach; Walle.

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

Amend **HB 2721** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 26), strike "Subsection (e-1)" and substitute "Subsections (e-1), (e-2), (e-3), (e-4), and (h)".

(2) In SECTION 1 of the bill, in added Section 33.081(e-1), Education Code (page 1), strike lines 32 through 39 and substitute the following:

district or the University Interscholastic League if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

(3) In SECTION 1 of the bill, immediately following added Section 33.081(e-1), Education Code (page 1, between lines 39 and 40), insert the following:

(e-2) A student prohibited from participation in an extracurricular activity under Subsection (e-1) may submit to the University Interscholastic League a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the University Interscholastic League if:

(1) the request is submitted at least:

(A) one year after the date the student engaged in the conduct that resulted in the prohibition under Subsection (e-1) if the student was enrolled in eighth grade or below at the time of the conduct; or

(B) two years after the date the student engaged in the conduct that resulted in the prohibition under Subsection (e-1) if the student was enrolled in ninth grade or above at the time of the conduct;

(2) the student:

(A) completed a course in anger management since engaging in the conduct that resulted in the prohibition under Subsection (e-1);

(B) completed any other course, activity, or action required by the school district in which the student is enrolled as a result of the conduct that resulted in the prohibition under Subsection (e-1); and

(C) demonstrates, to the satisfaction of the school district and the University Interscholastic League, that the student has been rehabilitated and is unlikely to again engage in the conduct described by Subsection (e-1); and

(3) a previous request submitted by the student under this section has not been denied during the school year in which the request is submitted.

(e-3) When determining whether to grant a request under Subsection (e-2), the University Interscholastic League:

(1) shall take into account the severity of the conduct that resulted in the prohibition under Subsection (e-1); and

(2) may set conditions for the student's future participation in extracurricular activities.

(e-4) The University Interscholastic League may prohibit a student from participating in any future extracurricular activity sponsored or sanctioned by the University Interscholastic League if the student violates a condition set by the University Interscholastic League under Subsection (e-3)(2).

(4) In SECTION 1 of the bill, immediately following amended Section 33.081(g), Education Code (page 1, between lines 57 and 58), insert the following:

(h) A request made under Subsection (e-2) is not a contested case subject to Chapter 2001, Government Code.

HB 135 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 135, A bill to be entitled An Act relating to notifying an alleged perpetrator of child abuse or neglect of the person's right to record an investigative interview.

Representative Minjarez moved to concur in the senate amendments to **HB 135**.

The motion to concur in the senate amendments to **HB 135** prevailed by (Record 1552): 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; 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.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.E.; King, T.; Morales Shaw; Walle.

Senate Committee Substitute

CSHB 135, A bill to be entitled An Act relating to notifying an alleged perpetrator of child abuse or neglect of certain rights in an investigation by the Department of Family and Protective Services; creating a criminal offense.

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

SECTION 1. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3027 to read as follows:

Sec. 261.3027. NOTICE OF RIGHT TO RECORD INTERVIEW. (a) Before conducting an interview with an alleged perpetrator, the department shall inform the person orally and in writing that:

(1) the person may create an audio or video recording of the interview but may not record the interview in any other manner; and

(2) any audio or video recording made by the person may be subject to subpoena under a court order.

(b) The department shall document in the case file that the department provided the notice required by Subsection (a).

(c) The department shall provide two copies of the written notice to be signed by the person. The department shall provide one signed notice to the person and retain the other signed notice in the case file.

(d) An audio or video recording of the department's interview with an alleged perpetrator may not be posted on an Internet website. A person who violates this subsection commits an offense. An offense under this subsection is a Class C misdemeanor.

SECTION 2. Subchapter D, Chapter 261, Family Code, is amended by adding Section 261.3091 to read as follows:

Sec. 261.3091. NOTICE OF RIGHT TO REQUEST ADMINISTRATIVE REVIEW. (a) Before conducting an interview with an alleged perpetrator, the department shall notify the person in writing that the person may request an administrative review of the department's findings under Section 261.309. The person shall sign the written notice to acknowledge receipt of the notice.

(b) The department shall document in the case file that the department provided the notice required by Subsection (a).

SECTION 3. This Act takes effect September 1, 2021.

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

Amend **CSHB 135** (senate committee printing) in SECTION 1 of the bill, adding Section 261.3027, Family Code, as follows:

(1) In Subdivision (a)(1) (page 1, line 33), strike "and".

(2) At the end of Subdivision (a)(2), between "order" and the underlined period (page 1, line 35), insert the following:

; and

(3) the person may request and receive a copy of the department's current recording policy

(3) Strike Subsection (d)(page 1, lines 42-45) and substitute the following:

(d) An audio or video recording of the department's interview with an alleged perpetrator may not be posted on an Internet website in a manner that could identify a party involved in the interview.

HB 39 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 39, A bill to be entitled An Act relating to protective orders; making conforming changes.

Representative Neave moved to concur in the senate amendments to **HB 39**.

The motion to concur in the senate amendments to **HB 39** prevailed by (Record 1553): 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Harris; Walle.

Senate Committee Substitute

CSHB 39, A bill to be entitled An Act relating to protective orders; making conforming changes.

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

SECTION 1. Sections 85.005(a) and (b), Family Code, are amended to read as follows:

(a) To facilitate settlement, the parties to a proceeding may agree in writing to [~~the terms of~~] a protective order as provided by Sections [~~Section~~] 85.021 and 85.022. An agreement under this subsection is subject to the approval of the court. The court may not approve an agreement that requires the applicant for the protective order to do or refrain from doing an act under Section 85.022.

(b) An [~~To facilitate settlement, a respondent may agree in writing to the terms of a protective order as provided by Section 85.022, subject to the approval of the court. The court may not approve an agreement that requires the applicant to do or refrain from doing an act under Section 85.022. The~~] agreed protective order is enforceable civilly or criminally, regardless of whether the court makes the findings required by Section 85.001.

SECTION 2. Section 85.006(a), Family Code, is amended to read as follows:

(a) Notwithstanding Rule 107, Texas Rules of Civil Procedure, a [~~A~~] court may render a protective order that is binding on a respondent who does not attend a hearing if:

(1) the respondent received service of the application and notice of the hearing; and

(2) proof of service was filed with the court before the hearing.

SECTION 3. Section 85.025, Family Code, is amended by adding Subsection (d) to read as follows:

(d) If the duration of a protective order is subject to an automatic extension under Subsection (c), the Department of Public Safety shall, based on the duration of the sentence of the person subject to the protective order, enter the projected expiration date of the order in the statewide law enforcement information system maintained by the department. On release of the person, the department shall update the information in the statewide law enforcement system to reflect the date the order will expire following the person's release.

SECTION 4. Section 85.026(a), Family Code, is amended to read as follows:

(a) Each protective order issued under this subtitle, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, capital letters, or underlined:

"A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

"IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION."

"IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

"(1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR

"(2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS."

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS."

SECTION 5. Section 86.0011(a), Family Code, is amended to read as follows:

(a) On receipt of an original or modified protective order from the clerk of the issuing court, or on receipt of information pertaining to the date of confinement or imprisonment or date of release of a person subject to the protective order, a law enforcement agency shall immediately, but not later than the third business day after the date the order or information is received, enter the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.

SECTION 6. Article 7B.001(a), Code of Criminal Procedure, is amended to read as follows:

(a) The following persons may file an application for a protective order under this subchapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, [~~or~~] 42.072, or 43.05, Penal Code;

(2) any adult, including a parent or guardian, who is acting on behalf of a victim described by Subdivision (1), if the victim is younger than 18 years of age or an adult ward [~~a person who is the victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code~~]; or

(3) [~~a parent or guardian acting on behalf of a person younger than 17 years of age who is the victim of an offense listed in Subdivision (1);~~

[~~(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision (2); or~~

[~~(5)~~] a prosecuting attorney acting on behalf of a person described by Subdivision (1) or [~~,~~] (2)[~~, (3), or (4)~~].

SECTION 7. Article 7B.001, Code of Criminal Procedure, is amended to conform to Chapter 1066 (**HB 1343**), Acts of the 86th Legislature, Regular Session, 2019, by adding Subsections (a-1) and (a-2) and is further amended to read as follows:

(a-1) Except as provided by Subsection (a-2), if an application has not yet been filed in the case under Subsection (a), the attorney representing the state shall promptly file an application for a protective order with respect to each

victim of an offense listed in Subdivision (1) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.

(a-2) The attorney representing the state may not file an application under Subsection (a-1) with respect to a victim if the victim requests that the attorney representing the state not file the application. This subsection does not apply to a victim who is younger than 18 years of age or who is an adult ward.

SECTION 8. Article 7B.003, Code of Criminal Procedure, is amended to conform to Chapter 1066 (**HB 1343**), Acts of the 86th Legislature, Regular Session, 2019, by adding Subsection (c) and is further amended to read as follows:

(c) An offender's conviction of or placement on deferred adjudication community supervision for an offense listed in Article 7B.001(a)(1) constitutes reasonable grounds under Subsection (a).

SECTION 9. Article 7B.007, Code of Criminal Procedure, is amended to conform to Chapter 1066 (**HB 1343**), Acts of the 86th Legislature, Regular Session, 2019, by adding Subsection (a-1) and is further amended to read as follows:

(a-1) The court shall issue a protective order effective for the duration of the lives of the offender and victim if the offender is:

(1) convicted of or placed on deferred adjudication community supervision for an offense listed in Article 7B.001(a)(1); and

(2) required under Chapter 62 to register for life as a sex offender.

SECTION 10. Article 7B.007, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The following persons may file at any time an application with the court to rescind the protective order:

(1) a victim of an offense listed in Article 7B.001(a)(1) who is 18 [~~17~~] years of age or older;

(2) subject to Subsection (b-1), [~~or~~] a parent or guardian acting on behalf of a victim of an offense listed in Article 7B.001(a)(1) who is younger than 18 [~~17~~] years of age or an adult ward; or

(3) a person not otherwise described by Subdivision (1) or (2) who filed the application for the protective order.

(b-1) A [~~(2) a victim of an offense listed in Article 7B.001(a)(2) or a~~] parent or guardian may not file an application to rescind the protective order under Subsection (b)(2) if the parent or guardian is the alleged offender subject to the protective order [~~acting on behalf of a victim who is younger than 18 years of age~~].

SECTION 11. Article 56A.052(d), Code of Criminal Procedure, is amended to read as follows:

(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed:

(A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf[~~, as applicable,~~] may file an application for a protective order under Article 7B.001;

(B) of the court in which the application for a protective order may be filed; [~~and~~]

(C) that, on request of the victim or, if the victim is younger than 18 years of age or an adult ward, on request of the victim's parent or guardian or another adult acting on the victim's behalf, [~~as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct,~~] the attorney representing the state may, subject to the Texas Disciplinary Rules of Professional Conduct, file the application for a protective order on behalf of the requestor [~~victim~~]; and

(D) that, subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state generally is required to file the application for a protective order with respect to the victim if the defendant is convicted of or placed on deferred adjudication community supervision for the offense;

(2) the right to:

(A) request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1); and

(B) be notified when the attorney representing the state files an application for a protective order under Article 7B.001;

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to:

(A) be given by the court the information described by Subdivision (1); and

(B) file an application for a protective order under Article 7B.001 immediately following the defendant's conviction or placement on deferred adjudication community supervision if the court has jurisdiction over the application; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1).

SECTION 12. Section 25.07, Penal Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

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

(1) subject to Subdivision (2), a state jail felony if it is shown at the trial of the offense that the defendant violated an order issued under Subchapter A, Chapter 7B [~~as a result of an application filed under Article 7A.01(a-1)~~], Code of

Criminal Procedure, following the defendant's conviction of or placement on deferred adjudication community supervision for an offense, if the order was issued with respect to a victim of that offense; or

(2) a felony of the third degree if it is shown on the trial of the offense that the defendant:

(A) has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; or

(B) has violated the order or condition of bond by committing an assault or the offense of stalking.

(h) For purposes of Subsection (g), a conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense under this section or Section 25.072 is considered to be a conviction under this section or Section 25.072, as applicable.

SECTION 13. The following provisions are repealed:

(1) Section 1, Chapter 1066 (**HB 1343**), Acts of the 86th Legislature, Regular Session, 2019, which amended Article 7A.01, Code of Criminal Procedure;

(2) Section 2, Chapter 1066 (**HB 1343**), Acts of the 86th Legislature, Regular Session, 2019, which amended Article 7A.03, Code of Criminal Procedure; and

(3) Section 3, Chapter 1066 (**HB 1343**), Acts of the 86th Legislature, Regular Session, 2019, which amended Article 7A.07, Code of Criminal Procedure.

SECTION 14. Section 85.005, Family Code, as amended by this Act, applies only to a protective order approved by the court on or after the effective date of this Act.

SECTION 15. Section 85.006, Family Code, as amended by this Act, applies only to a protective order for which the respondent receives service on or after the effective date of this Act.

SECTION 16. Sections 85.025, 85.026, and 86.0011, Family Code, as amended by this Act, apply only to a protective order issued on or after the effective date of this Act.

SECTION 17. Subchapter A, Chapter 7B, Code of Criminal Procedure, as amended by this Act, applies only to a protective order for which an application is filed on or after the effective date of this Act.

SECTION 18. Article 56A.052(d), Code of Criminal Procedure, as amended by this Act, applies to a victim of criminally injurious conduct for which a judgment of conviction is entered or a grant of deferred adjudication community supervision is made on or after the effective date of this Act, regardless of whether the criminally injurious conduct occurred before, on, or after the effective date of this Act.

SECTION 19. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 20. This Act takes effect September 1, 2021.

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

Amend **CSHB 39** (senate committee report) as follows:

(1) Strike SECTION 3 of the bill (page 1, lines 46 through 56).

(2) In SECTION 16 of the bill (page 5, line 6), strike "Sections 85.025, 85.026, and 86.0011" and substitute "Sections 85.026 and 86.0011".

(3) Renumber SECTIONS of the bill appropriately.

HB 1239 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1239, A bill to be entitled An Act relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.

Representative Sanford moved to concur in the senate amendments to **HB 1239**.

The motion to concur in the senate amendments to **HB 1239** prevailed by (Record 1554): 113 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Pacheco; Parker; Patterson; Paul; Price; Raney; Raymond; Rogers; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Vasut; White; Zwiener.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Crockett; Davis; Deshotel; González, M.; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Morales Shaw; Ortega; Perez; Ramos; Reynolds; Rosenthal; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — King, T.; Martinez Fischer; Paddie; Rodriguez; Walle.

STATEMENTS OF VOTE

When Record No. 1554 was taken, I was shown voting yes. I intended to vote no.

Collier

When Record No. 1554 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1554 was taken, I was shown voting no. I intended to vote yes.

Wilson

REASON FOR VOTE

The following reason for vote was submitted to be printed in the journal:

We hesitantly voted in favor of concurring in senate amendments. The bill as it left the house contained an amendment by Representative Hefner which ensured that no government agency or public official could get around the bill's prohibition on closing houses of worship by limiting the occupancy which can have the same effect. While we are appalled that the senate watered down a religious liberty bill, we had no choice but to concur because a no vote would have been construed as an anti-religious freedom vote.

Allison, C. Bell, K. Bell, Biedermann, Buckley, Burns, Burrows, Cain, Canales, Dean, Ellzey, Goldman, Harris, Hefner, Holland, Klick, Landgraf, Leman, Metcalf, Middleton, Murr, Paul, Schaefer, Schofield, Shaheen, Slawson, Swanson, Tinderholt, VanDeaver, and Vasut

Senate Committee Substitute

CSHB 1239, A bill to be entitled An Act relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.

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

SECTION 1. Section 110.001(a), Civil Practice and Remedies Code, is amended by adding Subdivisions (3) and (4) to read as follows:

(3) "Place of worship" means a building or grounds where religious activities are conducted.

(4) "Public official" means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

SECTION 2. Section 110.002, Civil Practice and Remedies Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of a state of disaster declared under Chapter 418, Government Code:

(1) this chapter is not considered a regulatory statute; and

(2) a provision of this chapter may not be suspended.

SECTION 3. Chapter 110, Civil Practice and Remedies Code, is amended by adding Section 110.0031 to read as follows:

Sec. 110.0031. PROHIBITION ON ORDERS CLOSING PLACES OF WORSHIP. A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

SECTION 4. Section 110.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 110.004. DEFENSE. A person whose free exercise of religion has been substantially burdened in violation of Section 110.003 or 110.0031 may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

SECTION 5. Chapter 110, Civil Practice and Remedies Code, as amended by this Act, applies only to a claim or defense that accrues on or after the effective date of this Act. A claim or defense that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 885 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 885, A bill to be entitled An Act relating to the requirements for a junior college district to receive approval from the Texas Higher Education Coordinating Board to offer baccalaureate degree programs.

Representative Harris moved to concur in the senate amendments to **HB 885**.

The motion to concur in the senate amendments to **HB 885** prevailed by (Record 1555): 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; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Nays — Hinojosa.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Dutton; Stephenson; Walle.

STATEMENT OF VOTE

When Record No. 1555 was taken, my vote failed to register. I would have voted yes.

Stephenson

Senate Committee Substitute

CSHB 885, A bill to be entitled An Act relating to the requirements for a junior college district to receive approval from the Texas Higher Education Coordinating Board to offer baccalaureate degree programs.

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

SECTION 1. Section 130.307, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [~~A~~] public junior college may offer a baccalaureate degree program under this subchapter only if its junior college district:

(1) had a taxable property valuation amount of not less than $6 billion in the preceding year; and

(2) received a positive assessment of the overall financial health of the district as reported by the coordinating board.

(b-1) The requirement of Subsection (b)(1) does not apply to a public junior college for the purpose of offering a baccalaureate degree program in nursing approved under Section 130.308 if its junior college district:

(1) has a taxable property valuation amount of not less than $4 billion in the preceding year; and

(2) does not have a four-year institution of higher education located in a county in which the district is located.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 547 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 547, A bill to be entitled An Act relating to authorizing equal opportunity for access by certain students to University Interscholastic League sponsored activities; authorizing a fee.

Representative Frank moved to concur in the senate amendments to **HB 547**.

The motion to concur in the senate amendments to **HB 547** prevailed by (Record 1556): 80 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Bernal; Bonnen; Buckley; Burrows; Cain; Campos; Capriglione; Cason; Cook; Craddick; Crockett; Davis; Deshotel; Dutton; Ellzey; Fierro; Frank; Gates; Gervin-Hawkins; Goldman; González, J.; Guillen; Harless; Harris; Hefner; Hinojosa; Howard; Huberty; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; King, P.; Klick; Krause; Leach; Lopez; Lozano; Lucio; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Murphy; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Parker; Patterson; Paul; Perez; Raney; Raymond; Reynolds; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smithee; Stephenson; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; White; Wu; Zwiener.

Nays — Allen; Allison; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bowers; Bucy; Burns; Button; Clardy; Cole; Collier; Cortez; Cyrier; Darby; Dean; Dominguez; Frullo; Geren; González, M.; Goodwin; Guerra; Hernandez; Herrero; Holland; Hull; Hunter; Kacal; King, K.; King, T.; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Muñoz; Murr; Neave; Paddie; Price; Ramos; Rodriguez; Rogers; Romero; Rose; Sherman; Shine; Smith; Spiller; Stucky; Thompson, E.; Turner, J.; VanDeaver; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Biedermann; Canales; Vasut; Vo; Walle.

STATEMENTS OF VOTE

When Record No. 1556 was taken, I was in the house but away from my desk. I would have voted no.

Canales

When Record No. 1556 was taken, I was shown voting no. I intended to vote yes.

Cortez

When Record No. 1556 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

When Record No. 1556 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 1556 was taken, I was in the house but away from my desk. I would have voted no.

Vasut

Senate Committee Substitute

CSHB 547, A bill to be entitled An Act relating to authorizing equal opportunity for access by non-enrolled students to University Interscholastic League sponsored activities; authorizing a fee.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. EQUAL OPPORTUNITY FOR CERTAIN STUDENTS TO PARTICIPATE IN UNIVERSITY INTERSCHOLASTIC LEAGUE ACTIVITIES. (a) In this section:

(1) "League" means the University Interscholastic League.

(2) "Non-enrolled student" means a student who receives instruction as described by Section 29.916(a)(1) from a nonpublic school.

(b) Nothing in this section may be construed to affect the holding in *Texas Educ. Agency v. Leeper*, 893 S.W.2d 432 (Tex. 1994), classifying home schools as private schools. The legislature finds that a home school is a private school for purposes of this section.

(c) Except as provided by Subsection (i), a public school that participates in an activity sponsored by the league may provide a non-enrolled student, who otherwise meets league eligibility standards to represent that school in a league activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

(d) A non-enrolled student who seeks to participate or participates in a league activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

(1) registration for league activities;

(2) age eligibility;

(3) fees;

(4) insurance;

(5) transportation;

(6) physical condition;

(7) qualifications;

(8) responsibilities;

(9) event schedules;

(10) standards of behavior; and

(11) performance.

(e) A non-enrolled student may only participate in a league activity for the school in the school district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a league activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Section 25.001.

(f) The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating to the student's participation in a league activity. As a condition of eligibility to participate in a league activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. For purposes of this subsection, a school district shall accept assessment results administered or reported by a third party.

(g) A non-enrolled student's demonstration of academic proficiency under Subsection (f) is sufficient for purposes of that subsection for the school year in which the student achieves the required score and the subsequent school year.

(h) After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a league activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

(i) A non-enrolled student is not authorized by this section to participate in a league activity during the remainder of any school year during which the student was previously enrolled in a public school.

(j) The league may not prohibit a non-enrolled student from participating in league activities in the manner authorized by this section.

(k) With respect to a non-enrolled student's education program, nothing in this section shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a league activity.

(l) Subject only to eligibility requirements under this section for a non-enrolled student to participate in a league activity:

(1) the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a league activity; and

(2) for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

(m) Notwithstanding any other law, a non-enrolled student who participates in a league activity under this section is subject to the immunization requirements and exceptions of Section 38.001 in the same manner as a public school student.

SECTION 2. This Act applies beginning with the 2021-2022 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 115 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 115, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.

Representative Rodriguez moved to concur in the senate amendments to **HB 115**.

The motion to concur in the senate amendments to **HB 115** prevailed by (Record 1557): 140 Yeas, 5 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; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Cain; Murr; Schaefer; Shaheen; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, A.; Vasut; Walle.

STATEMENTS OF VOTE

When Record No. 1557 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1557 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

When Record No. 1557 was taken, I was in the house but away from my desk. I would have voted no.

Vasut

Senate Committee Substitute

CSHB 115, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.

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

SECTION 1. Section 11.18(p), Tax Code, is amended to read as follows:

(p) The exemption authorized by Subsection (d)(23) applies only to property that:

(1) is owned by a charitable organization that has been in existence for at least:

(A) 20 [~~12~~] years if the property is located in a county described by Subdivision (4)(A); or

(B) two years if the property is located in a municipality described by Subdivision (4)(B);

(2) is located on a tract of land that:

(A) is at least 15 acres in size; and

(B) was either:

(i) owned by the organization on July 1, 2021; or

(ii) acquired by donation and owned by the organization on January 1, 2023;

(3) is used to provide permanent housing and related services to individuals described by that subsection; and

(4) [~~(3)~~] is located [~~on or consists of a single campus~~] in:

(A) a county [~~municipality~~] with a population of more than one million [~~750,000~~] and less than 1.5 million; or

(B) a municipality with a population of more than 100,000 and less than 150,000 at least part of which is located in a county with a population of less than 5,000 [~~850,000 or within the extraterritorial jurisdiction of such a municipality~~].

SECTION 2. This Act applies only to an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2022.

HB 4346 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4346, A bill to be entitled An Act relating to the possession, carrying, or transportation of a firearm or alcoholic beverage by certain persons during the use of an easement.

Representative Leman moved to concur in the senate amendments to **HB 4346**.

The motion to concur in the senate amendments to **HB 4346** prevailed by (Record 1558): 119 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; 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; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Pacheco; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Reynolds; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; White; Wilson; Zwiener.

Nays — Allen; Anchia; Cole; Collier; Crockett; Dutton; González, J.; González, M.; Herrero; Hinojosa; Longoria; Martinez Fischer; Meza; Morales, C.; Morales Shaw; Ortega; Ramos; Rodriguez; Romero; Rose; Rosenthal; Sherman; Turner, C.; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Perez; Vasut; Vo; Walle.

STATEMENTS OF VOTE

When Record No. 1558 was taken, I was shown voting yes. I intended to vote no.

Beckley

When Record No. 1558 was taken, I was in the house but away from my desk. I would have voted yes.

Vasut

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

Amend **HB 4346** (senate committee report) in SECTION 1 of the bill, immediately after added Section 5.020(a), Property Code (page 1, between lines 31 and 32), by adding the following new Subsection (b) and relettering existing subsections of Section 5.020 accordingly:

(b) This section does not apply to a right-of-way easement for a pipeline, electric transmission line, or other utility.

HB 1172 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1172, A bill to be entitled An Act relating to the rights of victims of sexual assault or other prohibited sexual conduct.

Representative Howard moved to concur in the senate amendments to **HB 1172**.

The motion to concur in the senate amendments to **HB 1172** prevailed by (Record 1559): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Walle.

Senate Committee Substitute

CSHB 1172, A bill to be entitled An Act relating to the rights of victims of sexual assault or other prohibited sexual conduct.

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

SECTION 1. The heading to Article 15.051, Code of Criminal Procedure, is amended to read as follows:

Art. 15.051. [~~REQUIRING~~] POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED.

SECTION 2. Article 15.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) A peace officer or an attorney representing the state may not require, request, or take a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.

SECTION 3. Article 56A.251(a), Code of Criminal Procedure, is amended to conform to Section 3, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(a) If [~~Except as provided by Subsection (b), if~~] a sexual assault is reported to a law enforcement agency within 120 [~~96~~] hours after the assault, the law enforcement agency, with the consent of the victim of the alleged assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.

SECTION 4. The heading to Subchapter H, Chapter 56A, Code of Criminal Procedure, is amended to read as follows:

SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION OR LAW ENFORCEMENT INTERVIEW

SECTION 5. Subchapter H, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.3515 to read as follows:

Art. 56A.3515. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE OR OTHER VICTIM'S REPRESENTATIVE DURING LAW ENFORCEMENT INTERVIEW. (a) Before conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section 101.003, Family Code, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program, as defined by Section 420.003, Government Code, be present with the victim during the interview, if the advocate is available at the time of the interview. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.

(b) If an advocate described by Subsection (a) is not available at the time of the interview, the peace officer conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency, a peace officer who has completed a sexual assault training program described by

Section 420.011(b), Government Code, or a victim's assistance counselor from a state or local agency or other entity be present with the victim during the interview.

(b-1) The peace officer conducting an investigative interview described by Subsection (a) shall make a good faith effort to comply with Subsections (a) and (b), except that the officer's compliance with those subsections may not unreasonably delay or otherwise impede the interview process.

(c) An advocate, liaison, officer, or counselor authorized to be present during an interview under this article may only provide the victim reporting the sexual assault with:

(1) counseling and other support services; and

(2) information regarding the rights of crime victims under Subchapter B.

(d) The advocate, liaison, officer, or counselor and the sexual assault program or other entity providing the advocate, liaison, officer, or counselor may not delay or otherwise impede the interview process.

(e) A sexual assault program providing an advocate under Subsection (a) shall pay all costs associated with providing the advocate. An entity providing a victim's assistance counselor under Subsection (b) shall pay all costs associated with providing the counselor.

(f) A peace officer or law enforcement agency that provides an advocate, liaison, officer, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access.

SECTION 6. Article 56A.352, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (b-1) to read as follows:

(b) If a victim alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution at the time of the alleged assault, the penal institution shall provide, at the victim's request, a representative to be present with the victim:

(1) at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault; and

(2) during an investigative interview conducted by a peace officer in relation to the investigation of the alleged assault.

(b-1) The representative provided by the penal institution under Subsection (b) must:

(1) be approved by the penal institution; and

(2) be a:

(A) psychologist;

(B) sociologist;

(C) chaplain;

(D) social worker;

(E) case manager; or

(F) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.

(d) A representative may not delay or otherwise impede:

(1) the screening or stabilization of an emergency medical condition; or
(2) the interview process.

SECTION 7. The following provisions of the Code of Criminal Procedure are repealed:

(1) Articles 15.051(b) and (c); and
(2) Article 56A.251(b).

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2021.

HB 1925 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1925, A bill to be entitled An Act relating to prohibitions on camping in a public place and to a political subdivision's designation of property for camping by homeless individuals; creating a criminal offense.

HB 1925 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WU: Just to be clear, this legislation as it is now does not affect cities that already have an existing camping ban. Is that fair?

REPRESENTATIVE CAPRIGLIONE: That is at least as strong as what's in this new statewide bill.

WU: So for example, the City of Houston and the City of San Antonio both have, I would say, pretty strong camping bans but also have existing homelessness programs that help move veterans and other people into shelters and provide them with some relief. Those places would not be affected, correct?

CAPRIGLIONE: The one thing that we want to absolutely make sure is that those wraparound services that exist today are there and that we add additional wraparound services. To the extent that they're not in conflict with this, if there are other wraparound services or rules or ordinances that are as strong as this legislation, then those would not be affected.

WU: And just to be absolutely clear, it is not your legislative intent that this legislation would allow the AG's office to sue those cities if they have existing ordinances that are as strong as you intend in this bill.

CAPRIGLIONE: If those ordinances in the city are at least as strong as those items that are listed here, then we appreciate those cities doing that.

REMARKS ORDERED PRINTED

Representative Wu moved to print remarks between Representative Capriglione and Representative Wu on **HB 1925**.

The motion prevailed.

Representative Capriglione moved to concur in the senate amendments to **HB 1925**.

The motion to concur in the senate amendments to **HB 1925** prevailed by (Record 1560): 101 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Hinojosa; Holland; Huberty; Hull; Hunter; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Metcalf; Meyer; Middleton; Minjarez; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson.

Nays — Allen; Anchia; Beckley; Bowers; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; González, J.; González, M.; Goodwin; Hernandez; Howard; Israel; Johnson, A.; Lucio; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Sherman; Talarico; Turner, C.; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Walle.

STATEMENTS OF VOTE

When Record No. 1560 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1560 was taken, I was shown voting yes. I intended to vote no.

Gervin-Hawkins

When Record No. 1560 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 1560 was taken, I was shown voting yes. I intended to vote no.

Minjarez

When Record No. 1560 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

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

Amend **HB 1925** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 2306.1123(b), Government Code (page 2, line 61), strike "required by Section 2306.1122" and substitute "submitted for approval under this subchapter".

(2) In SECTION 2 of the bill, immediately following added Section 2306.1123, Government Code (page 3, between lines 7 and 8), insert the following:

Sec. 2306.1124. APPROVAL OF CERTAIN PROPERTY PROHIBITED. The department may not approve a plan described by Section 2306.1123(b) if the department determines that a property proposed under the plan is a public park.

(3) Strike SECTION 4 of the bill, adding transition language (page 3, lines 55 through 62), and substitute the following:

SECTION 4. (a) Except as provided by Subsection (b) of this section:

(1) Subchapter PP, Chapter 2306, Government Code, as added by this Act, applies only to the designation and use of property described by that subchapter that first begins on or after the effective date of this Act; and

(2) the designation and use of property described by Subchapter PP, Chapter 2306, Government Code, as added by this Act, that first began before the effective date of this Act is governed by the law in effect when the designation and use first began, and the former law is continued in effect for that purpose.

(b) Subchapter PP, Chapter 2306, Government Code, as added by this Act, applies to a public park, as described by Section 2306.1124, Government Code, as added by this Act, regardless of the date that the public park was first designated by a political subdivision to be used by homeless individuals to camp.

(c) A political subdivision that designated a property to be used by homeless individuals to camp before the effective date of this Act may apply on or after that date for approval of a plan under Subchapter PP, Chapter 2306, Government Code, as added by this Act.

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

Amend **HB 1925** (senate committee report) by striking the following and renumbering subsequent SECTIONS of the bill accordingly: Section 1. Chapter 48, Penal Code, is amended as follows:

(1) Strike "arrests or" in Sec. 48.05 of the bill (page 2, line 14.

HB 3897 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3897, A bill to be entitled An Act relating to fees levied by municipalities and counties for alcoholic beverage permits and licenses.

Representative S. Thompson moved to concur in the senate amendments to **HB 3897**.

The motion to concur in the senate amendments to **HB 3897** prevailed by (Record 1561): 114 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; 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.; Kuempel; Lambert; 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; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Biedermann; Bonnen; Cain; Capriglione; Cason; Cook; Goldman; Harris; Hefner; Klick; Krause; Landgraf; Metcalf; Middleton; Murr; Oliverson; Patterson; Price; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Davis; Hull; Walle.

STATEMENTS OF VOTE

When Record No. 1561 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1561 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1561 was taken, my vote failed to register. I would have voted yes.

Hull

When Record No. 1561 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1561 was taken, I was shown voting yes. I intended to vote no.

Leman

Senate Committee Substitute

CSHB 3897, A bill to be entitled An Act relating to fees levied by municipalities and counties for certain alcoholic beverage licenses.

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

SECTION 1. Section 61.36, Alcoholic Beverage Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The fee authorized by Subsection (a) for a brewer's license or a brewer's self-distribution license may not exceed 50 percent of the fee set by rule for the license.

SECTION 2. This Act takes effect September 1, 2021.

HB 18 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 18, A bill to be entitled An Act relating to establishment of the prescription drug savings program for certain uninsured individuals.

Representative Oliverson moved to concur in the senate amendments to **HB 18**.

The motion to concur in the senate amendments to **HB 18** prevailed by (Record 1562): 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, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — González, J.; Walle.

STATEMENT OF VOTE

When Record No. 1562 was taken, my vote failed to register. I would have voted yes.

J. González

Senate Committee Substitute

CSHB 18, A bill to be entitled An Act relating to establishment of the prescription drug savings program for certain uninsured individuals.

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

SECTION 1. SHORT TITLE. This Act shall be known as "Texas Cares."

SECTION 2. PRESCRIPTION DRUG SAVINGS PROGRAM. Subtitle C, Title 2, Health and Safety Code, is amended by adding Chapter 65 to read as follows:

CHAPTER 65. PRESCRIPTION DRUG SAVINGS PROGRAM FOR CERTAIN UNINSURED INDIVIDUALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 65.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual enrolled in the program.

(2) "Fund" means the trust fund established under Section 65.101.

(3) "Pharmacy benefit manager" has the meaning assigned by Section 4151.151, Insurance Code.

(4) "Prescription drug" has the meaning assigned by Section 551.003, Occupations Code.

(5) "Program" means the prescription drug savings program established under this chapter.

(6) "Uninsured individual" means an individual without health benefit plan coverage for a prescription drug benefit.

Sec. 65.002. CONSTRUCTION OF CHAPTER; PURPOSE. (a) This chapter does not establish an entitlement to assistance in obtaining benefits for uninsured individuals.

(b) The purpose of this chapter is to establish a program to provide uninsured individuals access to prescription drug benefits using money from the fund to pay an amount equal to the value of a prescription drug rebate at the point of sale and returning that rebate amount to the fund to ensure the amounts credited to the fund equal the amounts paid from the fund.

(c) This chapter does not expand the Medicaid program.

Sec. 65.003. RULES. The executive commissioner shall adopt rules as necessary to implement this chapter.

SUBCHAPTER B. ESTABLISHMENT AND ADMINISTRATION OF PRESCRIPTION DRUG SAVINGS PROGRAM

Sec. 65.051. ESTABLISHMENT OF PROGRAM. (a) The commission shall develop and design a prescription drug savings program that partners with a pharmacy benefit manager to offer prescription drugs at a discounted rate to uninsured individuals.

(b) In developing and implementing the program, the commission shall ensure the program benefits do not include prescription drugs used for the elective termination of a pregnancy.

(c) The executive commissioner shall ensure the program is designed to provide the greatest possible value to uninsured individuals served by the program, while considering the adequacy of the prescription drug formulary, net costs of the drugs to enrollees, cost to the state, and other important factors determined by the commission.

Sec. 65.052. GENERAL POWERS AND DUTIES OF COMMISSION RELATED TO PROGRAM. (a) The commission shall oversee the implementation of the program and coordinate the activities of each state agency involved in that implementation.

(b) The commission shall design the program to be cost neutral by collecting prescription drug rebates after using money in the fund in amounts equal to the rebate amounts to purchase prescription drugs.

(c) The commission shall develop procedures for accepting applications for program enrollment, including a process to:

(1) determine eligibility, screening, and enrollment procedures that allow applicants to self attest to the extent authorized by federal law; and

(2) resolve disputes related to eligibility determinations.

(d) The commission shall publish on an Internet website all average consumer costs for each prescription drug available through the program.

(e) The commission and the contracted pharmacy benefit manager shall integrate manufacturer and other third-party patient assistance programs into the program to the extent feasible. A manufacturer or other third party may decline to link the manufacturer's or third party's patient assistance program to the program. The commission shall give preference to integrating patient assistance programs by listing information on those patient assistance programs in a central location on the Internet website described by Subsection (d) that directs patients to those patient assistance programs as appropriate.

(f) The commission shall ensure the program has access to an adequate pharmacy network and give preference to conducting the program using a state pharmaceutical assistance program.

(g) The commission is not required to enter into stand-alone contracts under this chapter. The commission may add the program, wholly or partly, to existing contracts to increase efficiency.

Sec. 65.053. PHARMACY BENEFIT MANAGER CONTRACT, MONITORING, AND REPORTING REQUIREMENTS. (a) The commission shall contract with a pharmacy benefit manager to provide discounted prescription drugs to enrollees under the program.

(b) The commission shall monitor through reporting or other methods the contracted pharmacy benefit manager to ensure performance under the contract and quality delivery of services.

(c) The contracted pharmacy benefit manager shall report to the commission on the commission's request information related to the program, including information on rebate amounts, prescription drug rates contracted with pharmacies, administrative costs, and out-of-pocket costs paid by enrollees at the point of sale of the prescription drugs.

Sec. 65.054. CONTRACT FUNCTIONS. (a) The commission may contract with a third-party administrator or other entity to perform any or all program functions for the commission under this chapter.

(b) A third-party administrator or other entity may perform tasks under a contract entered into under Subsection (a) that would otherwise be performed by the commission.

Sec. 65.055. COMMUNITY OUTREACH CAMPAIGN. The commission shall conduct or contract to conduct a community outreach and education campaign in the form and manner determined by the commission to provide information on the program's availability to eligible individuals.

SUBCHAPTER C. TRUST FUND; PROGRAM SUSPENSION

Sec. 65.101. ESTABLISHMENT OF FUND. (a) A trust fund is established outside the state treasury for the purposes of this chapter.

(b) The fund consists of:

(1) gifts, grants, and donations received by this state for the purposes of the fund;

(2) legislative appropriations of money for the purposes of this chapter;

(3) federal money available to this state that by law may be used for the purposes of this chapter; and

(4) interest, dividends, and other income of the fund.

(c) The commission shall administer the fund as trustee for the benefit of the program established by this chapter.

(d) Money in the fund may be used only to administer the program and provide program services.

(e) The commission shall ensure money spent from the fund to assist enrollees in purchasing prescription drugs is cost neutral after collecting the prescription drug rebates under the program.

(f) The commission may solicit and accept gifts, grants, and donations for the fund.

Sec. 65.102. SUFFICIENT FUNDING REQUIRED. Notwithstanding any other provision of this chapter, the commission is not required to implement the program unless money is provided and by law made available for deposit to the credit of the fund.

Sec. 65.103. SUSPENSION OF PROGRAM. On the fourth anniversary of the date the program is established, the commission shall suspend the program and seek legislative approval to continue the program unless the ongoing costs of administering the program are fully funded through enrollee cost sharing.

SUBCHAPTER D. PROGRAM ELIGIBILITY AND ENROLLEE REQUIREMENTS

Sec. 65.151. ELIGIBILITY CRITERIA. (a) Except as provided by Subsection (b), an individual is eligible for benefits under the program if the individual is:

(1) a resident of this state;

(2) a citizen or lawful permanent resident of the United States; and

(3) uninsured, as determined by the commission.

(b) If the commission determines necessary, the commission may consider an applicant's financial vulnerability as an additional factor for determining program eligibility.

Sec. 65.152. COST SHARING. (a) To the extent necessary, the commission shall require enrollees to share the cost of the program, including requiring enrollees to pay a copayment at the point of sale of a prescription drug.

(b) The commission must:

(1) allow an enrollee to pay all or part of the enrollee's share from any source the enrollee selects; and

(2) accept another assistance program if that assistance program wholly or partly covers the enrollee share of the prescription drug cost.

(c) The commission shall require an enrollee to pay a copayment to compensate the pharmacy, pharmacy benefit manager, and commission for the costs of administering the program in accordance with Subsection (d) and under the methodology determined by the commission.

(d) Enrollees shall pay the costs of ongoing administration of the program through an additional charge at the point of sale of an eligible prescription drug only if the total number of enrollees in the program allows for the additional charge to be an amount not to exceed the lesser of:

(1) an amount similar to the amount charged for a prescription drug in other state pharmaceutical assistance programs administered by the commission; or

(2) 10 percent of the total amount charged at the point of sale for the prescription drug.

SUBCHAPTER E. OPERATION OF PROGRAM

Sec. 65.201. PROGRAM BENEFITS. The commission must approve program benefits offered under this chapter. The commission shall ensure the benefits comply with all applicable federal and state laws, rules, and regulations.

Sec. 65.202. REPORTING. (a) A third-party administrator, pharmacy benefit manager, or any other entity the commission contracts with under Section 65.054 shall report to the commission in the form and manner prescribed by the commission on the benefits and services provided under the program.

(b) The commission shall establish a procedure to monitor the provision of benefits and services under this chapter.

Sec. 65.203. FRAUD PREVENTION. The executive commissioner by rule shall develop and implement fraud prevention and detection for pharmacy benefit managers, contracted third parties, and other entities involved in the program.

Sec. 65.204. ANNUAL PROGRAM REPORTS. Not later than December 1 of each year, the commission shall provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the legislature with primary jurisdiction over the program. The report must include:

(1) a line-item list of all program administrative costs incurred by the commission;

(2) the amount of the pharmacy benefit manager and third-party administrator fees;

(3) the aggregate amounts of rebates anticipated and received for the program; and

(4) other program expenditures as the commission determines appropriate.

SECTION 3. INSULIN STUDY. (a) In this section, "commission" means the Health and Human Services Commission.

(b) The commission shall conduct a study on the development and implementation of the prescription drug savings program established by Chapter 65, Health and Safety Code, as added by this Act, in providing post-rebate insulin to enrollees. The commission shall determine the effectiveness of the program in providing insulin-related services to uninsured individuals in this state and any legislative recommendations for improvements to the program.

(c) Not later than February 14, 2023, the commission shall provide a written report of the results of the study conducted under Subsection (b) of this section to the governor, lieutenant governor, speaker of the house of representatives, and members of the standing committees of the legislature with primary jurisdiction over the commission. The study must include at least six months of information on use by and cost to enrollees for prescription insulin.

SECTION 4. GENERAL STUDY. (a) In this section, "commission" means the Health and Human Services Commission.

(b) The commission shall conduct a study on the development and implementation of the prescription drug savings program established by Chapter 65, Health and Safety Code, as added by this Act, in providing to enrollees all of the post-rebate formulary of prescription drugs. The commission shall determine the effectiveness of the program in providing prescription drug-related services to uninsured individuals in this state and any legislative recommendations for improvements to the program.

(c) Not later than February 14, 2025, the commission shall provide a written report on the results of the study conducted under Subsection (b) of this section to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the legislature with primary jurisdiction over the commission. The study must include at least one year of information on use by and cost to enrollees for all of the formulary of prescription drugs.

SECTION 5. TRANSITION. (a) The Health and Human Services Commission is not required to submit the initial report under Section 65.204, Health and Safety Code, as added by this Act, until December 1, 2022.

(b) The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Health and Human Services Commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. RULES. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission and any other state agency designated by the executive commissioner shall adopt rules necessary to implement Chapter 65, Health and Safety Code, as added by this Act.

SECTION 7. EFFECTIVE DATE. This Act takes effect September 1, 2021.

HB 1371 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1371, A bill to be entitled An Act relating to the continuation of the Trade Agricultural Inspection Grant Program.

Representative Guerra moved to concur in the senate amendments to **HB 1371**.

The motion to concur in the senate amendments to **HB 1371** prevailed by (Record 1563): 119 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Slaton; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Bonnen; Cain; Cook; Harris; Hefner; Krause; Landgraf; Middleton; Murr; Patterson; Sanford; Schaefer; Schofield; Shaheen; Slawson; Smith; Spiller; Swanson; Tinderholt; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Ashby; Beckley; Crockett; Johnson, J.E.; Kacal; Ramos; Thompson, S.; Walle.

STATEMENTS OF VOTE

When Record No. 1563 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1563 was taken, I was shown voting yes. I intended to vote no.

Hull

Senate Committee Substitute

CSHB 1371, A bill to be entitled An Act relating to the continuation of the Trade Agricultural Inspection Grant Program.

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

SECTION 1. Sections 12.050(k) and (l), Agriculture Code, are amended to read as follows:

(k) Not later than January 15, 2025 [~~2021~~], the department shall evaluate the performance of the program under this section and submit a report to the legislature. The report must include an evaluation of agricultural inspections affected by the program, including the extent to which the program is reducing wait times for agricultural inspections of vehicles at ports of entry along the border with the United Mexican States.

(l) Unless continued in existence by the legislature, this section expires September 1, 2025 [~~2021~~].

SECTION 2. The Department of Agriculture is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. This Act takes effect 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 3932 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3932, A bill to be entitled An Act relating to the establishment of the State Advisory Council on Educational Opportunity for Military Children.

Representative Bernal moved to concur in the senate amendments to **HB 3932**.

The motion to concur in the senate amendments to **HB 3932** prevailed by (Record 1564): 117 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; 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; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Cain; Cason; Cook; Cyrier; Dean; Goldman; Hefner; Krause; Landgraf; Middleton; Murr; Noble; Oliverson; Patterson; Schaefer; Shaheen; Slaton; Slawson; Smith; Spiller; Swanson; Tinderholt; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Burrows; Harris; Leach; Walle.

STATEMENTS OF VOTE

When Record No. 1564 was taken, I was shown voting no. I intended to vote yes.

Goldman

When Record No. 1564 was taken, I was shown voting yes. I intended to vote no.

Hull

When Record No. 1564 was taken, I was shown voting yes. I intended to vote no.

Sanford

Senate Committee Substitute

CSHB 3932, A bill to be entitled An Act relating to the establishment of the State Advisory Council on Educational Opportunity for Military Children.

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

SECTION 1. Section 162.001, Education Code, is amended by adding Subdivision (3) to read as follows:

(3) "State Advisory Council" means the State Advisory Council on Educational Opportunity for Military Children established under Section 162.006.

SECTION 2. Chapter 162, Education Code, is amended by adding Section 162.006 to read as follows:

Sec. 162.006. STATE ADVISORY COUNCIL AND COORDINATION. (a) The compact commissioner, in coordination with the Texas Education Agency, shall establish the State Advisory Council on Educational Opportunity for Military Children to provide for coordination among state agencies, school districts, and military installations concerning the state's participation in and compliance with the compact and compact activities, as required by Article VIII of the compact.

(b) The State Advisory Council consists of:

(1) the commissioner of education or the commissioner's designee;

(2) a superintendent of a school district with a high concentration of military children designated by the agency;

(3) the governor or the governor's designee;

(4) the chair of the senate committee on education or the chair's designee;

(5) the chair of the house of representatives committee on public education or the chair's designee;

(6) a representative from each branch of the armed services of the United States that maintains an installation in the state, appointed by each respective branch; and

(7) representatives of other offices and stakeholder groups the agency deems appropriate.

(c) Members of the State Advisory Council may delegate voting authority to another person for a specified meeting or meetings.

(d) Meetings of the State Advisory Council may be conducted face-to-face or by telephone or other means of telecommunication or electronic communication.

(e) The State Advisory Council shall:

(1) meet at least quarterly; and

(2) provide State Advisory Council meeting dates, agendas, minutes, end-of-year reports, and other documentation as required to the Military Interstate Children's Compact Commission.

(f) The State Advisory Council shall perform each function or duty required or authorized under Article VIII of the compact.

(g) The State Advisory Council shall establish policies and procedures governing the State Advisory Council's operations.

(h) The State Advisory Council is a governmental body for purposes of Chapter 551, Government Code.

SECTION 3. Section 162.005, Education Code, is repealed.

SECTION 4. This Act takes effect September 1, 2021.

HB 2237 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2237, A bill to be entitled An Act relating to mechanic's, contractor's, or materialman's liens.

Representative Burrows moved to concur in the senate amendments to **HB 2237**.

The motion to concur in the senate amendments to **HB 2237** prevailed by (Record 1565): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; 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; 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, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu.

Nays — Beckley.

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

Absent, Excused — Coleman.

Absent — Anchia; Bowers; Johnson, A.; Stucky; Walle.

STATEMENTS OF VOTE

When Record No. 1565 was taken, I was shown voting no. I intended to vote yes.

Beckley

When Record No. 1565 was taken, my vote failed to register. I would have voted yes.

Bowers

When Record No. 1565 was taken, I was in the house but away from my desk. I would have voted yes.

Stucky

Senate Committee Substitute

CSHB 2237, A bill to be entitled An Act relating to mechanic's, contractor's, or materialman's liens.

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

SECTION 1. Section 3503.051(3), Insurance Code, is amended to read as follows:

(3) "Notice of claim" means a written notification by a claimant who makes a claim for payment from the surety company. The term does not include a routine statutory notice required by Section 53.056 or [~~53.056(b),~~] 53.057, [~~53.058, 53.252(b), or 53.253,~~] Property Code, or Section 2253.047, Government Code.

SECTION 2. Section 53.001, Property Code, is amended by amending Subdivisions (2), (3), (4), (8), (11), (13), and (14) and adding Subdivision (7-a) to read as follows:

(2) "Improvement" includes:

(A) a house, building, structure, parking structure, physical appurtenance, pool, utility, railroad, well, storage facility, abutting sidewalks and streets, [~~and~~] utilities in or on those sidewalks and streets, land reclaimed from overflow, and other fixtures or modifications to real property;

(B) clearing, grubbing, draining, or fencing of land;

(C) machinery or apparatuses used for raising water or for supplying or storing water for stock, domestic use, or irrigation [~~wells, cisterns, tanks, reservoirs, or artificial lakes or pools made for supplying or storing water~~];

(D) work described by Section 53.021(4) [~~pumps, siphons, and windmills or other machinery or apparatuses used for raising water for stock, domestic use, or irrigation~~]; and

(E) a design, drawing, plan, plat, survey, or specification provided by a licensed architect, engineer, or surveyor [~~planting orchard trees, grubbing out orchards and replacing trees, and pruning of orchard trees~~].

(3) "Labor" means:

(A) labor used in the direct performance [~~prosecution~~] of the work; or

(B) a professional service used in the direct preparation for the work of a design, drawing, plan, plat, survey, or specification.

(4) "Material" means all or part of:

(A) the material, machinery, fixtures, or tools:

(i) incorporated into the work;

(ii) used [~~, consumed~~] in the direct performance [~~prosecution~~] of the work;

(iii) specially fabricated for an improvement; [~~,~~] or

(iv) ordered and delivered for incorporation or use [~~consumption~~];

(B) rent at a reasonable rate and actual running repairs at a reasonable cost for construction equipment used or reasonably required and delivered for use in the direct performance [~~prosecution~~] of the work at the site of the construction or repair; or

(C) power, water, fuel, and lubricants consumed or ordered and delivered for consumption in the direct performance [~~prosecution~~] of the work.

(7-a) "Purported original contractor" means an original contractor who can effectively control the owner or is effectively controlled by the owner through common ownership of voting stock or ownership interests, interlocking directorships, common management, or otherwise, or who was engaged by the owner for the construction or repair of improvements without a good faith intention of the parties that the purported original contractor was to perform under the contract. For purposes of this subdivision, the term "owner" does not include a person who has or claims a security interest only.

(8) "Residence" means the real property and improvements for a single-family house, duplex, triplex, or quadruplex or a unit in a multiunit structure used for residential purposes in which title to the individual units is transferred to the owners under a condominium or cooperative system that is:

(A) owned by one or more adult persons; and

(B) used or intended to be used as a dwelling by one of the owners.

(11) "Retainage" means an amount representing part of a contract payment that is not required to be paid to the claimant within the month following the month in which labor is performed, material is furnished, or specially fabricated material is delivered. [~~The term does not include retainage under Subchapter E.~~]

(13) "Subcontractor" means a person who labors or has furnished labor or materials to fulfill an obligation to an original contractor or to a subcontractor of any tier to perform all or part of the work required by an original contract.

(14) "Work" means any part of construction or repair of an improvement performed under an original contract.

SECTION 3. Section 53.003, Property Code, is amended by amending Subsections (b) and (c) and adding Subsection (e) to read as follows:

(b) Except as provided by Subsection (c) or (d), any [~~Any~~] notice or other written communication required by this chapter must [~~may~~] be delivered:

(1) in person to the party entitled to the notice or to that party's agent;

(2) by certified mail; or

(3) by any other form of traceable, private delivery or mailing service that can confirm proof of receipt[~~, regardless of the manner prescribed by law~~].

(c) If notice is sent by [~~registered or~~] certified mail, deposit or mailing of the notice in the United States mail in the form required constitutes compliance with the notice requirement. This subsection does not apply if the law requires receipt of the notice by the person to whom it is directed.

(e) In computing the period of days in which to provide a notice or to take any action required under this chapter, if the last day of the period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

SECTION 4. Section 53.021, Property Code, is amended to read as follows:

Sec. 53.021. PERSONS ENTITLED TO LIEN. [~~(a)~~] A person has a lien if[~~:~~

[~~(1)~~] the person, under a contract with the owner or the owner's agent, trustee, receiver, contractor, or subcontractor:

(1) labors[~~, specially fabricates material,~~] or furnishes labor or materials for construction or repair of an improvement; [~~in this state of:~~

[~~(A) a house, building, or improvement;~~

[~~(B) a levee or embankment to be erected for the reclamation of overflow land along a river or creek; or~~

[~~(C) a railroad; and~~]

(2) [~~the person labors, specially fabricates the material, or furnishes the labor or materials under or by virtue of a contract with the owner or the owner's agent, trustee, receiver, contractor, or subcontractor.~~

[~~(b) A person who~~] specially fabricates material, [~~has a lien~~] even if the material is not delivered;

(3) is a licensed [~~.~~

[~~(c) An~~] architect, engineer, or surveyor providing services to prepare a design, drawing, [~~who prepares a~~] plan, [~~or~~] plat, survey, or specification;

(4) [~~under or by virtue of a written contract with the owner or the owner's agent, trustee, or receiver in connection with the actual or proposed design, construction, or repair of improvements on real property or the location of the boundaries of real property has a lien on the property.~~

[~~(d) A person who~~] provides labor, plant material, or other supplies for the installation of landscaping for an [~~a house, building, or~~] improvement, including the construction of a retention pond, retaining wall, berm, irrigation system, fountain, or other similar installation; or

(5) [~~, under or by virtue of a written contract with the owner or the owner's agent, contractor, subcontractor, trustee, or receiver has a lien on the property.~~

[~~(e) A person who~~] performs labor as part of, or [~~who~~] furnishes labor or materials for, the demolition of an improvement [~~a structure~~] on real property [~~under or by virtue of a written contract with the owner of the property or the owner's agent, trustee, receiver, contractor, or subcontractor has a lien on the property~~].

SECTION 5. Sections 53.022(a), (c), and (d), Property Code, are amended to read as follows:

(a) The lien extends to the [~~house, building, fixtures, or~~] improvements [~~, the land reclaimed from overflow, or the railroad and all of its properties,~~] and to each lot of land necessarily connected [~~or reclaimed~~].

(c) A lien against land in a city, town, or village extends to each lot on which the [~~house, building, or~~] improvement is situated or on which the labor was performed.

(d) A lien against land not in a city, town, or village extends to not more than 50 acres on which the [~~house, building, or~~] improvement is situated or on which the labor was performed.

SECTION 6. Section 53.023, Property Code, is amended to read as follows:

Sec. 53.023. PAYMENT SECURED BY LIEN. The lien secures payment for:

(1) the labor done or material furnished for the construction, [~~or~~] repair, design, survey, or demolition; or

(2) the specially fabricated material, even if the material has not been delivered or incorporated into the construction or repair, less its fair salvage value[~~; or~~

[~~(3) the preparation of a plan or plat by an architect, engineer, or surveyor in accordance with Section 53.021(c)~~].

SECTION 7. Section 53.026(a), Property Code, is amended to read as follows:

(a) A person who labors[~~, specially fabricates materials,~~] or furnishes labor or materials under a direct contractual relationship with a purported original contractor [~~another person~~] is considered to be [~~in direct contractual relationship with the owner and has a lien as~~] an original contractor for purposes of perfecting a mechanic's lien [~~, if:~~

[~~(1) the owner contracted with the other person for the construction or repair of a house, building, or improvements and the owner can effectively control that person through ownership of voting stock, interlocking directorships, or otherwise;~~

[~~(2) the owner contracted with the other person for the construction or repair of a house, building, or improvements and that other person can effectively control the owner through ownership of voting stock, interlocking directorships, or otherwise; or~~

[~~(3) the owner contracted with the other person for the construction or repair of a house, building, or improvements and the contract was made without good faith intention of the parties that the other person was to perform the contract~~].

SECTION 8. Section 53.052, Property Code, is amended to read as follows:

Sec. 53.052. FILING OF AFFIDAVIT. (a) An original contractor claiming the lien must file an affidavit with the county clerk:

(1) for projects other than residential construction projects, not later than the 15th day of the fourth month after the month in which the original contractor's work was completed, terminated, or abandoned; or

(2) for residential construction projects, not later than the 15th day of the third month after the month in which the original contractor's work was completed, terminated, or abandoned.

(b) Except as provided by Subsection (c) or (d) [~~(b)~~], a claimant other than an original contractor [~~the person~~] claiming the lien must file an affidavit with the county clerk [~~of the county in which the property is located or into which the railroad extends~~] not later than the 15th day of the fourth [~~calendar~~] month after the later of:

(1) the month the claimant last provided labor or materials; or

(2) the month the claimant would normally have been required to deliver the last of specially fabricated materials that have not been actually delivered [~~day on which the indebtedness accrues~~].

(c) [~~(b)~~] A claimant other than an original contractor [~~person~~] claiming a lien arising from a residential construction project must file an affidavit with the county clerk [~~of the county in which the property is located~~] not later than the 15th day of the third [~~calendar~~] month after the later of:

(1) the month the claimant last provided labor or materials; or

(2) the month the claimant would normally have been required to deliver the last of specially fabricated materials that have not been actually delivered.

(d) A claimant other than an original contractor claiming a lien for retainage must file an affidavit with the county clerk not later than the 15th day of the third month after the month in which the original contract under which the claimant performed was completed, terminated, or abandoned.

(e) An affidavit under this chapter must be filed in the county where the improvements are located [~~day on which the indebtedness accrues~~].

[~~(c)~~] The county clerk shall record the affidavit in records kept for that purpose and shall index and cross-index the affidavit in the names of the claimant, the original contractor, and the owner. Failure of the county clerk to properly record or index a filed affidavit does not invalidate the lien.

SECTION 9. Section 53.055(a), Property Code, is amended to read as follows:

(a) A person who files an affidavit must send a copy of the affidavit [~~by registered or certified mail~~] to the owner or reputed owner at the owner's last known business or residence address not later than the fifth day after the date the affidavit is filed with the county clerk.

SECTION 10. The heading to Section 53.056, Property Code, is amended to read as follows:

Sec. 53.056. DERIVATIVE CLAIMANT: NOTICE TO OWNER AND [~~OR~~] ORIGINAL CONTRACTOR.

SECTION 11. Section 53.056, Property Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

(a) Except as provided by Section 53.057 [~~Subchapter K~~], a claimant other than an original contractor must give the notice prescribed by Subsections (a-1) and (a-2) [~~this section~~] for the lien to be valid.

(a-1) For all unpaid labor or materials provided, the claimant must send a notice of claim for unpaid labor or materials to the owner or reputed owner and the original contractor. The notice must be sent:

(1) for projects other than residential construction projects, not later than the 15th day of the third month after the month during which:

(A) the labor or materials were provided; or

(B) the undelivered specially fabricated materials would normally have been delivered; or

(2) for residential construction projects, not later than the 15th day of the second month after the month during which:

(A) the labor or materials were provided; or

(B) the undelivered specially fabricated materials would normally have been delivered.

(a-2) The notice must be in substantially the following form:

"NOTICE OF CLAIM FOR UNPAID LABOR OR MATERIALS

"WARNING: This notice is provided to preserve lien rights.

"Owner's property may be subject to a lien if sufficient funds are not withheld from future payments to the original contractor to cover this debt.

"Date:_____

"Project description and/or address: _____

"Claimant's name: _____

"Type of labor or materials provided: _____

"Original contractor's name: _____

"Party with whom claimant contracted if different from original contractor: _____

"Claim amount: _____

"_____ (Claimant's contact person)

"_____ (Claimant's address)"

(a-3) The notice may include an invoice or billing statement.

(a-4) A claimant may give to the original contractor a written notice of an unpaid labor or materials invoice that is past due. A notice under this subsection is not required for a lien to be valid.

SECTION 12. The heading to Section 53.057, Property Code, is amended to read as follows:

Sec. 53.057. DERIVATIVE CLAIMANT: NOTICE OF CLAIM FOR UNPAID [~~CONTRACTUAL~~] RETAINAGE [~~CLAIM~~].

SECTION 13. Section 53.057, Property Code, is amended by amending Subsections (a) and (f) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) To the extent that a claim for unpaid retainage is not included wholly or partly in a notice provided under Section 53.056, a claimant other than an original contractor whose contract provides for retainage must [~~A claimant may~~] give notice under this section for a lien for unpaid retainage to be valid [~~instead of or in addition to notice under Section 53.056 or 53.252 if the claimant is to labor, furnish labor or materials, or specially fabricate materials, or has labored, furnished labor or materials, or specially fabricated materials, under an agreement with an original contractor or a subcontractor providing for retainage~~].

(a-1) The claimant must send the notice of claim for unpaid retainage to the owner or reputed owner and the original contractor not later than the earlier of:

(1) the 30th day after the date the claimant's contract is completed, terminated, or abandoned; or

(2) the 30th day after the date the original contract is terminated or abandoned.

(a-2) The notice must be in substantially the following form:

"NOTICE OF CLAIM FOR UNPAID RETAINAGE

"WARNING: This notice is provided to preserve lien rights.

"Owner's property may be subject to a lien if sufficient funds are not withheld from future payments to the original contractor to cover this debt.

"Date:_____

"Project description and/or address: _____

"Claimant's name: _____

"Type of labor or materials provided: _____

"Original contractor's name: _____

"Party with whom claimant contracted if different from original contractor: _____

"Total retainage unpaid: _____

"_____ (Claimant's contact person)

"_____ (Claimant's address)"

(a-3) The notice may include an invoice or billing statement.

(f) A claimant has a lien on, and the owner is personally liable to the claimant for, the reserved [~~retained~~] funds under Subchapter E if the claimant:

(1) gives notice in accordance with this section and:

(A) complies with Subchapter E; or

(B) files an affidavit claiming a lien not later than [~~the earliest of:~~

[~~(i)~~] the date required for filing an affidavit under the applicable provision of Section 53.052[~~;~~

[~~(ii) the 40th day after the date stated in an affidavit of completion as the date of completion of the work under the original contract, if the owner sent the claimant notice of an affidavit of completion in the time and manner required;~~

[~~(iii) the 40th day after the date of termination or abandonment of the original contract, if the owner sent the claimant a notice of such termination or abandonment in the time and manner required; or~~

[~~(iv) the 30th day after the date the owner sent to the claimant to the claimant's address provided in the notice for contractual retainage, as required under Subsection (e), a written notice of demand for the claimant to file the affidavit claiming a lien~~]; and

(2) gives the notice of the filed affidavit as required by Section 53.055.

SECTION 14. Sections 53.081(a) and (b), Property Code, are amended to read as follows:

(a) If an owner receives notice under Section 53.056 or [~~,~~] 53.057, [~~53.058, 53.252, or 53.253,~~] the owner may withhold from payments to the original contractor an amount necessary to pay the claim for which he receives notice. The withholding may be in addition to any reserved funds.

(b) If notice is sent under [~~in a form that substantially complies with~~] Section 53.056 [~~or 53.252~~], the owner may withhold the funds immediately on receipt of the notice.

SECTION 15. Section 53.082, Property Code, is amended to read as follows:

Sec. 53.082. TIME FOR WHICH FUNDS ARE WITHHELD. Unless [~~payment is made under Section 53.083 or~~] the claim is otherwise settled, discharged, indemnified against under Subchapter H or I, or determined to be invalid by a final judgment of a court, the owner shall retain the funds withheld until:

(1) the time for filing the affidavit of mechanic's lien has passed; or

(2) if a lien affidavit has been filed, [~~until~~] the lien claim has been satisfied or released.

SECTION 16. Section 53.084, Property Code, is amended to read as follows:

Sec. 53.084. OWNER'S LIABILITY. (a) Except for the amount the owner fails to reserve [~~required to be retained~~] under Subchapter E, the owner is not liable for any amount paid to the original contractor before the owner is authorized to withhold funds under this subchapter.

(b) If the owner has received a notice [~~the notices~~] required by Section 53.056 or 53.057 [~~Subchapter C or K~~], if the lien has been secured, and if the claim has been reduced to final judgment, the owner is liable and the owner's property is subject to a claim for any money paid to the original contractor after the owner was authorized to withhold funds under this subchapter. The owner is liable for that amount in addition to any amount for which the owner [~~he~~] is liable under Subchapter E.

SECTION 17. The heading to Subchapter E, Chapter 53, Property Code, is amended to read as follows:

SUBCHAPTER E. FUNDS RESERVED [~~REQUIRED RETAINAGE~~] FOR BENEFIT OF LIEN CLAIMANTS

SECTION 18. Sections 53.101, 53.102, 53.103, 53.104, and 53.105, Property Code, are amended to read as follows:

Sec. 53.101. FUNDS REQUIRED TO BE RESERVED [~~RETAINAGE~~]. (a) During the progress of work under an original contract for which a mechanic's lien may be claimed and for 30 days after the work under the contract is completed, the owner shall reserve [~~retain~~]:

(1) 10 percent of the contract price of the work to the owner; or

(2) 10 percent of the value of the work, measured by the proportion that the work done bears to the work to be done, using the contract price or, if there is no contract price, using the reasonable value of the completed work.

(b) In this section, "owner" includes the owner's agent, trustee, or receiver.

Sec. 53.102. PAYMENT SECURED BY RESERVED FUNDS [~~RETAINAGE~~]. The reserved [~~retained~~] funds secure the payment of artisans and mechanics who perform labor or service and the payment of other persons who furnish material, material and labor, or specially fabricated material for any contractor, subcontractor, agent, or receiver in the performance of the work.

Sec. 53.103. LIEN ON RESERVED [~~RETAINED~~] FUNDS. A claimant has a lien on the reserved [~~retained~~] funds if the claimant:

(1) sends the notices required by this chapter in the time and manner required; and

(2) except as allowed by Section 53.057(f), files an affidavit claiming a lien not later than the 30th day after the earliest of the date:

(A) the work is completed;

(B) the original contract is terminated; or

(C) the original contractor abandons performance under the original contract.

Sec. 53.104. PREFERENCES. (a) Individual artisans and mechanics are entitled to a preference to the reserved [~~retained~~] funds and shall share proportionately to the extent of their claims for wages and fringe benefits earned.

(b) After payment of artisans and mechanics who are entitled to a preference under Subsection (a), other participating claimants share proportionately in the balance of the reserved [~~retained~~] funds.

Sec. 53.105. OWNER'S LIABILITY FOR FAILURE TO RESERVE FUNDS [~~RETAIN~~]. (a) If the owner fails or refuses to comply with this subchapter, the claimants complying with Subchapter C or this subchapter have a lien, at least to the extent of the amount that should have been reserved [~~retained~~] from the original contract under which they are claiming, against the improvements [~~house, building, structure, fixture, or improvement~~] and all of its properties and against the lot or lots of land necessarily connected.

(b) The claimants share the lien proportionately in accordance with the preference provided by Section 53.104.

SECTION 19. Sections 53.106(a), (b), and (d), Property Code, are amended to read as follows:

(a) An owner may file with the county clerk of the county in which the property is located an affidavit of completion. The affidavit must contain:

(1) the name and address of the owner;

(2) the name and address of the original contractor;

(3) a description, legally sufficient for identification, of the real property on which the improvements are located;

(4) a description of the improvements furnished under the original contract;

(5) a statement that the improvements under the original contract have been completed and the date of completion; and

(6) a conspicuous statement that a claimant may not have a lien on retained funds unless the claimant files an affidavit claiming a lien in the time and manner required by this chapter [~~not later than the 40th day after the date the work under the original contract is completed~~].

(b) A copy of the affidavit must be sent [~~by certified or registered mail~~] to the original contractor [~~not later than the date the affidavit is filed~~] and to each claimant who sends a notice [~~of lien liability~~] to the owner under Section 53.056 or [~~,~~] 53.057 [~~, 53.058, 53.252, or 53.253~~] not later than the third day after the date the affidavit is filed or the 10th day after the date the owner receives the notice of lien liability, whichever is later.

(d) An [~~Except as provided by this subsection, an~~] affidavit filed under this section [~~on or before the 10th day after the date of completion of the improvements~~] is prima facie evidence of the date the work under the original

contract is completed for purposes of this chapter [~~subchapter and Section 53.057~~]. If the affidavit is filed after the 10th day after the date of completion, the date of completion for purposes of this subchapter [~~and Section 53.057~~] is the date the affidavit is filed. This subsection does not apply to a person to whom the affidavit was not sent as required by this section.

SECTION 20. Sections 53.107(a) and (b), Property Code, are amended to read as follows:

(a) Not later than the 10th day after the date an original contract is terminated or the original contractor abandons performance under the original contract, the owner shall give notice to each subcontractor who, before the date of termination or abandonment, has:

(1) given notice to the owner as provided by Section 53.056 or [~~,~~] 53.057 [~~, or 53.058~~]; or

(2) sent to the owner [~~by certified or registered mail~~] a written request for notice of termination or abandonment.

(b) The notice must contain:

(1) the name and address of the owner;

(2) the name and address of the original contractor;

(3) a description, legally sufficient for identification, of the real property on which the improvements are located;

(4) a general description of the improvements agreed to be furnished under the original contract;

(5) a statement that the original contract has been terminated or that performance under the contract has been abandoned;

(6) the date of the termination or abandonment; and

(7) a conspicuous statement that a claimant may not have a lien on the retained funds unless the claimant files an affidavit claiming a lien in the time and manner required by this chapter [~~not later than the 40th day after the date of the termination or abandonment~~].

SECTION 21. Section 53.155, Property Code, is amended to read as follows:

Sec. 53.155. TRANSFER OF PROPERTY SOLD. If the [~~house, building,~~] improvement [~~, or any piece of railroad property~~] is sold separately from the land, the officer making the sale shall provide [~~place~~] the purchaser [~~in possession. The purchaser is entitled to~~] a reasonable time after the date of purchase within which to remove and take possession of the purchased improvement [~~property~~].

SECTION 22. Section 53.157, Property Code, is amended to read as follows:

Sec. 53.157. DISCHARGE OF LIEN. An [~~A mechanic's lien or~~] affidavit claiming a mechanic's lien filed under Section 53.052 may be discharged of record by:

(1) recording a lien release signed by the claimant under Section 53.152;

(2) failing to institute suit to foreclose the lien in the county in which the improvement [~~property~~] is located within the period prescribed by Section 53.158, 53.175, or 53.208;

(3) recording the original or certified copy of a final judgment or decree of a court of competent jurisdiction providing for the discharge;

(4) filing the bond and notice in compliance with Subchapter H;

(5) filing the bond in compliance with Subchapter I; or

(6) recording a certified copy of the order removing the lien under Section 53.160, provided [~~and a certificate from the clerk of the court that states~~] that no bond or deposit as described by Section 53.161 was filed by the claimant within 30 days after the date the order was entered.

SECTION 23. Section 53.158, Property Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-2) [~~(b)~~], suit must be brought to foreclose the lien not later than the first anniversary of [~~within two years after~~] the last day a claimant may file the lien affidavit under Section 53.052 [~~or within one year after completion, termination, or abandonment of the work under the original contract under which the lien is claimed, whichever is later~~].

(a-1) Notwithstanding Section 16.069, Civil Practice and Remedies Code, or any other law, if suit is pursued solely to discharge a lien because limitations have expired on bringing a lien foreclosure suit, the lien claimant's rights to pursue a suit to foreclose a lien are not revived.

(a-2) The limitations period established under Subsection (a) may be extended to not later than the second anniversary of the date the claimant filed the lien affidavit under Section 53.052 if, before the expiration of the limitations period established under Subsection (a), the claimant enters into a written agreement with the then-current record owner of the property to extend the limitations period. The agreement must be recorded with the clerk of the same county where the lien was recorded and is considered to be notice of the extension to any subsequent purchaser.

SECTION 24. Sections 53.160(b) and (c), Property Code, are amended to read as follows:

(b) The grounds for objecting to the validity or enforceability of the claim or lien for purposes of the motion are limited to the following:

(1) notice of claim was not timely furnished to the owner or original contractor as required by Section 53.056 or [~~,~~] 53.057 [~~, 53.058, 53.252, or 53.253~~];

(2) an affidavit claiming a lien failed to comply with Section 53.054 or was not filed as required by Section 53.052;

(3) notice of the filed affidavit was not furnished to the owner or original contractor as required by Section 53.055;

(4) the deadlines for perfecting a lien claim for retainage under this chapter have expired and the owner complied with the requirements of Section 53.101 and paid the retainage and all other funds owed to the original contractor before:

(A) the claimant perfected the lien claim; and

(B) the owner received a notice of the claim as required by this chapter;

(5) all funds subject to the notice of a claim to the owner and a notice regarding the retainage have been deposited in the registry of the court and the owner has no additional liability to the claimant;

(6) when the lien affidavit was filed on homestead property:

(A) no contract was executed or filed as required by Section 53.254;

(B) the affidavit claiming a lien failed to contain the notice as required by Section 53.254; or

(C) the notice of the claim failed to include the statement required by Section 53.254; and

(7) the claimant executed a valid and enforceable waiver or release of the claim or lien claimed in the affidavit.

(c) The claimant is not required to file a response. The claimant and any other party that has appeared in the proceeding must be notified by at least 30 [~~21~~] days before the date of the hearing on the motion. A motion may not be heard before the 30th [~~21st~~] day after the date the claimant answers or appears in the proceeding. The claimant must be allowed expedited discovery regarding information relevant to the issues listed under Subsection (b).

SECTION 25. Section 53.173(c), Property Code, is amended to read as follows:

(c) The notice must be served on each obligee by mailing a copy of the notice and the bond to the obligee by certified [~~United States~~] mail[~~, return receipt requested,~~] addressed to the claimant at the address stated in the lien affidavit for the obligee.

SECTION 26. Section 53.205(a), Property Code, is amended to read as follows:

(a) The bond protects all persons with a claim that is:

(1) perfected in the manner prescribed for fixing a lien under Subchapter C [~~or, if the claim relates to a residential construction project, under Subchapter K~~]; or

(2) perfected in the manner prescribed by Section 53.206.

SECTION 27. Section 53.206, Property Code, is amended to read as follows:

Sec. 53.206. PERFECTION OF CLAIM. (a) Except as provided by Subsection (b), to [~~To~~] perfect a claim against a bond in a manner other than that prescribed by Subchapter C [~~or K~~] for fixing a lien, a person must [~~:~~

[~~(1)~~] give notice under Sections 53.056 and 53.057, as applicable, to the original contractor and surety on the bond [~~all applicable notices under the appropriate subchapter; and~~

[~~(2) give to the surety on the bond, instead of the owner, all notices under the appropriate subchapter required to be given to the owner~~].

(b) To perfect a claim for retainage under this section, a claimant [~~person~~] is not required to[~~:~~

[~~(1)~~] give notice to the surety under Section 53.057 if [~~, unless~~] the claimant has a direct contractual relationship with the original contractor [~~and the agreed retainage is in excess of 10 percent of the contract;~~

[~~(2) give notice to the surety under Section 53.058(b) or, if the claim relates to a residential construction project, under Section 53.253(c); or~~

[~~(3) file any affidavit with the county clerk~~].

(c) A claimant that provides the notices described by this section is not required to file an affidavit claiming a mechanic's lien to perfect a claim under the bond [~~For the claim to be valid, a person must give notice in the time and manner required by this section, but the content of the notices need only provide fair notice of the amount and the nature of the claim asserted~~].

(d) A person satisfies the requirements of this section relating to providing notice to the surety if the person mails the notice by certified [~~or registered~~] mail to the surety:

(1) at the address stated on the bond or on an attachment to the bond;

(2) at the address on file with the Texas Department of Insurance; or

(3) at any other address allowed by law.

SECTION 28. Section 53.207(a), Property Code, is amended to read as follows:

(a) If the owner receives any of the notices or a lien is fixed under this chapter [~~Subchapter C or K~~], the owner shall mail to the surety on the bond a copy of all notices received.

SECTION 29. Section 53.208(a), Property Code, is amended to read as follows:

(a) A claimant may sue the principal and surety on the bond either jointly or severally, if the [~~his~~] claim remains unpaid for 60 days after the claimant perfects the claim.

SECTION 30. Section 53.232, Property Code, is amended to read as follows:

Sec. 53.232. TO WHOM NOTICE GIVEN; MANNER. The lien claimant must send written notice of his claim by [~~registered or~~] certified mail to:

(1) the officials of the state, county, town, or municipality whose duty it is to pay the contractor; and

(2) the contractor at the contractor's last known business or residence address.

SECTION 31. Section 53.238, Property Code, is amended to read as follows:

Sec. 53.238. NOTICE OF BOND. The official with whom the bond is filed shall send an exact copy of the bond by [~~registered mail or~~] certified mail, return receipt requested, to all claimants.

SECTION 32. The heading to Section 53.254, Property Code, is amended to read as follows:

Sec. 53.254. CONTRACTUAL REQUIREMENTS FOR LIEN ON HOMESTEAD.

SECTION 33. Section 53.254(g), Property Code, is amended to read as follows:

(g) For the lien on a homestead to be valid, the notice required to be given to the owner under Subchapter C [~~Section 53.252~~] must include or have attached the following statement:

"If a subcontractor or supplier who furnishes materials or performs labor for construction of improvements on your property is not paid, your property may be subject to a lien for the unpaid amount if:

(1) after receiving notice of the unpaid claim from the claimant, you fail to withhold payment to your contractor that is sufficient to cover the unpaid claim until the dispute is resolved; or

(2) during construction and for 30 days after completion of your contractor's work [~~construction~~], you fail to reserve [~~retain~~] 10 percent of the contract price or 10 percent of the value of the work performed by your contractor.

"If you have complied with the law regarding the reservation of 10 percent of the contract price or value of work [~~retainage~~] and you have withheld payment to the contractor sufficient to cover any written notice of claim and have paid that amount, if any, to the claimant, any lien claim filed on your property by a subcontractor or supplier, other than a person who contracted directly with you, will not be a valid lien on your property. In addition, except for the required 10 percent reservation [~~retainage~~], you are not liable to a subcontractor or supplier for any amount paid to your contractor before you received written notice of the claim."

SECTION 34. Section 53.255(b), Property Code, is amended to read as follows:

(b) The disclosure statement must read substantially similar to the following:

"KNOW YOUR RIGHTS AND RESPONSIBILITIES UNDER THE LAW. You are about to enter into a transaction to build a new home or remodel existing residential property. Texas law requires your contractor to provide you with this brief overview of some of your rights, responsibilities, and risks in this transaction.

"CONVEYANCE TO CONTRACTOR NOT REQUIRED. Your contractor may not require you to convey your real property to your contractor as a condition to the agreement for the construction of improvements on your property.

"KNOW YOUR CONTRACTOR. Before you enter into your agreement for the construction of improvements to your real property, make sure that you have investigated your contractor. Obtain and verify references from other people who have used the contractor for the type and size of construction project on your property.

"GET IT IN WRITING. Make sure that you have a written agreement with your contractor that includes: (1) a description of the work the contractor is to perform; (2) the required or estimated time for completion of the work; (3) the cost of the work or how the cost will be determined; and (4) the procedure and method of payment, including provisions for statutory reservation of funds [~~retainage~~] and conditions for final payment. If your contractor made a promise, warranty, or representation to you concerning the work the contractor is to

perform, make sure that promise, warranty, or representation is specified in the written agreement. An oral promise that is not included in the written agreement may not be enforceable under Texas law.

"READ BEFORE YOU SIGN. Do not sign any document before you have read and understood it. NEVER SIGN A DOCUMENT THAT INCLUDES AN UNTRUE STATEMENT. Take your time in reviewing documents. If you borrow money from a lender to pay for the improvements, you are entitled to have the loan closing documents furnished to you for review at least one business day before the closing. Do not waive this requirement unless a bona fide emergency or another good cause exists, and make sure you understand the documents before you sign them. If you fail to comply with the terms of the documents, you could lose your property. You are entitled to have your own attorney review any documents. If you have any question about the meaning of a document, consult an attorney.

"GET A LIST OF SUBCONTRACTORS AND SUPPLIERS. Before construction commences, your contractor is required to provide you with a list of the subcontractors and suppliers the contractor intends to use on your project. Your contractor is required to supply updated information on any subcontractors and suppliers added after the list is provided. Your contractor is not required to supply this information if you sign a written waiver of your rights to receive this information.

"MONITOR THE WORK. Lenders and governmental authorities may inspect the work in progress from time to time for their own purposes. These inspections are not intended as quality control inspections. Quality control is a matter for you and your contractor. To ensure that your home is being constructed in accordance with your wishes and specifications, you should inspect the work yourself or have your own independent inspector review the work in progress.

"MONITOR PAYMENTS. If you use a lender, your lender is required to provide you with a periodic statement showing the money disbursed by the lender from the proceeds of your loan. Each time your contractor requests payment from you or your lender for work performed, your contractor is also required to furnish you with a disbursement statement that lists the name and address of each subcontractor or supplier that the contractor intends to pay from the requested funds. Review these statements and make sure that the money is being properly disbursed.

"CLAIMS BY SUBCONTRACTORS AND SUPPLIERS. Under Texas law, if a subcontractor or supplier who furnishes labor or materials for the construction of improvements on your property is not paid, you may become liable and your property may be subject to a lien for the unpaid amount, even if you have not contracted directly with the subcontractor or supplier. To avoid liability, you should take the following actions:

(1) If you receive a written notice from a subcontractor or supplier, you should withhold payment from your contractor for the amount of the claim stated in the notice until the dispute between your contractor and the subcontractor or supplier is resolved. If your lender is disbursing money directly to your contractor, you should immediately provide a copy of the notice to your lender

and instruct the lender to withhold payment in the amount of the claim stated in the notice. If you continue to pay the contractor after receiving the written notice without withholding the amount of the claim, you may be liable and your property may be subject to a lien for the amount you failed to withhold.

(2) During construction and for 30 days after final completion, termination, or abandonment of the contract by the contractor, you should reserve [~~withhold~~] or cause your lender to reserve [~~withhold~~] 10 percent of the amount of payments made for the work performed by your contractor. [~~This is sometimes referred to as 'statutory retainage.'~~] If you choose not to reserve [~~withhold~~] the 10 percent for at least 30 days after final completion, termination, or abandonment of the contract by the contractor and if a valid claim is timely made by a claimant and your contractor fails to pay the claim, you may be personally liable and your property may be subject to a lien up to the amount that you failed to reserve [~~withhold~~].

"If a claim is not paid within a certain time period, the claimant is required to file a mechanic's lien affidavit in the real property records in the county where the property is located. A mechanic's lien affidavit is not a lien on your property, but the filing of the affidavit could result in a court imposing a lien on your property if the claimant is successful in litigation to enforce the lien claim.

"SOME CLAIMS MAY NOT BE VALID. When you receive a written notice of a claim or when a mechanic's lien affidavit is filed on your property, you should know your legal rights and responsibilities regarding the claim. Not all claims are valid. A notice of a claim by a subcontractor or supplier is required to be sent, and the mechanic's lien affidavit is required to be filed, within strict time periods. The notice and the affidavit must contain certain information. All claimants may not fully comply with the legal requirements to collect on a claim. If you have paid the contractor in full before receiving a notice of a claim and have withheld the 10 percent of the contract price or value of work [~~fully complied with the law regarding statutory retainage~~], you may not be liable for that claim. Accordingly, you should consult your attorney when you receive a written notice of a claim to determine the true extent of your liability or potential liability for that claim.

"OBTAIN A LIEN RELEASE AND A BILLS-PAID AFFIDAVIT. When you receive a notice of claim, do not release withheld funds without obtaining a signed and notarized release of lien and claim from the claimant. You can also reduce the risk of having a claim filed by a subcontractor or supplier by requiring as a condition of each payment made by you or your lender that your contractor furnish you with an affidavit stating that all bills have been paid. Under Texas law, on final completion of the work and before final payment, the contractor is required to furnish you with an affidavit stating that all bills have been paid. If the contractor discloses any unpaid bill in the affidavit, you should withhold payment in the amount of the unpaid bill until you receive a waiver of lien or release from that subcontractor or supplier.

"OBTAIN TITLE INSURANCE PROTECTION. You may be able to obtain a title insurance policy to insure that the title to your property and the existing improvements on your property are free from liens claimed by subcontractors and

suppliers. If your policy is issued before the improvements are completed and covers the value of the improvements to be completed, you should obtain, on the completion of the improvements and as a condition of your final payment, a 'completion of improvements' policy endorsement. This endorsement will protect your property from liens claimed by subcontractors and suppliers that may arise from the date the original title policy is issued to the date of the endorsement."

SECTION 35. Section 53.281(b), Property Code, is amended to read as follows:

(b) A waiver and release is effective to release the owner, the owner's property, the contractor, and the surety on a payment bond from claims and liens only if:

(1) the waiver and release substantially complies with one of the forms prescribed by Section 53.284;

(2) the waiver and release is signed by the claimant or the claimant's authorized agent [~~and notarized~~]; and

(3) in the case of a conditional release, evidence of payment to the claimant exists.

SECTION 36. The following provisions of the Property Code are repealed:

(1) Section 53.003(a);
(2) Section 53.026(b);
(3) Section 53.053;
(4) Sections 53.056(b), (c), (d), (e), and (f);
(5) Sections 53.057(b), (b-1), (c), (d), (e), and (g);
(6) Section 53.058;
(7) Section 53.081(d);
(8) Section 53.083;
(9) Section 53.158(b); and
(10) Sections 53.252 and 53.253.

SECTION 37. The changes in law made by this Act apply only to an original contract entered into on or after the effective date of this Act. An original contract entered into 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 38. This Act takes effect January 1, 2022.

HB 1456 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1456, A bill to be entitled An Act relating to the operations of the Nueces County Hospital District, including the operations of a health care provider participation program administered by the district.

Representative Hunter moved to concur in the senate amendments to **HB 1456**.

The motion to concur in the senate amendments to **HB 1456** prevailed by (Record 1566): 110 Yeas, 35 Nays, 1 Present, not voting.

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

Nays — Bell, C.; Bell, K.; Biedermann; Buckley; Cain; Capriglione; Cason; Cook; Craddick; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Hull; Krause; Landgraf; Middleton; Murr; Parker; Patterson; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smithee; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Leach; Walle.

STATEMENT OF VOTE

When Record No. 1566 was taken, I was shown voting yes. I intended to vote no.

Leman

Senate Committee Substitute

CSHB 1456, A bill to be entitled An Act relating to the expiration of the health care provider participation program administered and operated by the Nueces County Hospital District.

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

SECTION 1. Section 298C.004, Health and Safety Code, as added by Chapter 694 (**SB 2315**), Acts of the 86th Legislature, Regular Session, 2019, is repealed.

SECTION 2. Section 2, Chapter 694 (**SB 2315**), Acts of the 86th Legislature, Regular Session, 2019, is repealed.

SECTION 3. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 750 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 750, A bill to be entitled An Act relating to requiring a school district to post the district's employment policy on the district's Internet website.

Representative Burns moved to concur in the senate amendments to **HB 750**.

The motion to concur in the senate amendments to **HB 750** prevailed by (Record 1567): 137 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; 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; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wu; Zwiener.

Nays — Biedermann; Cain; Krause; Patterson; Shaheen; Slaton; Slawson; Smith; Swanson; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Walle.

STATEMENTS OF VOTE

When Record No. 1567 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1567 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

When Record No. 1567 was taken, I was shown voting yes. I intended to vote no.

White

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

Amend **HB 750** (senate committee printing) in SECTION 1 of the bill, in added Section 11.1513(k), Education Code, as follows:

(1) On page 1, line 29, strike "or forms".

(2) On page 1, line 30, immediately following the underlined period, insert the following:

A school district shall make available any forms referenced in the policy:

(1) on an intranet website that is maintained by the district and accessible to district employees; or

(2) if the district does not maintain an intranet website described by Subdivision (1), at a district administrative office designated by the district.

HB 3924 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3924, A bill to be entitled An Act relating to health benefits offered by certain nonprofit agricultural organizations.

Representative Oliverson moved to concur in the senate amendments to **HB 3924**.

The motion to concur in the senate amendments to **HB 3924** prevailed by (Record 1568): 104 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Martinez Fischer; Metcalf; Meyer; Middleton; Minjarez; Morales, E.; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Pacheco; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Cole; Crockett; Davis; Dutton; Fierro; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez; Meza; Moody; Morales, C.; Morales Shaw; Neave; Ordaz Perez; Ortega; Perez; Ramos; Romero; Rose; Rosenthal; Talarico; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Walle.

STATEMENTS OF VOTE

When Record No. 1568 was taken, I was shown voting yes. I intended to vote no.

Collier

When Record No. 1568 was taken, I was shown voting yes. I intended to vote no.

Gervin-Hawkins

When Record No. 1568 was taken, I was shown voting yes. I intended to vote no.

Minjarez

When Record No. 1568 was taken, I was shown voting present, not voting. I intended to vote yes.

White

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

Amend **HB 3924** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 1682.001, Insurance Code (page 1, line 56), strike "constitutes" and substitute "is regulated as".

(2) In the heading to added Section 1682.005, Insurance Code (page 2, line 32), between "BUSINESS OF" and "INSURANCE", insert "HEALTH".

(3) In added Section 1682.005, Insurance Code (page 2, line 36), strike "an insurer and is not engaging in the business of insurance" and substitute "a health insurer and is not engaging in the business of health insurance".

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

Amend **HB 3924** (senate committee report) as follows:

(1) In SECTION 2 of the bill, strike added Section 1682.007, Insurance Code (page 2, line 51, through page 3, line 3).

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

SECTION ____. Subtitle C, Title 8, Insurance Code, is amended by adding Chapter 1275 to read as follows:

CHAPTER 1275. BALANCE BILLING PROHIBITIONS AND OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION FOR CERTAIN PLANS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1275.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual enrolled in a health benefit plan to which this chapter applies.

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

Sec. 1275.002. APPLICABILITY OF CHAPTER. This chapter applies to a health benefit plan offered by a nonprofit agricultural organization under Chapter 1682.

Sec. 1275.003. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a health benefit plan to which this chapter applies shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1275.051, 1275.052, or 1275.053, as applicable;

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

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

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1275.051, 1275.052, or 1275.053, as applicable.

Sec. 1275.004. OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION. Chapter 1467 applies to a health benefit plan to which this chapter applies, and the administrator of a health benefit plan to which this chapter applies is an administrator for purposes of that chapter.

SUBCHAPTER B. PAYMENTS FOR CERTAIN SERVICES; BALANCE BILLING PROHIBITIONS

Sec. 1275.051. EMERGENCY CARE PAYMENTS. (a) In this section, "emergency care" has the meaning assigned by Section 1301.155.

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

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

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

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

(1) is based on:

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

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

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

Sec. 1275.052. OUT-OF-NETWORK FACILITY-BASED PROVIDER PAYMENTS. (a) In this section, "facility-based provider" means a physician or health care provider who provides health care or medical services to patients of a health care facility.

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

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

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

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

(1) is based on:

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

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

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

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

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

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

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

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

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

Sec. 1275.053. OUT-OF-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER PAYMENTS. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

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

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

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

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

(1) is based on:

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

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

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

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

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

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

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

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

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

HB 872 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 872, A bill to be entitled An Act relating to the disclosure of certain utility customer information.

Representative Bernal moved to concur in the senate amendments to **HB 872**.

The motion to concur in the senate amendments to **HB 872** prevailed by (Record 1569): 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; 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; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; 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; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cole; Longoria; Rose; Walle.

STATEMENT OF VOTE

When Record No. 1569 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

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

Amend **HB 872** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1331 to read as follows:

Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED UTILITY CUSTOMER INFORMATION. (a) In this section:

(1) "Advanced metering system" means a utility metering system that collects data at regular intervals through the use of an automated wireless or radio network.

(2) "Government-operated utility" has the meaning assigned by Section 182.051, Utilities Code.

(b) Except as provided by Subsection (c) of this section and Section 182.052, Utilities Code, information maintained by a government-operated utility is excepted from the requirements of Section 552.021 if it is information that:

(1) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage; or

(2) reveals whether:

(A) an account is delinquent or eligible for disconnection; or

(B) services have been discontinued by the government-operated utility.

(c) A government-operated utility must disclose information described by Subsection (b)(1) to a customer of the utility or a representative of the customer if the information directly relates to utility services provided to the customer and is not confidential under law.

SECTION 2. The heading to Subchapter B, Chapter 182, Utilities Code, is amended to read as follows:

SUBCHAPTER B. DISCLOSURE [~~CONFIDENTIALITY~~] OF CUSTOMER INFORMATION

SECTION 3. The heading to Section 182.052, Utilities Code, is amended to read as follows:

Sec. 182.052. DISCLOSURE [~~CONFIDENTIALITY~~] OF PERSONAL INFORMATION.

SECTION 4. Sections 182.052(a), (b), (c), and (d), Utilities Code, are amended to read as follows:

(a) Except as provided by Section 182.054, a government-operated utility may not disclose personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed

to or collected from the individual for utility usage, unless [~~if~~] the customer requests that the government-operated utility disclose [~~keep~~] the information [~~confidential~~]. [~~However, a government-operated utility may disclose information related to the customer's volume or units of utility usage or amounts billed to or collected from the individual for utility usage if the primary source of water for such utility was a sole-source designated aquifer.~~]

(b) A customer may request disclosure of information described by Subsection (a) [~~confidentiality~~] by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(2) [~~(c)(3)~~] or any other written request for disclosure [~~confidentiality~~].

(c) A government-operated utility shall include with a bill sent to each customer or shall post on the utility's Internet website:

(1) a notice of the customer's right to request disclosure [~~confidentiality~~] under this section [~~subchapter~~]; and

(2) [~~a statement of the amount of any fee applicable to the request; and~~

[~~(3)~~] a form by which the customer may request disclosure [~~confidentiality~~] by marking an appropriate box on the form and returning it to the government-operated utility, either by mail or electronically.

(d) A customer may rescind a request for disclosure under this section [~~confidentiality~~] by providing the government-operated utility a written request to withhold the customer's [~~permission to disclose~~] personal information beginning on the date the utility receives the request.

SECTION 5. Section 13.043(b-2), Water Code, is amended to read as follows:

(b-2) Unless [~~If~~] a ratepayer has requested that a municipally owned utility disclose [~~keep~~] the ratepayer's personal information [~~confidential~~] under Section 182.052, Utilities Code, the municipally owned utility may not disclose the address of the ratepayer under Subsection (b-1)(2).

SECTION 6. Section 182.053, Utilities Code, is repealed.

SECTION 7. Section 552.1331, Government Code, as added 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.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 29 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 29, A bill to be entitled An Act relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.

Representative Swanson moved to concur in the senate amendments to **HB 29**.

The motion to concur in the senate amendments to **HB 29** prevailed by (Record 1570): 102 Yeas, 45 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Cole; Collier; Crockett; Deshotel; Dutton; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Israel; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Ortega; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Walle.

STATEMENTS OF VOTE

When Record No. 1570 was taken, I was shown voting no. I intended to vote yes.

Cole

When Record No. 1570 was taken, I was shown voting no. I intended to vote yes.

Morales Shaw

When Record No. 1570 was taken, I was shown voting yes. I intended to vote no.

Muñoz

Senate Committee Substitute

CSHB 29, A bill to be entitled An Act relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.

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

SECTION 1. Chapter 2165, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

Sec. 2165.451. APPLICABILITY. (a) This subchapter applies to a building or portion of a building:

(1) that is:

(A) used by an agency of this state; and

(B) generally open to the public; and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the state agency in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) This subchapter does not apply to:

(1) a penal institution, as that term is defined by Section 1.07, Penal Code; or

(2) a public primary or secondary school or institution of higher education.

Sec. 2165.452. TEMPORARY SECURE WEAPON STORAGE. (a) A state agency may provide temporary secure weapon storage for a building or portion of a building to which this subchapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building.

(b) The temporary secure weapon storage may be provided by:

(1) self-service weapon lockers described by Section 2165.453; or

(2) other temporary secure weapon storage operated at all times by a designated state agency employee under Section 2165.454.

Sec. 2165.453. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY SECURE STORAGE. (a) A state agency may provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) A self-service weapon locker must allow secure locking by the user and:

(1) provide a key for reopening; or

(2) reopen by electronic means, such as by a fingerprint scan or entry of a numeric code.

(c) A state agency may require a person to submit the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

(d) A person placing a weapon in a self-service weapon locker may designate an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in the locker.

Sec. 2165.454. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY AGENCY EMPLOYEE. (a) A state agency may provide temporary secure weapon storage operated by a designated agency employee for a building or portion of a building in which weapons are prohibited.

(b) The weapons in temporary secure weapon storage must be held in a safe, locker, or other location that is locked and accessible only to the designated employee.

(c) If a person chooses to give to the designated employee the person's weapon for temporary secure storage, the employee shall:

(1) securely affix a claim tag to the weapon;

(2) provide the person with a claim receipt for reclaiming the weapon;

(3) record the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number; and

(4) if designated by the person placing the weapon in temporary secure weapon storage, record the name of an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in storage.

(d) A person may reclaim the person's weapon by showing the designated employee operating the temporary secure weapon storage:

(1) the claim receipt given to the person at the time the weapon was placed in temporary secure storage; or

(2) the person's driver's license or other form of identification.

(e) A state agency that provides temporary secure weapon storage under this section shall ensure that:

(1) the temporary secure weapon storage is available and monitored by a designated agency employee at all times that the building or portion of the building is open to the public; and

(2) a person who is choosing to place the weapon in storage or retrieving the weapon from storage is not required to wait more than a reasonable period.

Sec. 2165.455. FEES. A state agency under this subchapter may collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage.

Sec. 2165.456. UNCLAIMED WEAPONS. (a) A weapon that is unclaimed at the end of a business day may be removed from the self-service weapon locker or other temporary secure storage and placed in another secure location.

(b) If practicable, the state agency shall notify the person who placed the weapon in a self-service weapon locker or other temporary secure storage that the weapon is in the custody of the state agency and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage. If the person provided a telephone number when the weapon was placed in a self-service weapon locker or other temporary secure storage, the state agency shall notify the person by using that telephone number.

(c) At each location where a weapon may be placed in a self-service weapon locker or other temporary secure storage, the state agency shall post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) The state agency may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the state agency may charge a fee for the extended storage of the weapon.

(e) If the weapon is not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage, the weapon is forfeited.

(f) If the forfeited weapon may not be legally possessed in this state, the state agency shall turn the weapon over to local law enforcement as evidence or for destruction.

(g) If a person may legally possess the weapon in this state:

(1) the forfeited weapon may be sold at public sale by an auctioneer licensed under Chapter 1802, Occupations Code; or

(2) the law enforcement agency holding the weapon may release the weapon to another person if:

(A) the person:

(i) claims a right to or interest in the weapon and provides an affidavit confirming that the person wholly or partly owns the weapon or otherwise has a right to or interest in the weapon; or

(ii) is an alternate person designated by the person under Section 2165.453(d) or 2165.454(c)(4); and

(B) for a weapon that is a firearm, the law enforcement agency conducts a check of state and national criminal history record information and verifies that the person may lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a firearm at public sale under this section.

(i) Proceeds from the sale of a weapon under this section shall be transferred, after the deduction of auction costs, to the general revenue fund.

SECTION 2. Subtitle C, Title 11, Local Government Code, is amended by adding Chapter 365 to read as follows:

CHAPTER 365. TEMPORARY SECURE WEAPON STORAGE FOR CERTAIN PUBLIC BUILDINGS

Sec. 365.001. APPLICABILITY. (a) This chapter applies to a building or portion of a building:

(1) that is:

(A) used by a political subdivision of this state; and

(B) generally open to the public; and

(2) in which:

(A) carrying a handgun or other firearm, location-restricted knife, club, or other weapon on the premises or part of the premises would violate Chapter 46, Penal Code, or other law; or

(B) the political subdivision in control of the building, by sign or otherwise, prohibits handguns or other firearms, location-restricted knives, clubs, or other weapons on the premises or part of the premises.

(b) This chapter does not apply to:

(1) a penal institution, as that term is defined by Section 1.07, Penal Code; or

(2) a public primary or secondary school or institution of higher education.

Sec. 365.002. TEMPORARY SECURE WEAPON STORAGE. (a) A political subdivision may provide temporary secure weapon storage for a building or portion of a building to which this chapter applies for persons who enter the building or portion of the building with a weapon prohibited in that building or portion of the building.

(b) The temporary secure weapon storage may be provided by:

(1) self-service weapon lockers described by Section 365.003; or

(2) other temporary secure weapon storage operated at all times by a designated employee of the political subdivision under Section 365.004.

Sec. 365.003. SELF-SERVICE WEAPON LOCKERS FOR TEMPORARY SECURE STORAGE. (a) A political subdivision may provide self-service weapon lockers for the temporary secure storage of any weapon prohibited in a building or portion of a building.

(b) A self-service weapon locker must allow secure locking by the user and:

(1) provide a key for reopening; or

(2) reopen by electronic means, such as by a fingerprint scan or entry of a numeric code.

(c) A political subdivision may require a person to submit the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number as a condition for use of a self-service weapon locker.

(d) A person placing a weapon in a self-service weapon locker may designate an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in the locker.

Sec. 365.004. TEMPORARY SECURE WEAPON STORAGE ADMINISTERED BY EMPLOYEE OF POLITICAL SUBDIVISION. (a) A political subdivision may provide temporary secure weapon storage operated by a designated employee of the political subdivision for a building or portion of a building in which weapons are prohibited.

(b) The weapons in temporary secure weapon storage must be held in a safe, locker, or other location that is locked and accessible only to the designated employee.

(c) If a person chooses to give to the designated employee the person's weapon for temporary secure storage, the employee shall:

(1) securely affix a claim tag to the weapon;

(2) provide the person with a claim receipt for reclaiming the weapon;

(3) record the person's name, the number of the person's driver's license or other form of identification, and the person's telephone number; and

(4) if designated by the person placing the weapon in temporary secure weapon storage, record the name of an alternate person to whom the weapon may be released if the person is not able to reclaim the person's weapon before the 30th day after the date the weapon was placed in storage.

(d) A person may reclaim the person's weapon by showing the designated employee operating the temporary secure weapon storage:

(1) the claim receipt given to the person at the time the weapon was placed in temporary secure storage; or

(2) the person's driver's license or other form of identification.

(e) A political subdivision that provides temporary secure weapon storage under this section shall ensure that:

(1) the temporary secure weapon storage is available and monitored by a designated employee of the political subdivision at all times that the building or portion of the building is open to the public; and

(2) a person who is choosing to place the weapon in storage or retrieving the weapon from storage is not required to wait more than a reasonable period.

Sec. 365.005. FEES. A political subdivision under this chapter may collect a fee for the use of a self-service weapon locker or other temporary secure weapon storage.

Sec. 365.006. UNCLAIMED WEAPONS. (a) A weapon that is unclaimed at the end of a business day may be removed from the self-service weapon locker or other temporary secure storage and placed in another secure location.

(b) If practicable, the political subdivision shall notify the person who placed the weapon in a self-service weapon locker or other temporary secure storage that the weapon is in the custody of the political subdivision and is subject to forfeiture if not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage. If the person provided a telephone number when the weapon was placed in a self-service weapon locker or other temporary secure storage, the political subdivision shall notify the person by using that telephone number.

(c) At each location where a weapon may be placed in a self-service weapon locker or other temporary secure storage, the political subdivision shall post a sign that describes the process for reclaiming a weapon left in a self-service weapon locker or other temporary secure storage for more than one business day.

(d) The political subdivision may require identification or other evidence of ownership before returning the unclaimed weapon. On return of the weapon, the political subdivision may charge a fee for the extended storage of the weapon.

(e) If the weapon is not reclaimed before the 30th day after the date the weapon was placed in a self-service weapon locker or other temporary secure storage, the weapon is forfeited.

(f) If the forfeited weapon may not be legally possessed in this state, the political subdivision shall turn the weapon over to local law enforcement as evidence or for destruction.

(g) If a person may legally possess the weapon in this state:

(1) the forfeited weapon may be sold at public sale by an auctioneer licensed under Chapter 1802, Occupations Code; or

(2) the law enforcement agency holding the weapon may release the weapon to another person if:

(A) the person:

(i) claims a right to or interest in the weapon and provides an affidavit confirming that the person wholly or partly owns the weapon or otherwise has a right to or interest in the weapon; or

(ii) is an alternate person designated by the person under Section 365.003(d) or 365.004(c)(4); and

(B) for a weapon that is a firearm, the law enforcement agency conducts a check of state and national criminal history record information and verifies that the person may lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a firearm at public sale under this section.

(i) Proceeds from the sale of a weapon under this section shall be transferred, after the deduction of auction costs, to the treasury of the political subdivision.

SECTION 3. This Act takes effect September 1, 2021.

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

Amend **CSHB 29** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 2165.455, Government Code (page 2, line 53), following "fee", insert "of not more than $5".

(2) In SECTION 1 of the bill, in added Section 2165.456(d), Government Code (page 3, line 7), following "fee", insert "of not more than $10 per day and not to exceed a total of $150".

(3) In SECTION 2 of the bill, in added Section 365.005, Local Government Code (page 4, line 60), following "fee", insert "of not more than $5".

(4) In SECTION 2 of the bill, in added section 365.006(d), Local Government Code (page 5, line 14), following "fee", insert "of not more than $10 per day and not to exceed a total of $150".

HB 1240 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1240, A bill to be entitled An Act relating to the offense of failure to comply with an order from a fire marshal and the authority of certain county employees to issue citations for certain violations; changing a criminal penalty.

Representative Murr moved to concur in the senate amendments to **HB 1240**.

The motion to concur in the senate amendments to **HB 1240** prevailed by (Record 1571): 100 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Bowers; Bucy; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Slaton; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cyrier; Darby; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Krause; Landgraf; Larson; Leach; Metcalf; Middleton; Noble; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Swanson; Tinderholt; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cook; Hull; Jetton; Johnson, A.; Rogers; Thompson, S.; Vasut; Walle.

STATEMENTS OF VOTE

When Record No. 1571 was taken, my vote failed to register. I would have voted no.

Cook

When Record No. 1571 was taken, I was in the house but away from my desk. I would have voted no.

Hull

When Record No. 1571 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1571 was taken, I was shown voting yes. I intended to vote no.

Kuempel

When Record No. 1571 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1571 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1571 was taken, my vote failed to register. I would have voted no.

Rogers

When Record No. 1571 was taken, I was shown voting yes. I intended to vote no.

Slaton

When Record No. 1571 was taken, I was shown voting yes. I intended to vote no.

VanDeaver

When Record No. 1571 was taken, I was in the house but away from my desk. I would have voted no.

Vasut

Senate Committee Substitute

CSHB 1240, A bill to be entitled An Act relating to the offense of failure to comply with an order from a fire marshal and the authority of certain county employees to issue citations for certain violations; changing a criminal penalty.

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

SECTION 1. Section 352.022, Local Government Code, is amended to read as follows:

Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. (a) A person [~~An owner or occupant~~] who is subject to an order issued under Section 352.016 commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense.

(b) Except as provided by Subsection (c), (d), or (e), an [~~The~~] offense under this section is a Class C [~~B~~] misdemeanor.

(c) An offense under this section is a Class A misdemeanor if the commission of the offense results in bodily injury or death.

(d) Unless Subsection (c) applies, if it is shown on the trial of the offense that the defendant has been previously convicted under this section, the offense is a Class B misdemeanor.

(e) If [~~unless~~] it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, [~~in which event~~] the offense is a state jail felony.

SECTION 2. Subchapter B, Chapter 352, Local Government Code, is amended by adding Section 352.0221 to read as follows:

Sec. 352.0221. AUTHORITY OF CERTAIN COUNTY EMPLOYEES TO ISSUE CITATION. (a) This section applies only to:

(1) a county with a population of 3.3 million or more; and

(2) a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more.

(b) The commissioners court of a county to which this section applies may grant the authority to issue a citation under this section to a county employee who:

(1) is certified by the Texas Commission on Fire Protection as a fire inspector;

(2) conducts fire or life safety inspections under Section 352.016; and

(3) is not a peace officer.

(c) The employee may issue a citation in the unincorporated area of the county only for:

(1) an offense under Section 352.022; or

(2) a violation of an order relating to fire or life safety issued by the commissioners court that is reasonably necessary to protect public safety and welfare.

(d) A citation issued under this section must state:

(1) the name of the person cited;

(2) the violation charged; and

(3) the time and place the person is required to appear in court.

(e) This section does not authorize the employee to arrest a person.

(f) If a person who receives a citation under this section fails to appear in court on the return date of the citation, the court may issue a warrant for the person's arrest for the violation described in the citation.

SECTION 3. Section 352.022, Local Government Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. This Act takes effect September 1, 2021.

HB 1540 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1540, A bill to be entitled An Act relating to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare; creating a criminal offense; increasing criminal penalties.

Representative S. Thompson moved to concur in the senate amendments to **HB 1540**.

The motion to concur in the senate amendments to **HB 1540** prevailed by (Record 1572): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Allison; Oliverson; Walle.

STATEMENT OF VOTE

When Record No. 1572 was taken, I was temporarily out of the house chamber. I would have voted yes.

Allison

Senate Committee Substitute

CSHB 1540, A bill to be entitled An Act relating to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare; creating a criminal offense; increasing criminal penalties.

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

SECTION 1. Section 11.44(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The commission shall deny an application for a permit or license for any location of an applicant who submitted a prior application that expired or was voluntarily surrendered before the hearing on the application was held on a protest involving allegations of prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs, [~~or~~] trafficking of persons, or drink solicitation as described by Section 104.01 before the third anniversary of the date the prior application expired or was voluntarily surrendered.

SECTION 2. Section 11.46(c), Alcoholic Beverage Code, is amended to read as follows:

(c) The commission shall deny for a period of one year after cancellation an application for a mixed beverage permit or private club registration permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of:

(1) a shooting, stabbing, or other violent act;[~~,~~] or

(2) [~~as a result of~~] an offense involving drugs, prostitution, [~~or~~] trafficking of persons, or drink solicitation as described by Section 104.01.

SECTION 3. Section 61.42(c), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(c) The commission shall deny for a period of one year an application for a retail dealer's on-premise license or a wine and malt beverage retailer's permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of:

(1) a shooting, stabbing, or other violent act; [~~,~~] or

(2) [~~as a result of~~] an offense involving drugs, prostitution, [~~or~~] trafficking of persons, or drink solicitation as described by Section 104.01.

SECTION 4. Chapter 98, Civil Practice and Remedies Code, is amended by adding Section 98.007 to read as follows:

Sec. 98.007. CONFIDENTIAL IDENTITY IN CERTAIN ACTIONS. (a) In this section, "confidential identity" means:

(1) the use of a pseudonym; and

(2) the absence of any other identifying information, including address, telephone number, and social security number.

(b) Except as otherwise provided by this section, in an action under this chapter, the court shall:

(1) make it known to the claimant as early as possible in the proceedings of the action that the claimant may use a confidential identity in relation to the action;

(2) allow a claimant to use a confidential identity in all petitions, filings, and other documents presented to the court;

(3) use the confidential identity in all of the court's proceedings and records relating to the action, including any appellate proceedings; and

(4) maintain the records relating to the action in a manner that protects the confidentiality of the claimant.

(c) In an action under this chapter, only the following persons are entitled to know the true identifying information about the claimant:

(1) the judge;

(2) a party to the action;

(3) the attorney representing a party to the action; and

(4) a person authorized by a written order of a court specific to that person.

(d) The court shall order that a person entitled to know the true identifying information under Subsection (c) may not divulge that information to anyone without a written order of the court. A court shall hold a person who violates the order in contempt.

(e) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

(f) A claimant is not required to use a confidential identity as provided by this section.

SECTION 5. Section 125.0017, Civil Practice and Remedies Code, as added by Chapter 858 (**HB 2552**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

Sec. 125.0017. NOTICE BY LAW ENFORCEMENT OF [~~ARREST FOR~~] CERTAIN ACTIVITIES. If a law enforcement agency has reason to believe [~~makes an arrest related to~~] an activity described by Section 125.0015(a)(6), (7), or (18) has occurred [~~that occurs~~] at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations Code, [~~not later than the seventh day after the date of the arrest,~~] the law enforcement agency may [~~shall~~] provide written notice by certified mail to each person maintaining the property of the alleged activity [~~arrest~~].

SECTION 6. Section 125.0025(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Except as provided by Section 125.005 [~~125.003(d)~~], on a finding that a web address or computer network is a common nuisance, the sole remedy available is a judicial finding issued to the attorney general.

SECTION 7. Sections 125.004(a-1) and (a-2), Civil Practice and Remedies Code, are amended to read as follows:

(a-1) Proof in the form of a person's arrest or the testimony of a law enforcement agent that an activity described by Section 125.0015(a)(6) or (7) is committed at a place licensed as a massage establishment under Chapter 455, Occupations Code, or advertised as offering massage therapy or massage services, after notice [~~of an arrest~~] was provided to the defendant in accordance with Section 125.0017, is prima facie evidence that the defendant:

(1) knowingly tolerated the activity; and

(2) did not make a reasonable attempt to abate the activity.

(a-2) Proof that an activity described by Section 125.0015(a)(18) is committed at a place maintained by the defendant, after notice [~~of an arrest~~] was provided to the defendant in accordance with Section 125.0017, is prima facie evidence that the defendant:

(1) knowingly tolerated the activity; and

(2) did not make a reasonable attempt to abate the activity.

SECTION 8. Section 125.004(a-3), Civil Practice and Remedies Code, as added by Chapter 858 (**HB 2552**), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(a-3) For purposes of Subsections (a-1) and (a-2), notice is considered to be provided to the defendant the earlier of:

(1) seven days after the postmark date of the notice provided under Section 125.0017; or

(2) the date the defendant actually received notice under Section 125.0017.

SECTION 9. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.005 to read as follows:

Sec. 125.005. ATTORNEY'S FEES AND COSTS IN ACTION UNDER CHAPTER. In an action brought under this chapter, the court may award a prevailing party reasonable attorney's fees in addition to costs incurred in bringing the action. In determining the amount of attorney's fees, the court shall consider:

(1) the time and labor involved;

(2) the novelty and difficulty of the questions;

(3) the expertise, reputation, and ability of the attorney; and

(4) any other factor considered relevant by the court.

SECTION 10. Section 125.070(d), Civil Practice and Remedies Code, is amended to read as follows:

(d) A district, county, or city attorney or the attorney general may sue for money damages on behalf of the state or a governmental entity. If the state or a governmental entity prevails in a suit under this section, the state or governmental entity may recover:

(1) actual damages;

(2) a civil penalty in an amount not to exceed $20,000 for each violation; and

(3) court costs and attorney's fees in accordance with Section 125.005.

SECTION 11. Section 140A.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 140A.002. CIVIL RACKETEERING. A person or enterprise commits racketeering if, for financial gain, the person or enterprise commits an offense under Chapter 20A, Penal Code (trafficking of persons)[~~, and the offense or an element of the offense:~~

[~~(1) occurs in more than one county in this state; or~~

[~~(2) is facilitated by the use of United States mail, e-mail, telephone, facsimile, or a wireless communication from one county in this state to another~~].

SECTION 12. Section 140A.102(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Following a final determination of liability under this chapter, the court may issue an appropriate order, including an order that:

(1) requires a person to divest any direct or indirect interest in an enterprise;

(2) imposes reasonable restrictions on the future activities or investments of a person that affect the laws of this state, including prohibiting a person from engaging in the type of endeavor or enterprise that gave rise to the racketeering offense, to the extent permitted by the constitutions of this state and the United States;

(3) requires the dissolution or reorganization of an enterprise involved in the suit;

(4) orders the recovery of reasonable fees, expenses, and costs incurred in obtaining injunctive relief or civil remedies or in conducting investigations under this chapter, including court costs, investigation costs, attorney's fees, witness fees, and deposition fees;

(5) orders payment to the state of an amount equal to:

(A) the gain acquired or maintained through racketeering; or

(B) the amount for which a person is liable under this chapter;

(6) orders payment to the state of a civil penalty by a person or enterprise found liable for racketeering, in an amount not to exceed $250,000 for each separately alleged and proven act of racketeering;

(7) orders payment of damages to the state for racketeering shown to have materially damaged the state; and [~~or~~]

(8) orders that property attached under Chapter 61 be used to satisfy an award of the court, including damages, penalties, costs, and fees.

SECTION 13. Section 140A.104(d), Civil Practice and Remedies Code, is amended to read as follows:

(d) An enterprise may not be held liable under this chapter based on the conduct of a person [~~an agent~~] unless the finder of fact finds by a preponderance of the evidence that a director or high managerial agent performed, authorized, requested, commanded, participated in, ratified, or recklessly tolerated the unlawful conduct of the person [~~agent~~].

SECTION 14. Articles 42A.453(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) In this article, "playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code, and "general residential operation" has the meaning assigned by Section 42.002, Human Resources Code.

(c) If a judge grants community supervision to a defendant described by Subsection (b) and the judge determines that a child as defined by Section 22.011(c), Penal Code, was the victim of the offense, the judge shall establish a child safety zone applicable to the defendant by requiring as a condition of community supervision that the defendant:

(1) not:

(A) supervise or participate in any program that:

(i) includes as participants or recipients persons who are 17 years of age or younger; and

(ii) regularly provides athletic, civic, or cultural activities; or

(B) go in, on, or within 1,000 feet of a premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, [~~or~~] video arcade facility, or general residential operation operating as a residential treatment center; and

(2) attend psychological counseling sessions for sex offenders with an individual or organization that provides sex offender treatment or counseling as specified or approved by the judge or the defendant's supervision officer.

SECTION 15. Subchapter B, Chapter 301, Government Code, is amended by adding Section 301.0221 to read as follows:

Sec. 301.0221. USE OF PSEUDONYM BY VICTIMS OF HUMAN TRAFFICKING. (a) Each legislative committee shall allow a witness who is the victim of an offense under Section 20A.02 or 20A.03, Penal Code, to give testimony to the committee relating to the witness's experience as a victim of trafficking of persons using a pseudonym instead of the witness's name.

(b) The name of a witness who uses a pseudonym authorized by Subsection (a) is confidential and may not be included in any public records of the committee.

SECTION 16. Section 481.134(a), Health and Safety Code, is amended by adding Subdivision (8) to read as follows:

(8) "General residential operation" has the meaning assigned by Section 42.002, Human Resources Code.

SECTION 17. Sections 481.134(b), (c), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(b) An offense otherwise punishable as a state jail felony under Section 481.112, 481.1121, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; [~~or~~]

(2) in, on, or within 300 feet of the premises of a public swimming pool or video arcade facility; or

(3) by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned, rented, or leased by a general residential operation operating as a residential treatment center.

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.1121(b)(2), (3), or (4), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f), 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e), 481.1161(b)(4), (5), or (6), 481.117(c), (d), or (e), 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(4), (5), or (6) is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of the premises of a school, the premises of a public or private youth center, or a playground; [~~or~~]

(2) on a school bus; or

(3) by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned, rented, or leased by a general residential operation operating as a residential treatment center.

(d) An offense otherwise punishable under Section 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b), 481.1151(b)(1), 481.116(b), 481.1161(b)(3), 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; [~~or~~]

(2) on a school bus; or

(3) by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned, rented, or leased by a general residential operation operating as a residential treatment center.

(e) An offense otherwise punishable under Section 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state jail felony if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; [~~or~~]

(2) on a school bus; or

(3) by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned, rented, or leased by a general residential operation operating as a residential treatment center.

(f) An offense otherwise punishable under Section 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, or a playground; [~~or~~]

(2) on a school bus; or

(3) by any unauthorized person 18 years of age or older, in, on, or within 1,000 feet of premises owned, rented, or leased by a general residential operation operating as a residential treatment center.

SECTION 18. Section 42.002, Human Resources Code, is amended by adding Subdivision (25) to read as follows:

(25) "Grounds" means, with regard to property, the real property, whether fenced or unfenced, of the parcel of land on which is located any appurtenant building, structure, or other improvement, including a public or private driveway, street, sidewalk or walkway, parking lot, and parking garage on the property.

SECTION 19. Sections 42.042(e), (g), and (g-2), Human Resources Code, are amended to read as follows:

(e) The executive commissioner shall promulgate minimum standards that apply to licensed child-care facilities and to registered family homes covered by this chapter and that will:

(1) promote the health, safety, and welfare of children attending a facility or registered family home;

(2) promote safe, comfortable, and healthy physical facilities and registered family homes for children;

(3) ensure adequate supervision of children by capable, qualified, and healthy personnel;

(4) ensure adequate and healthy food service where food service is offered;

(5) prohibit racial discrimination by child-care facilities and registered family homes;

(6) require procedures for parental and guardian consultation in the formulation of children's educational and therapeutic programs;

(7) prevent the breakdown of foster care and adoptive placement; [~~and~~]

(8) ensure that a child-care facility or registered family home:

(A) follows the directions of a child's physician or other health care provider in providing specialized medical assistance required by the child; and

(B) maintains for a reasonable time a copy of any directions from the physician or provider that the parent provides to the facility or home; and

(9) ensure that a child's health, safety, and welfare are adequately protected on the grounds of a child-care facility or registered family home.

(g) In promulgating minimum standards the executive commissioner may recognize and treat differently the types of services provided by and the grounds appurtenant to the following:

(1) listed family homes;

(2) registered family homes;

(3) child-care facilities, including general residential operations, cottage home operations, specialized child-care homes, group day-care homes, and day-care centers;

(4) child-placing agencies;

(5) agency foster homes;

(6) continuum-of-care residential operations;

(7) before-school or after-school programs; and

(8) school-age programs.

(g-2) The executive commissioner by rule shall adopt minimum standards that apply to general residential operations that provide comprehensive residential and nonresidential services to persons who are victims of trafficking under Section 20A.02, Penal Code. In adopting the minimum standards under this subsection, the executive commissioner shall consider:

(1) the special circumstances, [~~and~~] needs, and precautions required of victims of trafficking of persons; [~~and~~]

(2) the role of the general residential operations in assisting, [~~and~~] supporting, and protecting victims of trafficking of persons; and

(3) the vulnerability of victims of trafficking of persons on the grounds of a general residential operation operating as a residential treatment center.

SECTION 20. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.068 to read as follows:

Sec. 42.068. REQUIRED POSTING OF NO TRESPASSING NOTICE; CRIMINAL PENALTY. (a) Each general residential operation operating as a residential treatment center shall post "No Trespassing" notices on the grounds of the general residential operation in the following locations:

(1) parallel to and along the exterior boundaries of the general residential operation's grounds;

(2) at each roadway or other way of access to the grounds;

(3) for grounds not fenced, at least every five hundred feet along the exterior boundaries of the grounds;

(4) at each entrance to the grounds; and

(5) at conspicuous places reasonably likely to be viewed by intruders.

(b) Each "No Trespassing" notice posted on the grounds of a general residential operation operating as a residential treatment center must:

(1) state that entry to the property is forbidden;

(2) include a description of the provisions of Section 30.05, Penal Code, including the penalties for violating Section 30.05, Penal Code;

(3) include the name and address of the person under whose authority the notice is posted;

(4) be written in English and Spanish; and

(5) be at least 8-1/2 by 11 inches in size.

(c) The executive commissioner by rule shall determine and prescribe the requirements regarding the placement, installation, design, size, wording, and maintenance procedures for the "No Trespassing" notices.

(d) The commission shall provide without charge to each general residential operation operating as a residential treatment center the number of "No Trespassing" notices required to comply with this section and rules adopted under this section.

(e) A person who operates a general residential operation operating as a residential treatment center commits an offense if the commission provides "No Trespassing" notices to the facility and the person fails to display the "No Trespassing" notices on the operation's grounds as required by this section before the end of the 30th business day after the date the operation receives the notices. An offense under this subsection is a Class C misdemeanor.

SECTION 21. Section 20A.01, Penal Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Coercion" as defined by Section 1.07 includes:

(A) destroying, concealing, confiscating, or withholding from a trafficked person, or threatening to destroy, conceal, confiscate, or withhold from a trafficked person, the person's actual or purported:

(i) government records; or

(ii) identifying information or documents;

(B) causing a trafficked person, without the person's consent, to become intoxicated, as defined by Section 49.01, to a degree that impairs the person's ability to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services; or

(C) withholding alcohol or a controlled substance to a degree that impairs the ability of a trafficked person with a chemical dependency, as defined by Section 462.001, Health and Safety Code, to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services.

SECTION 22. Section 20A.02(b), Penal Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time of the offense;

(2) the commission of the offense results in the death of the person who is trafficked; [~~or~~]

(3) the commission of the offense results in the death of an unborn child of the person who is trafficked; or

(4) the actor recruited, enticed, or obtained the victim of the offense from a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, the homeless, or persons subjected to human trafficking, domestic violence, or sexual assault.

SECTION 23. Section 30.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, a general residential operation operating as a residential treatment center, or an aircraft or other vehicle, without effective consent and the person:

(1) had notice that the entry was forbidden; or

(2) received notice to depart but failed to do so.

SECTION 24. Section 30.05(b), Penal Code, is amended by adding Subdivision (13) to read as follows:

(13) "General residential operation" has the meaning assigned by Section 42.002, Human Resources Code.

SECTION 25. Section 30.05(d), Penal Code, is amended to read as follows:

(d) An 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; or

(D) the offense is committed on the property of or within a general residential operation operating as a residential treatment center.

SECTION 26. Section 71.028(a), Penal Code, is amended to read as follows:

(a) In this section:

(1) "General residential operation" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Institution of higher education," "playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(3) [~~(2)~~] "Shopping mall" means an enclosed public walkway or hall area that connects retail, service, or professional establishments.

SECTION 27. Section 71.028(c), Penal Code, is amended to read as follows:

(c) Except as provided by Subsection (d), the punishment prescribed for an offense described by Subsection (b) is increased to the punishment prescribed for the next highest category of offense if the actor is 17 years of age or older and it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense at a location that was:

(1) in, on, or within 1,000 feet of any:

(A) real property that is owned, rented, or leased by a school or school board;

(B) premises owned, rented, or leased by an institution of higher education;

(C) premises of a public or private youth center; [~~or~~]

(D) playground; or

(E) general residential operation operating as a residential treatment center;

(2) in, on, or within 300 feet of any:

(A) shopping mall;

(B) movie theater;

(C) premises of a public swimming pool; or

(D) premises of a video arcade facility; or

(3) on a school bus.

SECTION 28. The following provisions are repealed:

(1) Section 125.0017, Civil Practice and Remedies Code, as added by Chapter 1135 (**HB 240**), Acts of the 85th Legislature, Regular Session, 2017;

(2) Section 125.003(d), Civil Practice and Remedies Code;

(3) Section 125.004(a-3), Civil Practice and Remedies Code, as added by Chapter 1135 (**HB 240**), Acts of the 85th Legislature, Regular Session, 2017;

(4) Section 125.068, Civil Practice and Remedies Code; and

(5) Section 20A.02(a-1), Penal Code.

SECTION 29. (a) Sections 11.44(b), 11.46(c), and 61.42(c), Alcoholic Beverage Code, as amended by this Act, apply to an application for an alcoholic beverage permit or license filed on or after the effective date of this Act or pending on the effective date of this Act.

(b) Section 98.007, Civil Practice and Remedies Code, as added by this Act, applies only to an action filed on or after the effective date of this Act.

(c) The change in law made to Chapters 125 and 140A, Civil Practice and Remedies Code, by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(d) The change in law made to Section 481.134, Health and Safety Code, and the Penal Code by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 30. This Act takes effect September 1, 2021.

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

Amend **CSHB 1540** (senate committee printing) as follows:

(1) In the recital to SECTION 22 of the bill, amending Section 20A.02(b), Penal Code (page 7, line 56), strike "Section 20A.02(b), Penal Code, is" and substitute "Sections 20A.02(a) and (b), Penal Code, are".

(2) In SECTION 22 of the bill, amending Section 20A.02(b), Penal Code (page 7, between lines 57 and 58), immediately following the recital, insert the following:

(a) A person commits an offense if the person knowingly:

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(5) traffics a child with the intent that the trafficked child engage in forced labor or services;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(E-1) Section 43.021 (Solicitation of Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

(3) In SECTION 29(d) of the bill, adding transition language (page 9, lines 43 and 44), strike "The change in law made to Section 481.134, Health and Safety Code, and the Penal Code by this Act applies" and substitute "Except as otherwise provided by this section, the changes in law made by this Act apply".

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

SECTION ____. Chapter 43, Penal Code, is amended by adding Section 43.021, and a heading is added to that section to read as follows:

Sec. 43.021. SOLICITATION OF PROSTITUTION.

SECTION ____. Sections 43.02(b) and (c-1), Penal Code, are transferred to Section 43.021, Penal Code, as added by this Act, redesignated as Sections 43.021(a) and (b), Penal Code, respectively, and amended to read as follows:

(a) [~~(b)~~] A person commits an offense if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another.

(b) [~~(c-1)~~] An offense under Subsection (a) [~~(b)~~] is a state jail felony [~~Class A misdemeanor~~], except that the offense is:

(1) a [~~state jail~~] felony of the third degree if the actor has previously been convicted of an offense under Subsection (a) or under Section 43.02(b), as that law existed before September 1, 2021 [~~(b)~~]; or

(2) a felony of the second degree if the person with whom the actor agrees to engage in sexual conduct is:

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

SECTION ____. Section 43.021, Penal Code, as added by this Act, is amended by adding Subsection (c) to read as follows:

(c) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and that subchapter. For purposes of enhancement of penalties under this section or Subchapter D, Chapter 12, a defendant is considered to have been previously convicted of an offense under this section or under Section 43.02(b), as that law existed before September 1, 2021, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION ____. Section 25.06(a), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(a) The commission shall deny an original application for a wine and malt beverage retailer's permit if the commission finds that the applicant, or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses:

(1) prostitution or solicitation of prostitution;

(2) a vagrancy offense involving moral turpitude;

(3) bookmaking;

(4) gambling or gaming;

(5) an offense involving controlled substances as defined in Chapter 481, Health and Safety Code, or other dangerous drugs;

(6) a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than $500;

(7) more than three violations of this code relating to minors;

(8) bootlegging; or

(9) an offense involving firearms or a deadly weapon.

SECTION ____. Section 69.06(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The commission shall deny an original application for a retail dealer's on-premise license if the commission finds that the applicant or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses:

(1) prostitution or solicitation of prostitution;

(2) a vagrancy offense involving moral turpitude;

(3) bookmaking;

(4) gambling or gaming;

(5) an offense involving controlled substances as defined in the Texas Controlled Substances Act, including an offense involving a synthetic cannabinoid, or an offense involving other dangerous drugs;

(6) a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than $500;

(7) more than three violations of this code relating to minors;

(8) bootlegging; or

(9) an offense involving firearms or a deadly weapon.

SECTION ____. Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

(1) discharge of a firearm in a public place as prohibited by the Penal Code;

(2) reckless discharge of a firearm as prohibited by the Penal Code;

(3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;

(4) delivery, possession, manufacture, or use of a substance or other item in violation of Chapter 481, Health and Safety Code;

(5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;

(6) prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, or aggravated promotion of prostitution as described by Section 43.04, [~~prohibited by the~~] Penal Code;

(7) compelling prostitution as prohibited by the Penal Code;

(8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;

(9) aggravated assault as described by Section 22.02, Penal Code;

(10) sexual assault as described by Section 22.011, Penal Code;

(11) aggravated sexual assault as described by Section 22.021, Penal Code;

(12) robbery as described by Section 29.02, Penal Code;

(13) aggravated robbery as described by Section 29.03, Penal Code;

(14) unlawfully carrying a weapon as described by Section 46.02, Penal Code;

(15) murder as described by Section 19.02, Penal Code;

(16) capital murder as described by Section 19.03, Penal Code;

(17) continuous sexual abuse of young child or children as described by Section 21.02, Penal Code;

(18) massage therapy or other massage services in violation of Chapter 455, Occupations Code;

(19) employing a minor at a sexually oriented business as defined by Section 243.002, Local Government Code;

(20) trafficking of persons as described by Section 20A.02, Penal Code;

(21) sexual conduct or performance by a child as described by Section 43.25, Penal Code;

(22) employment harmful to a child as described by Section 43.251, Penal Code;

(23) criminal trespass as described by Section 30.05, Penal Code;

(24) disorderly conduct as described by Section 42.01, Penal Code;

(25) arson as described by Section 28.02, Penal Code;

(26) criminal mischief as described by Section 28.03, Penal Code, that causes a pecuniary loss of $500 or more; or

(27) a graffiti offense in violation of Section 28.08, Penal Code.

SECTION ____. Article 17.45, Code of Criminal Procedure, is amended to read as follows:

Art. 17.45. CONDITIONS REQUIRING AIDS AND HIV INSTRUCTION. A magistrate may require as a condition of bond that a defendant charged with an offense under Section 43.02 or 43.021, Penal Code, receive counseling or education, or both, relating to acquired immune deficiency syndrome or human immunodeficiency virus.

SECTION ____. Article 42A.751(a), Code of Criminal Procedure, is amended to read as follows:

(a) At any time during the period of community supervision, the judge may issue a warrant for a violation of any condition of community supervision and cause a defendant convicted under Section 43.02 or 43.021, Penal Code, Chapter 481, Health and Safety Code, or Sections 485.031 through 485.035, Health and Safety Code, or placed on deferred adjudication community supervision after being charged with one of those offenses, to be subject to:

(1) the control measures of Section 81.083, Health and Safety Code; and

(2) the court-ordered-management provisions of Subchapter G, Chapter 81, Health and Safety Code.

SECTION ____. Section 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.04 (Aggravated promotion of prostitution), 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.021 (Solicitation of Prostitution) [~~43.02 (Prostitution)~~], Penal Code, if the offense is punishable as a felony of the second degree [~~under Subsection (c-1)(2) of that section~~];

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K), or (L), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; or

(L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code.

SECTION ____. Section 11.066, Education Code, is amended to read as follows:

Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED OF CERTAIN OFFENSES. A person is ineligible to serve as a member of the board of trustees of a school district if the person has been convicted of a felony or an offense under Section 43.021 [~~43.02(b)~~], Penal Code.

SECTION ____. Section 51.03(b), Family Code, is amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5) notwithstanding Subsection (a)(1), conduct described by Section 43.02 or 43.021 [~~43.02(a) or (b)~~], Penal Code; or

(6) notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

SECTION ____. Section 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021 [~~43.02(b)~~], Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

SECTION ____. Section 71.0353, Government Code, is amended to read as follows:

Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

(1) trafficking of persons under Section 20A.02, Penal Code;

(2) prostitution under Section 43.02, Penal Code;

(3) solicitation of prostitution under Section 43.021, Penal Code; and

(4) [~~(3)~~] compelling prostitution under Section 43.05, Penal Code.

SECTION ____. Section 402.035(d), Government Code, is amended to read as follows:

(d) The task force shall:

(1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

(i) the Federal Bureau of Investigation;

(ii) the United States Drug Enforcement Administration;

(iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(iv) United States Immigration and Customs Enforcement; or

(v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(A) the number of investigations concerning, arrests and prosecutions for, and convictions of:

(i) the offense of trafficking of persons;

(ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and

(iii) an offense punishable as a felony of the second degree under Section 43.021 [~~43.02(c-1)(2)~~], Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

(B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

(D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and

(E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;

(5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;

(6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

(A) develop a list of key indicators that a person is a victim of human trafficking;

(B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;

(7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses;

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in solicitation of prostitution with victims younger than 18 years of age; and

(13) identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses.

SECTION ____. Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02 [~~43.02(a)~~], 43.021 [~~43.02(b)~~], 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check as required by that chapter, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION ____. Section 411.1471(a), Government Code, is amended to read as follows:

(a) This section applies to a defendant who is:

(1) arrested for a felony prohibited under any of the following Penal Code sections:

(A) Section 19.02;
(B) Section 19.03;
(C) Section 20.03;
(D) Section 20.04;
(E) Section 20.05;
(F) Section 20.06;
(G) Section 20A.02;
(H) Section 20A.03;
(I) Section 21.02;
(J) Section 21.11;
(K) Section 22.01;
(L) Section 22.011;
(M) Section 22.02;
(N) Section 22.021;
(O) Section 25.02;
(P) Section 29.02;
(Q) Section 29.03;
(R) Section 30.02;
(S) Section 31.03;
(T) Section 43.03;
(U) Section 43.04;
(V) Section 43.05;
(W) Section 43.25; or

(X) Section 43.26; or

(2) convicted of an offense:

(A) under Title 5, Penal Code, other than an offense described by Subdivision (1), that is punishable as a Class A misdemeanor or any higher category of offense, except for an offense punishable as a Class A misdemeanor under Section 22.05, Penal Code; or

(B) under Section 21.08, 25.04, 43.021 [~~43.02(b)~~], or 43.24, Penal Code.

SECTION ____. Section 81.093(a), Health and Safety Code, is amended to read as follows:

(a) A court may direct a person convicted of an offense under Section 43.02 or 43.021, Penal Code, under Chapter 481 (Texas Controlled Substances Act), or under Sections 485.031 through 485.035 to be subject to the control measures of Section 81.083 and to the court-ordered management provisions of Subchapter G.

SECTION ____. The heading to Chapter 169, Health and Safety Code, is amended to read as follows:

CHAPTER 169. FIRST OFFENDER SOLICITATION OF PROSTITUTION PREVENTION PROGRAM

SECTION ____. Section 169.001, Health and Safety Code, is amended to read as follows:

Sec. 169.001. FIRST OFFENDER SOLICITATION OF PROSTITUTION PREVENTION PROGRAM; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "first offender solicitation of prostitution prevention program" means a program that has the following essential characteristics:

(1) the integration of services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety, to reduce the demand for the commercial sex trade and trafficking of persons by educating offenders, and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse;

(5) a coordinated strategy to govern program responses to participant compliance;

(6) monitoring and evaluation of program goals and effectiveness;

(7) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(8) development of partnerships with public agencies and community organizations.

(b) If a defendant successfully completes a first offender solicitation of prostitution prevention program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt,

after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition, including whether the required time period has elapsed, and whether issuance of the order is in the best interest of justice, the court shall enter an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, Government Code, as if the defendant had received a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program if the defendant:

(1) has not been previously convicted of a felony offense; and

(2) is not convicted of any other felony offense before the second anniversary of the defendant's successful completion of the program.

SECTION ____. Sections 169.002(a), (b), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a first offender solicitation of prostitution prevention program for defendants charged with an offense under Section 43.021 [~~43.02(b)~~], Penal Code.

(b) A defendant is eligible to participate in a first offender solicitation of prostitution prevention program established under this chapter only if:

(1) the attorney representing the state consents to the defendant's participation in the program; and

(2) the court in which the criminal case is pending finds that the defendant has not been previously convicted of:

(A) an offense under Section 20A.02, 43.02(b), as that law existed before September 1, 2021 [~~43.02~~], 43.021, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

(B) an offense listed in Article 42A.054(a), Code of Criminal Procedure; or

(C) an offense punishable as a felony under Chapter 481.

(d) A defendant is not eligible to participate in the first offender solicitation of prostitution prevention program if the defendant offered or agreed to hire a person to engage in sexual conduct and the person was younger than 18 years of age at the time of the offense.

(e) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to participate in the first offender solicitation of prostitution prevention program or otherwise proceed through the criminal justice system.

(f) If a defendant who chooses to participate in the first offender solicitation of prostitution prevention program fails to attend any portion of the program, the court in which the defendant's criminal case is pending shall issue a warrant for the defendant's arrest and proceed on the criminal case as if the defendant had chosen not to participate in the program.

SECTION ____. Section 169.003(a), Health and Safety Code, is amended to read as follows:

(a) A first offender solicitation of prostitution prevention program established under this chapter must:

(1) ensure that a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide each participant with information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse; and

(4) provide each participant with classroom instruction related to the prevention of the solicitation of prostitution.

SECTION ____. Sections 169.004, 169.005, and 169.006, Health and Safety Code, are amended to read as follows:

Sec. 169.004. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of first offender solicitation of prostitution prevention programs established under this chapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a first offender solicitation of prostitution prevention program established under this chapter.

(c) A first offender solicitation of prostitution prevention program established under this chapter shall:

(1) notify the criminal justice division of the governor's office before or on implementation of the program; and

(2) provide information regarding the performance of the program to the division on request.

Sec. 169.005. REIMBURSEMENT FEES. (a) A first offender solicitation of prostitution prevention program established under this chapter may collect from a participant in the program a nonrefundable reimbursement fee for the program in a reasonable amount not to exceed $1,000, from which the following must be paid:

(1) a counseling and services reimbursement fee in an amount necessary to cover the costs of the counseling and services provided by the program; and

(2) a law enforcement training reimbursement fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.

(b) Reimbursement fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the first offender solicitation of prostitution prevention program. The fees must be based on the participant's ability to pay.

Sec. 169.006. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) To encourage participation in a first offender solicitation of prostitution prevention program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project.

(b) On a participant's successful completion of a first offender solicitation of prostitution prevention program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

SECTION ____. Section 455.202(d)(2), Occupations Code, is amended to read as follows:

(2) "Sexual contact" includes:

(A) any touching of any part of the genitalia or anus;

(B) any touching of the breasts of a female without the written consent of the female;

(C) any offer or agreement to engage in any activity described in Paragraph (A) or (B);

(D) kissing without the consent of both persons;

(E) deviate sexual intercourse, sexual contact, sexual intercourse, indecent exposure, sexual assault, prostitution, solicitation of prostitution, and promotion [~~promotions~~] of prostitution as described in Chapters 21, 22, and 43, Penal Code, or any offer or agreement to engage in such activities;

(F) any behavior, gesture, or expression that may reasonably be interpreted as inappropriately seductive or sexual; or

(G) inappropriate sexual comments about or to a client, including sexual comments about a person's body.

SECTION ____. Section 15.031(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if, with intent that an offense under Section 20A.02(a)(7) or (8), 21.02, 21.11, 22.011, 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25 be committed, the person by any means requests, commands, or attempts to induce a minor or another whom the person believes to be a minor to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense under one of those sections or would make the minor or other believed by the person to be a minor a party to the commission of an offense under one of those sections.

SECTION ____. Section 25.08(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Section 20A.02, 43.021 [~~43.02~~], 43.05, or 43.25.

SECTION ____. Section 25.081(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Section 20A.02, 43.021 [~~43.02~~], 43.05, 43.25, 43.251, or 43.26.

SECTION ____. Section 43.01, Penal Code, is amended by adding Subdivision (6) to read as follows:

(6) "Solicitation of prostitution" means the offense defined in Section 43.021.

SECTION ____. Section 43.031(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution or solicitation of prostitution.

SECTION ____. Section 43.041(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution or solicitation of prostitution.

SECTION ____. Section 93.013(a), Property Code, is amended to read as follows:

(a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession terminates and the landlord has a right to recover possession of the leased premises if the tenant is using the premises or allowing the premises to be used for the purposes of prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, aggravated promotion of prostitution as described by Section 43.04, Penal Code, [~~or~~] compelling prostitution[~~,~~] as described [~~prohibited~~] by Section 43.05, [~~the~~] Penal Code, or trafficking of persons as described by Section 20A.02, Penal Code.

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

Amend **CSHB 1540** (senate committee printing) as follows:

(1) In the recital to SECTION 21 of the bill, amending Section 20A.01, Penal Code (page 7, line 37), strike "Subdivision (1-a)" and substitute "Subdivisions (1-a), (2-a), and (2-b)".

(2) In SECTION 21 of the bill, immediately following added Section 20A.01(1-a), Penal Code (page 7, between lines 55 and 56), insert the following:

(2-a) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

(2-b) "School" means a public or private primary or secondary school.

(3) Strike the recital to SECTION 22 of the bill, amending Section 20A.02, Penal Code (page 7, lines 56 and 57), and substitute the following:

SECTION 22. Section 20A.02, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(4) In SECTION 22 of the bill, in amended Section 20A.02(b), Penal Code (page 7, line 58), between "subsection" and the comma, insert "and Subsection (b-1)".

(5) In SECTION 22 of the bill, immediately following amended Section 20A.02(b), Penal Code (page 8, between lines 3 and 4), insert the following:

(b-1) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of a school; or

(2) on premises or within 1,000 feet of premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League was taking place.

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

SECTION ____. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.086 to read as follows:

Sec. 37.086. REQUIRED POSTING OF WARNING SIGNS OF INCREASED TRAFFICKING PENALTIES. (a) In this section:

(1) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

(2) "School" means a public or private primary or secondary school.

(b) Each school shall post warning signs of the increased penalties for trafficking of persons under Section 20A.02(b-1)(2), Penal Code, at the following locations:

(1) parallel to and along the exterior boundaries of the school's premises;

(2) at each roadway or other way of access to the premises;

(3) for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;

(4) at each entrance to the premises; and

(5) at conspicuous places reasonably likely to be viewed by all persons entering the premises.

(c) The agency, in consultation with the human trafficking prevention task force created under Section 402.035, Government Code, shall adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs required under this section. The rules must require that each warning sign:

(1) include a description of the provisions of Section 20A.02(b-1), Penal Code, including the penalties for violating that section;

(2) be written in English and Spanish; and

(3) be at least 8-1/2 by 11 inches in size.

(d) The agency shall provide each school without charge the number of warning signs required to comply with this section and rules adopted under this section. If the agency is unable to provide each school with the number of signs necessary to comply with Subsection (b), the agency may:

(1) provide to a school fewer signs than the number necessary to comply with that section; and

(2) prioritize distribution of signs to schools based on reports of criminal activity in the areas near that school.

SECTION ____. Section 33.021, Penal Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The punishment for an offense under this section is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor committed the offense during regular public or private primary or secondary school hours; and

(2) the actor knew or reasonably should have known that the minor was enrolled in a public or private primary or secondary school at the time of the offense.

SECTION ____. Section 43.01, Penal Code, is amended by adding Subdivisions (1-f) and (2-a) to read as follows.

(1-f) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

(2-a) "School" means a public or private primary or secondary school.

SECTION ____. Section 43.02, Penal Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) The punishment prescribed for an offense under Subsection (b) is increased to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of a school; or

(2) on premises or within 1,000 feet of premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic League was taking place.

SECTION ____. The Texas Education Agency is required to implement the change in law made by Section 37.086(d), Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement the change in law made by Section 37.086(d), Education Code, as added by this Act, using other appropriations available for that purpose.

HB 4056 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4056, A bill to be entitled An Act relating to the establishment of a committee to study the formation of a Texas Bicentennial Commission.

Representative Meza moved to concur in the senate amendments to **HB 4056**.

The motion to concur in the senate amendments to **HB 4056** prevailed by (Record 1573): 104 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Davis; Deshotel; Dominguez; Dutton; Fierro; Frullo; Geren; Gervin-Hawkins; 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.; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Shaheen; Sherman; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Burns; Burrows; Cain; Cason; Cook; Darby; Dean; Ellzey; Frank; Gates; Goldman; Harris; Hefner; Hull; Klick; Krause; Kuempel; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Patterson; Sanford; Schaefer; Schofield; Shine; Slaton; Slawson; Smith; Smithee; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Walle.

STATEMENT OF VOTE

When Record No. 1573 was taken, I was shown voting yes. I intended to vote no.

Holland

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

Amend **HB 4056** (senate committee report) by striking SECTION 2(a) of the bill providing for the committee's composition (page 1, line 25, through page 2, line 2) and substituting the following:

(a) The committee is composed of 18 members as follows:

(1) one member appointed by the governor who serves as presiding officer;

(2) one member appointed jointly by the lieutenant governor and the speaker of the house of representatives who serves as assistant presiding officer;

(3) five senators appointed by the lieutenant governor;

(4) five representatives appointed by the speaker of the house of representatives; and

(3) six nonvoting members appointed by the governor who are residents of this state with at least one member appointed from each state senatorial district that contains one of the following:

(A) Fair Park;

(B) the San Jacinto Battleground State Historic Site;

(C) the Alamo;

(D) the State Capitol; or

(E) Washington-on-the-Brazos State Historic Site.

HB 3026 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3026, A bill to be entitled An Act relating to the operation and regulation of certain automated motor vehicles.

Representative Canales moved to concur in the senate amendments to **HB 3026**.

The motion to concur in the senate amendments to **HB 3026** prevailed by (Record 1574): 106 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hefner; 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; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; White; Wu; Zwiener.

Nays — Biedermann; Bonnen; Burrows; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Frank; Goldman; Harless; Harris; Hull; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Parker; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Walle.

STATEMENTS OF VOTE

When Record No. 1574 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1574 was taken, I was shown voting yes. I intended to vote no.

Buckley

When Record No. 1574 was taken, I was shown voting no. I intended to vote yes.

Harless

When Record No. 1574 was taken, I was shown voting yes. I intended to vote no.

Hefner

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

Amend **HB 3026** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in the amended heading to Section 545.452, Transportation Code (page 1, line 24), between "OF" and "AUTOMATED", insert "THE OPERATION OF".

(2) In SECTION 2 of the bill, in amended Section 545.452(a), Transportation Code (page 1, line 29), between the comma and "automated", insert "the operation of".

(3) In SECTION 2 of the bill, in amended Section 545.452(a), Transportation Code (page 1, lines 30-31), strike "or operation of automated motor vehicles".

HB 3853 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3853, A bill to be entitled An Act relating to middle mile broadband service provided by an electric utility.

Representative Anderson moved to concur in the senate amendments to **HB 3853**.

The motion to concur in the senate amendments to **HB 3853** prevailed by (Record 1575): 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; Frank; Frullo; Gates; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez;

Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Fierro; Gervin-Hawkins; Walle.

STATEMENT OF VOTE

When Record No. 1575 was taken, I was in the house but away from my desk. I would have voted yes.

Gervin-Hawkins

Senate Committee Substitute

CSHB 3853, A bill to be entitled An Act relating to middle mile broadband service provided by an electric utility.

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

SECTION 1. Chapter 43, Utilities Code, is amended to read as follows:

CHAPTER 43. PROVISION [~~USE~~] OF MIDDLE MILE [~~ELECTRIC DELIVERY SYSTEM FOR ACCESS TO~~] BROADBAND SERVICE BY ELECTRIC UTILITIES [~~AND OTHER ENHANCED SERVICES, INCLUDING COMMUNICATIONS~~]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 43.001. LEGISLATIVE FINDINGS. (a) The legislature finds that access to quality, high-speed broadband Internet service is important to this state, is a necessary prerequisite for enabling economic development and improving education, health care, public safety, and government services in this state, and provides other benefits to its citizens [~~broadband over power lines, also known as BPL, is an emerging technology platform that offers a means of providing broadband services to reach homes and businesses. BPL services can also be used to enhance existing electric delivery systems, which can result in improved service and reliability for electric customers~~].

(b) [~~The legislature finds that access to quality, high speed broadband services is important to this state. BPL deployment in Texas has the potential to extend broadband service to customers where broadband access is currently not available and may provide an additional option for existing broadband consumers in Texas, resulting in a more competitive market for broadband services.~~] The

legislature [~~further~~] finds that broadband [~~BPL~~] development in unserved and underserved areas of Texas can be facilitated by [~~is fully dependent upon~~] the participation of electric utilities in this state that own and operate [~~power lines and related~~] facilities that may be useful [~~are necessary~~] for the full deployment of broadband service by Internet service providers throughout this state [~~construction of BPL systems and the provision of BPL services~~].

(c) The legislature finds that electric utilities have existing infrastructure in place throughout this state and that excess fiber capacity on that infrastructure could be used to provide middle mile broadband service in unserved and underserved areas.

(d) The [~~(c) Consistent with the goal of increasing options for telecommunications in this state, the~~] legislature finds that it is in the public interest to encourage the deployment of broadband service in unserved and underserved areas [~~BPL~~] by permitting electric utilities to own, construct, or operate fiber facilities for the support of electric service and to lease excess fiber capacity for the provision of middle mile broadband service [~~affiliates of the electric utility, or permitting unaffiliated entities, to own or operate all or a portion of such BPL systems~~]. The purpose of this chapter is to provide the appropriate framework to facilitate the leasing of excess fiber capacity on electric utility facilities [~~support the deployment of BPL~~].

(e) [~~(d)~~] The legislature finds that an electric utility may choose to implement middle mile broadband service to lease excess fiber capacity to Internet service providers [~~BPL~~] under the procedures set forth in this chapter, but is not required to do so. The electric utility shall have the right to decide, in its sole discretion, whether to implement middle mile broadband service [~~BPL~~] and may not be penalized for deciding to implement or not to implement that service [~~BPL~~].

Sec. 43.002. APPLICABILITY. (a) This chapter applies to an electric utility whether or not the electric utility is offering customer choice under Chapter 39.

(b) If there is a conflict between the specific provisions of this chapter and any other provisions of this title, the provisions of this chapter control.

(c) Except as otherwise provided by this title, no [~~No~~] provision of this title imposes [~~shall impose~~] an obligation on an electric utility to construct or operate facilities to [~~implement BPL, to~~] provide middle mile broadband service [~~services~~], or to allow others to install [~~BPL~~] facilities or use the electric utility's facilities for the provision of broadband service [~~services~~].

Sec. 43.003. DEFINITIONS. In this chapter:

(1) "Broadband service" means retail Internet service provided by a commercial Internet service provider with the capability of providing a download speed of at least 25 megabits per second and an upload speed of at least 3 megabits per second [~~"BPL," "broadband over power lines," and "BPL services" mean the provision of broadband services over electric power lines and related facilities, whether above ground or in underground conduit~~].

(2) "Internet [~~"BPL access" means the ability to access broadband services via a BPL operator or BPL Internet service provider.~~

[~~(3) "BPL operator" means an entity that owns or operates a BPL system on the electric power lines and related facilities of an electric utility.~~

[~~(4) "BPL Internet~~] service provider" means a commercial [~~and "BPL ISP" mean an~~] entity that provides Internet services [~~to others on a wholesale basis or~~] to end-use customers on a retail basis.

(3) [~~(5) "BPL system" means the materials, equipment, and other facilities installed on electric utility property to facilitate the provision of BPL services.~~

[~~(6) "BPL electric utility applications" means services and technologies that are used and useful and designed to improve the operational performance and service reliability of an electric utility including, but not limited to, automated meter reading, real-time system monitoring and meter control, remote service control, outage detection and restoration, predictive maintenance and diagnostics, and monitoring and enhancement of power quality.~~

[~~(7)~~] "Electric delivery system" means the power lines and related transmission and distribution facilities constructed [~~used by an electric utility~~] to deliver electric energy to the electric utility's customers.

(4) [~~(8)~~] "Electric utility" includes [~~shall include~~] an electric utility and a transmission and distribution utility as defined in Section 31.002(6) or (19).

(5) "Middle mile broadband service" means the provision of excess fiber capacity on an electric utility's electric delivery system or other facilities to an Internet service provider to provide broadband service. The term does not include provision of Internet service to end-use customers on a retail basis.

SUBCHAPTER B. DEVELOPMENT OF MIDDLE MILE BROADBAND SERVICE [~~BPL SYSTEMS~~]

Sec. 43.051. AUTHORIZATION FOR MIDDLE MILE BROADBAND SERVICE [~~BPL SYSTEM~~]. (a) An [~~affiliate of an~~] electric utility [~~or a person unaffiliated with an electric utility~~] may own, construct, maintain, and operate fiber optic cables and other facilities for providing middle mile broadband service in unserved and underserved areas [~~a BPL system and provide BPL services on an electric utility's electric delivery system~~] consistent with the requirements of this chapter. Nothing in this chapter prohibits [~~shall prohibit~~] an entity defined in Section 11.003(9) from providing broadband [~~BPL~~] service to an Internet service provider or owning and operating a broadband [~~BPL~~] system as otherwise permitted by law.

(b) The electric utility shall determine on a nondiscriminatory basis which Internet service providers may access excess fiber capacity on the electric utility's electric delivery system or other facilities and provide access points to allow connection between the electric utility's electric delivery system or other facilities and the systems of those Internet service providers. The electric utility shall provide access to excess fiber capacity only on reasonable and nondiscriminatory terms and conditions that assure the electric utility the unimpaired ability to comply with and enforce all applicable federal and state requirements regarding the safety, reliability, and security of the electric delivery system. [~~Nothing in this chapter shall prohibit an electric utility from providing construction or~~

~~maintenance services to a BPL operator or BPL ISP provided that the costs of these services are properly accounted for between the electric utility and the BPL operator or BPL ISP.~~]

Sec. 43.052. [~~OWNERSHIP AND OPERATION OF BPL SYSTEM. (a) An electric utility may elect to:~~

[~~(1) allow an affiliate to own or operate a BPL system on the utility's electric delivery system;~~

[~~(2) allow an unaffiliated entity to own or operate a BPL system on the electric utility's electric delivery system; or~~

[~~(3) allow an affiliate or unaffiliated entity to provide Internet service over a BPL system.~~

[~~(b) The BPL operator and the electric utility shall determine what BPL Internet service providers may have access to broadband capacity on the BPL system.~~

[~~Sec. 43.053. FEES AND~~] CHARGES. [~~(a)~~] An electric utility that owns and operates facilities to provide middle mile broadband service may lease excess fiber capacity on the electric utility's electric delivery system or other facilities to an Internet service provider on a wholesale basis and [~~allows an affiliate or an unaffiliated entity to own a BPL system on the electric utility's electric delivery system~~] shall charge the Internet service provider [~~owner of the BPL system~~] for the use of the electric utility's [~~electric delivery~~] system for all costs associated with that use. The rates, terms, and conditions of a lease of excess fiber capacity described by this section must be nondiscriminatory. An electric utility may not lease excess fiber capacity to provide middle mile broadband service to an affiliated Internet service provider.

[~~(b) An electric utility may pay a BPL owner, a BPL operator, or a BPL ISP for the use of the BPL system required to operate BPL utility applications.~~

[~~(c) If all or part of a BPL system is installed on poles or other structures of a telecommunications utility as that term is defined in Section 51.002, the owner of the BPL system shall be required to pay the telecommunications utility an annual fee consistent with the usual and customary charges for access to the space occupied by that portion of the BPL system so installed.~~

[~~(d) Notwithstanding Subsections (a)-(c):~~

[~~(1) an electric utility may not charge an affiliate under this section an amount less than the electric utility would charge an unaffiliated entity for the same item or class of items;~~

[~~(2) an electric utility may not pay an affiliate under this section an amount more than the affiliate would charge an unaffiliated entity for the same item or class of items; and~~

[~~(3) an electric utility or an affiliate of an electric utility may not discriminate against a retail electric provider that is not affiliated with the utility in the terms or availability of BPL services.~~]

Sec. 43.053 [~~43.054~~]. NO ADDITIONAL EASEMENTS OR CONSIDERATION REQUIRED. (a) Because broadband [~~BPL~~] systems provide benefits to electric delivery systems, the installation of facilities to provide middle mile broadband service [~~a BPL system~~] on an electric delivery system or other

facilities does [~~shall~~] not require the electric utility [~~or the owner of the BPL system~~] or an entity defined in Section 11.003(9) to obtain, modify, or expand easements or other rights-of-way for the middle mile broadband service [~~BPL system~~] or to give additional consideration as a result of the installation or the operation of middle mile broadband service on the electric delivery system or other facilities of the electric utility or entity, unless the property owner protests the use as provided by this section [~~a BPL system~~].

(b) Not later than the 60th day before the date an electric utility begins construction in an easement or other property right of fiber optic cables and other facilities for providing middle mile broadband service, the electric utility shall provide written notice to the owners of the affected property of the electric utility's intent to use the easement or other property right for middle mile broadband service.

(c) Notice under this section must:

(1) be sent by first class mail to the last known address of each person in whose name the affected property is listed on the most recent tax roll of each county authorized to levy property taxes against the property; and

(2) state whether any new fiber optic cables used for middle mile broadband service will be located above or below ground in the easement or other property right.

(d) Not later than the 60th day after the date an electric utility mails notice under this section, a property owner entitled to the notice may submit to the electric utility a written protest of the intended use of the easement or other property right for middle mile broadband service. An electric utility that receives a timely written protest may not use the easement or other property right for middle mile broadband service unless the protestor later agrees in writing to that use or that use is authorized by law. If a property owner fails to submit a timely written protest, an electric utility may proceed under Subsection (a) without modifying or expanding the easement for that property owner.

(e) An electric utility that receives a timely written protest under Subsection (d) regarding proposed middle mile broadband service may cancel the project at any time.

(f) The requirements of this section do not apply to an existing easement that permits the provision of third-party middle mile broadband service on an electric delivery system. [~~For purposes of this section, installation of a BPL system shall be deemed to be consistent with installation of an electric delivery system.~~]

Sec. 43.054 [~~43.055~~]. RELIABILITY OF ELECTRIC SYSTEMS MAINTAINED. An electric utility that installs [~~allows the installation~~] and operates facilities to provide middle mile broadband service [~~operation of a BPL system on its electric delivery system~~] shall employ all reasonable measures to ensure that the operation of the middle mile broadband service [~~BPL system~~] does not interfere with or diminish the reliability of the utility's electric delivery system. If [~~Should~~] a disruption in the provision of electric service occurs [~~occur~~], the electric utility is [~~shall be~~] governed by the terms and conditions of the retail electric delivery service tariff. The electric utility may take all necessary actions

regarding its middle mile broadband service and the facilities required in the provision of that service to address circumstances that may pose health, safety, security, or reliability concerns. At all times, the provision of broadband service is [~~services shall be~~] secondary to the reliable provision of electric delivery services. Except as provided by contract or tariff, an electric utility is not liable to any person, including an Internet service provider, for any damages, including direct, indirect, physical, economic, exemplary, or consequential damages, including loss of business, loss of profits or revenue, or loss of production capacity caused by a fluctuation, disruption, or interruption of middle mile broadband service that is caused in whole or in part by:

(1) force majeure; or

(2) the electric utility's provision of electric delivery services, including actions taken by the electric utility to ensure the reliability and security of the electric delivery system and actions taken in response to address all circumstances that may pose health, safety, security, or reliability concerns.

SUBCHAPTER C. IMPLEMENTATION OF MIDDLE MILE BROADBAND SERVICE [~~BPL SYSTEM~~] BY ELECTRIC UTILITY

Sec. 43.101. PARTICIPATION BY ELECTRIC UTILITY. (a) An electric utility[~~, through an affiliate or through an unaffiliated entity,~~] may [~~elect to~~] install and operate facilities to provide middle mile broadband service [~~a BPL system~~] on any part of its electric delivery system or other facilities for Internet service providers but may not construct new electric delivery facilities for the purpose of expanding the electric utility's middle mile broadband service [~~some or all of its electric delivery system in any part or all of its certificated service area~~].

(b) The installation, operation, and use of middle mile broadband service and the lease of excess fiber capacity by Internet service providers from an electric utility may [~~a BPL system and the provision of BPL services shall~~] not be regulated by any state agency, a municipality, or local government other than as provided by [~~for in~~] this chapter.

(c) An electric utility that owns and operates middle mile broadband service:

(1) may lease excess fiber capacity on the electric utility's electric delivery system or other facilities to an Internet service provider on a wholesale basis; and

(2) may not provide Internet service to end-use customers on a retail basis.

(d) [~~(c)~~] The commission or a state or local government or a regulatory or quasi-governmental or a quasi-regulatory authority may not:

(1) require an electric utility[~~, either through an affiliate or an unaffiliated entity,~~] to install [~~a BPL system on its power lines~~] or offer middle mile broadband service on the utility's electric delivery system or other facilities [~~BPL services in all or any part of the electric utility's certificated service area~~];

(2) require an electric utility to allow others to install middle mile broadband service [~~a BPL system~~] on the utility's electric delivery system or other facilities [~~in any part or all of the electric utility's certificated service area~~]; or

(3) prohibit an electric utility from installing or offering middle mile broadband service on the utility's electric delivery system or other facilities [~~having an affiliate or unaffiliated entity install a BPL system or offering BPL services in any part or all of the electric utility's certificated service area~~].

(e) [~~(d)~~] If a municipality or local government is already collecting a charge or fee from the electric utility for the use of the public rights-of-way for the delivery of electricity to retail electric customers, the municipality or local government may not require [~~is prohibited from requiring~~] a franchise or an amendment to a franchise or require an additional [~~from requiring a~~] charge, fee, or tax from the electric utility [~~any entity~~] for use of the public rights-of-way for middle mile broadband service [~~a BPL system~~].

(f) If the state or a municipality or local government is not already collecting a charge or fee from the electric utility for the use of the public rights-of-way, the [~~(e) The~~] state or a municipality or local government may impose a charge on the provision of middle mile broadband service [~~BPL services~~], but the charge may not be greater than the lowest charge that the state or municipality imposes on other providers of broadband service [~~services~~] for use of the public rights-of-way in its respective jurisdiction.

Sec. 43.102. COMMISSION REVIEW OF UTILITY MIDDLE MILE PLAN. (a) An electric utility that plans a project to deploy middle mile broadband service shall submit to the commission a written plan that includes:

(1) the route of the middle mile broadband service infrastructure proposed for the project;

(2) the location of the electric utility's infrastructure that will be used in connection with the project;

(3) an estimate of potential broadband customers that would be served by the Internet service provider;

(4) the estimated cost of the project, including engineering costs, construction costs, permitting costs, right-of-way costs, and a reasonable allowance for funds used during construction;

(5) the proposed schedule of construction for the project;

(6) testimony, exhibits, or other evidence that demonstrates the project will allow for the provision and maintenance of middle mile broadband service; and

(7) any other information that the applicant considers relevant or that the commission requires.

(b) The commission, after notice and hearing if required by the commission, shall approve the plan if the commission finds that the plan includes all the items required by Subsection (a) and by commission rule.

(c) The commission must approve, modify, or reject a plan submitted to the commission under this section not later than the 181st day after the date the plan is submitted under Subsection (a). Notwithstanding any other provision of this title, if the commission approves a plan under this section, the commission shall issue a finding on the approved middle mile broadband service that:

(1) the service is used and useful to the electric utility;

(2) the costs associated with the service are reasonable; and

(3) the service is prudent and may be included in the electric utility's rate base.

(d) An approved plan may be updated or amended subject to commission approval in accordance with this section.

Sec. 43.103 [~~43.102~~]. COST RECOVERY FOR DEPLOYMENT OF MIDDLE MILE BROADBAND FACILITIES [~~BPL AND UTILITY APPLICATIONS~~]. (a) Where an electric utility installs facilities used to provide middle mile broadband service [~~permits the installation of a BPL system on its electric delivery system~~] under Section 43.051 [~~43.052(a)~~], the electric utility's investment in those facilities is [~~that BPL system to directly support the BPL electric utility applications and other BPL services consumed by the electric utility that are used and useful in providing electric utility service shall be~~] eligible for inclusion in the electric utility's invested capital, and any fees or operating expenses that are reasonable and necessary are [~~shall be~~] eligible for inclusion as operating expenses for purposes of any proceeding under Chapter 36. The commission may allow an electric utility to recover investment and associated costs in middle mile broadband service if the plan for the service has been submitted and approved under Section 43.102 [~~The invested capital and expenses described in this section must be allocated to the customer classes directly receiving the services~~].

(b) In a [~~any~~] proceeding under Chapter 36, revenue received by an electric utility from an Internet service provider for the use of middle mile broadband service must be applied as a revenue credit to customers in proportion to the customers' funding of the underlying infrastructure [~~just and reasonable charges for the use of the electric utility's electric delivery system by a BPL owner or operator shall be limited to the usual and customary pole attachment charges paid to the electric utility for comparable space by cable television operators~~].

[~~(c) The revenues of an affiliated BPL operator or an affiliated BPL ISP shall not be deemed the revenues of an electric utility for purposes of setting rates under Chapter 36.~~]

SUBCHAPTER D. MISCELLANEOUS PROVISIONS

Sec. 43.151. [~~AFFILIATES OF ELECTRIC UTILITY. (a) Subject to the limitations of this chapter, an electric utility may have a full or partial ownership interest in a BPL operator or a BPL ISP. Whether a BPL operator or a BPL ISP is an affiliate of the electric utility shall be determined under Section 11.003(2) or Section 11.006.~~

[~~(b) Neither a BPL operator nor a BPL ISP shall be considered a "competitive affiliate" of an electric utility as that term is defined in Section 39.157.~~

[~~Sec. 43.152.~~] COMPLIANCE WITH FEDERAL AND STATE LAW. An electric utility that owns and operates facilities for the provision of middle mile broadband service [~~BPL operators~~] shall comply with all applicable federal and state laws[~~, including those protecting licensed spectrum users from interference by BPL systems. The operator of a radio frequency device shall be required to cease operating the device upon notification by a Federal Communications~~

~~Commission or Public Utilities Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected~~].

SECTION 2. Section 33.001(b), Utilities Code, is repealed.

SECTION 3. Not later than the 270th day after the effective date of this Act, the Public Utility Commission of Texas shall adopt any rules necessary to implement Chapter 43, Utilities Code, as amended by this Act.

SECTION 4. The Public Utility Commission of Texas is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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

Amend **HB 3853** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 43.102 Utilities Code (page 6, between lines 22 and 23) add the following new subsection (a)(4) and renumber existing subsections accordingly:

(4) the capacity, number of fiber strands, and any other facilities of the middle mile broadband service that will be available to lease to Internet service providers;

(2) Strike page 6, line 38, through page 6, line 49, and substitute the following:

(c) The commission must approve, modify, or reject a plan submitted to the commission under this section not later than the 181st day after the date the plan is submitted under Subsection (a).

HB 3476 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3476, A bill to be entitled An Act relating to certificates of public convenience and necessity issued to water utilities inside the boundaries or extraterritorial jurisdiction of certain municipalities.

Representative Schofield 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 3476**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3476**: Schofield, chair; Moody, Oliverson, Rodriguez, and Zwiener.

HB 2086 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2086, A bill to be entitled An Act relating to appeals from an interlocutory order denying a motion for summary judgment by certain contractors.

Representative E. Morales moved to concur in the senate amendments to **HB 2086**.

The motion to concur in the senate amendments to **HB 2086** prevailed by (Record 1576): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Walle.

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

Amend **HB 2086** (senate committee printing) in SECTION 1 of the bill, amending Section 51.014(a), Civil Practice and Remedies Code (page 2, line 4), by inserting "grants or" between "(15)" and "denies".

HB 2593 - WITH SENATE AMENDMENTS

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

HB 2593, A bill to be entitled An Act relating to the criminal penalties for the possession of certain tetrahydrocannabinols under the Texas Controlled Substances Act.

HB 2593 - POINT OF ORDER

Representative Biedermann raised a point of order against further consideration of the senate amendments to **HB 2593** under Rule 11, Section 2, of the House Rules on the grounds that Senate Amendment No. 1 is not germane.

(Harris in the chair)

The point of order was withdrawn.

HB 1518 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1518, A bill to be entitled An Act relating to the hours for selling alcoholic beverages in certain establishments.

Representative Dutton moved to concur in the senate amendments to **HB 1518**.

The motion to concur in the senate amendments to **HB 1518** prevailed by (Record 1577): 115 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hefner; Hernandez; Herrero; Hinojosa; Howard; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; Kuempel; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schofield; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vasut; Vo; Wilson; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Burrows; Cain; Capriglione; Craddick; Cyrier; Frank; King, P.; Klick; Krause; Lambert; Landgraf; Noble; Paul; Price; Rogers; Schaefer; Shaheen; Sherman; Thompson, E.; VanDeaver.

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

Absent, Excused — Coleman.

Absent — Geren; Holland; Huberty; Hull; King, T.; Meyer; Walle; White.

STATEMENTS OF VOTE

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1577 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Slawson

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 1577 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1577 was taken, I was in the house but away from my desk. I would have voted yes.

White

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

Amend **HB 1518** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 24.07, Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

Sec. 24.07. HOURS OF SALE. A holder of a wine only package store permit may remain open and sell malt beverages, wine, and vinous liquors, for off-premises consumption only, on any day and during the same hours as those prescribed for the sale of malt beverages under Section 105.05 [~~that the holder of a wine and malt beverage retailer's permit may sell malt beverages and wine~~], except that the permittee may not sell wine or vinous liquor containing more than 17 percent alcohol by volume on a Sunday or after 10 p.m. on any day.

SECTION ____. Section 105.04, Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

Sec. 105.04. HOURS OF SALE: WINE AND MALT BEVERAGE RETAILER. The hours of sale and delivery for alcoholic beverages sold under a wine and malt beverage retailer's permit or a wine and malt beverage retailer's

off-premise permit are the same as those prescribed for the sale of malt beverages under Section 105.05[~~, except that no sale shall be allowed between 2 a.m. and noon on Sunday~~].

SECTION ____. Section 105.05(b), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(b) A person may sell, offer for sale, or deliver malt beverages between 7 a.m. and midnight on any day except Sunday. On Sunday a person may sell malt beverages between midnight and 1:00 a.m. and between noon and midnight, except that:

(1) permittees or licensees authorized to sell for on-premise consumption may sell malt beverages between 10:00 a.m. and noon if the malt beverages are served to a customer during the service of food to the customer; and

(2) holders of a retail dealer's on-premise license or a retail dealer's off-premise license may also sell malt beverages for off-premise consumption between 10:00 a.m. and noon.

HB 1802 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1802, A bill to be entitled An Act relating to a study on the use of alternative therapies for treating post-traumatic stress disorder.

Representative Dominguez moved to concur in the senate amendments to **HB 1802**.

The motion to concur in the senate amendments to **HB 1802** prevailed by (Record 1578): 134 Yeas, 9 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; Campos; Canales; Capriglione; Cason; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; 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; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Cain; Cook; Landgraf; Noble; Paul; Shaheen; Thompson, E.; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Huberty; Hull; Klick; Walle.

STATEMENTS OF VOTE

When Record No. 1578 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1578 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 1578 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1578 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1578 was taken, I was shown voting no. I intended to vote yes.

Vasut

When Record No. 1578 was taken, I was shown voting no. I intended to vote yes.

Wilson

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

Amend **HB 1802** by adding the following appropriately numbered section:

SECTION ____. The Agency is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement this Act using other appropriations available for the purpose.

HB 3261 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3261, A bill to be entitled An Act relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, and the review and use of the instructional materials and technology allotment.

Representative Huberty moved to concur in the senate amendments to **HB 3261**.

The motion to concur in the senate amendments to **HB 3261** prevailed by (Record 1579): 143 Yeas, 2 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; 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; Price; 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; White; Wilson; Wu; Zwiener.

Nays — Hinojosa; Ramos.

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

Absent, Excused — Coleman.

Absent — Thompson, S.; Walle.

Senate Committee Substitute

CSHB 3261, A bill to be entitled An Act relating to the electronic administration of certain required assessment instruments, measures to support Internet connectivity for purposes of those assessment instruments, the adoption and administration of certain optional interim assessment instruments, the review and use of the instructional materials and technology allotment, and requests for production of instructional materials.

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

SECTION 1. Section 31.0211, Education Code, is amended by amending Subsections (c) and (d) and adding Subsection (d-1) to read as follows:

(c) Funds [~~Subject to Subsection (d), funds~~] allotted under this section may be used to:

(1) purchase:

(A) materials on the list adopted by the commissioner, as provided by Section 31.0231;

(B) instructional materials, regardless of whether the instructional materials are on the list adopted under Section 31.024;

(C) consumable instructional materials, including workbooks;

(D) instructional materials for use in bilingual education classes, as provided by Section 31.029;

(E) instructional materials for use in college preparatory courses under Section 28.014, as provided by Section 31.031;

(F) supplemental instructional materials, as provided by Section 31.035;

(G) state-developed open education resource instructional materials, as provided by Subchapter B-1;

(H) instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;

(I) technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; [~~and~~]

(J) inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials; and

(K) services, equipment, and technology infrastructure necessary to ensure Internet connectivity and adequate bandwidth; and

(2) pay:

(A) for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; [~~and~~]

(B) for training personnel in the electronic administration of assessment instruments; and

(C) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

(d) Each biennium the commissioner shall assess the technology needs for all school districts and provide an estimate of the cost for these resources to the State Board of Education [~~a school district shall use the district's allotment under this section to purchase, in the following order:~~

[~~(1) instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Section 28.002; and~~

[~~(2) any other instructional materials or technological equipment as determined by the district~~].

(d-1) In purchasing technological equipment, a school district shall:

(1) secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

(2) consider:

(A) the long-term cost of ownership; and

(B) flexibility for innovation.

SECTION 2. Section 31.022, Education Code, is amended by amending Subsection (g) and adding Subsection (i) to read as follows:

(g) In determining the disbursement of money to the available school fund and the amount of that disbursement that will be used, in accordance with Section 43.001(d), to fund the instructional materials and technology allotment under Section 31.0211, the board must consider the cost of all district technology requirements, as estimated by the commissioner under Section 31.0211(d), and instructional materials for that state fiscal biennium. [~~In reviewing and adopting instructional materials, the board shall consider a school district's need for technology as well as instructional materials and in any biennium may limit the adoption of instructional materials to provide sufficient resources to purchase technology resources, including digital curriculum.~~]

(i) For any state fiscal biennium, the total projected cost of instructional materials under requests for production issued by the board may not exceed 75 percent of the total amount used to fund the instructional materials and technology allotment under Section 31.0211 for that biennium.

SECTION 3. Subchapter B, Chapter 32, Education Code, is amended by adding Section 32.037 to read as follows:

Sec. 32.037. GRANT PROGRAM FOR TRANSITION TO ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) The commissioner may establish a matching grant program to ensure that all school districts and open-enrollment charter schools have the necessary infrastructure to administer assessment instruments electronically in accordance with the transition plan developed under Section 39.02341.

(b) In establishing the grant program, the commissioner may:

(1) set eligibility criteria to receive a matching grant under the program; and

(2) contract with developers of technology as necessary to ensure the most efficient and cost-effective implementation of Internet connectivity infrastructure for electronic administration of assessment instruments.

(c) In awarding grants under the grant program, the commissioner:

(1) shall prioritize applicants seeking funding for one-time investments in broadband network infrastructure; and

(2) if funds are available after grants are awarded to each eligible applicant described by Subdivision (1), may award grants to applicants seeking funding for annual bandwidth and personnel costs associated with electronic administration of assessment instruments.

(d) This section expires September 1, 2025.

SECTION 4. Sections 39.023(c-3), (c-8), and (o), Education Code, are amended to read as follows:

(c-3) Except as provided by Subsection (c-7) or as otherwise provided by this subsection, in adopting a schedule for the administration of assessment instruments under this section, the State Board of Education shall ensure that

assessment instruments administered under Subsection (a) or (c) are not administered on the first instructional day of a week. On request by a school district or open-enrollment charter school, the commissioner may allow the district or school to administer an assessment instrument required under Subsection (a) or (c) on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions.

(c-8) Beginning with the 2022-2023 school year, not more than 75 percent of the available points on an assessment instrument developed under Subsection (a) or (c) may be attributable to [~~not present more than 75 percent of the~~] questions presented in a multiple choice format.

(o) The agency shall adopt or develop optional interim assessment instruments for each subject or course for each grade level subject to assessment under this section. A school district or open-enrollment charter school may not be required to administer interim assessment instruments adopted or developed under this subsection. An interim assessment instrument:

(1) must be:

(A) when possible, predictive of the assessment instrument for the applicable subject or course for that grade level required under this section; and

(B) administered electronically; and

(2) may not be used for accountability purposes.

SECTION 5. Section 39.0234, Education Code, is amended to read as follows:

Sec. 39.0234. ELECTRONIC ADMINISTRATION OF ASSESSMENT INSTRUMENTS. (a) Each [~~The agency shall ensure that~~] assessment instrument [~~instruments~~] required under Section 39.023(a), (c), or (l) must be [~~39.023 are capable of being~~] administered electronically, unless otherwise provided by commissioner rule.

(b) The agency may recommend, but may not require, that a school district make external keyboards available for student use with tablet devices for the electronic administration of an assessment instrument, including any portion of an assessment instrument that contains constructed response or essay items.

SECTION 6. Sections 39.02341(a) and (b), Education Code, are amended to read as follows:

(a) The agency, in consultation with the State Board of Education, shall develop a transition plan to administer all assessment instruments required under Sections 39.023(a), (c), and (l) [~~Section 39.023~~] electronically beginning not later than the 2022-2023 school year. The plan must:

(1) evaluate the availability of Internet access for each school district in this state;

(2) identify changes to state law or policy necessary to improve the availability of Internet access described by Subdivision (1);

(3) evaluate the state's experience with administering online assessment instruments, including the occurrence or effects of power outages or other types of disruptions of Internet service, and actions taken by the state to mitigate the occurrence and effect of those disruptions; and

(4) identify and evaluate actions taken by the state to improve the administration of online assessment instruments.

(b) The agency shall implement the transition plan beginning on September 1, 2021. [~~In order to ensure legislative approval of the transition plan, this subsection expires August 31, 2021.~~]

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

(b) Section 39.0234, Education Code, as amended by this Act, applies beginning with the 2023-2024 school year.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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

Amend **CSHB 3261** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 31.022(i), Education Code (page 2, line 51), strike "For any state fiscal biennium" and substitute "During any state fiscal biennium beginning on or after September 1, 2023".

(2) In SECTION 7(b) of the bill (page 4, line 14), strike "2023-2024" and substitute "2022-2023".

HB 692 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 692, A bill to be entitled An Act relating to retainage requirements for certain public works construction projects.

Representative Shine moved to concur in the senate amendments to **HB 692**.

The motion to concur in the senate amendments to **HB 692** prevailed by (Record 1580): 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; 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; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose;

Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Pacheco; Walle.

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

Amend **HB 692** (senate committee printing) in SECTION 3 of the bill, in added Section 2252.032(i), Government Code (page 3, line 12), between "Board" and the underlined period, by inserting, "or to a governmental entity that is a wholesale water supplier that supplies water to customers in 10 or more counties and is governed by Chapter 49, Water Code".

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

Amend **HB 692** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Section 2252.033, Government Code, is amended to read as follows:

Sec. 2252.033. EXEMPTIONS. This subchapter does not apply to:

(1) a public works contract executed before August 31, 1981;

(2) a public works contract in which the total contract price estimate at the time of execution of the contract is less than $400,000; or

(3) a public works contract made by the Texas Department of Transportation under [~~Subchapter A,~~] Chapter 223, Transportation Code.

HB 2924 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2924, A bill to be entitled An Act relating to certain grounds for the involuntary termination of the parent-child relationship.

Representative Dutton moved to concur in the senate amendments to **HB 2924**.

The motion to concur in the senate amendments to **HB 2924** prevailed by (Record 1581): 126 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.;

Kacal; King, K.; 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; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Wu; Zwiener.

Nays — Biedermann; Burrows; Cain; Cook; Cyrier; Hefner; King, P.; Krause; Metcalf; Patterson; Schaefer; Shaheen; Slaton; Slawson; Smith; Tinderholt; Vasut; White; Wilson.

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

Absent, Excused — Coleman.

Absent — Parker; Walle.

STATEMENT OF VOTE

When Record No. 1581 was taken, I was shown voting yes. I intended to vote no.

C. Bell

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

Amend **HB 2924** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 22, through page 3, line 51).

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

SECTION ____. Section 161.001, Family Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The court may not order termination under Subsection (b)(1)(M) unless the petition for the termination of the parent-child relationship is filed not later than the first anniversary of the date the department or an equivalent agency in another state was granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the parent's conduct violated Subsection (b)(1)(D) or (E) or substantially equivalent provisions of the law of another state.

SECTION ____. Section 262.2015(b), Family Code, is amended to read as follows:

(b) The court may find under Subsection (a) that a parent has subjected the child to aggravated circumstances if:

(1) the parent abandoned the child without identification or a means for identifying the child;

(2) the child or another child of the parent is a victim of serious bodily injury or sexual abuse inflicted by the parent or by another person with the parent's consent;

(3) the parent has engaged in conduct against the child or another child of the parent that would constitute an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecency with a child);

(E) Section 22.011 (sexual assault);

(F) Section 22.02 (aggravated assault);

(G) Section 22.021 (aggravated sexual assault);

(H) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(I) Section 22.041 (abandoning or endangering child);

(J) Section 25.02 (prohibited sexual conduct);

(K) Section 43.25 (sexual performance by a child);

(L) Section 43.26 (possession or promotion of child pornography);

(M) Section 21.02 (continuous sexual abuse of young child or children);

(N) Section 43.05(a)(2) (compelling prostitution); or

(O) Section 20A.02(a)(7) or (8) (trafficking of persons);

(4) the parent voluntarily left the child alone or in the possession of another person not the parent of the child for at least six months without expressing an intent to return and without providing adequate support for the child;

(5) [~~the parent's parental rights with regard to another child have been involuntarily terminated based on a finding that the parent's conduct violated Section 161.001(b)(1)(D) or (E) or a substantially equivalent provision of another state's law;~~

[~~(6)~~] the parent has been convicted for:

(A) the murder of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1111(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(B) the voluntary manslaughter of another child of the parent and the offense would have been an offense under 18 U.S.C. Section 1112(a) if the offense had occurred in the special maritime or territorial jurisdiction of the United States;

(C) aiding or abetting, attempting, conspiring, or soliciting an offense under Paragraph (A) or (B); or

(D) the felony assault of the child or another child of the parent that resulted in serious bodily injury to the child or another child of the parent; or

(6) [~~(7) the parent's parental rights with regard to another child of the parent have been involuntarily terminated; or~~

[~~(8)~~] the parent is required under any state or federal law to register with a sex offender registry.

HB 2593 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2593, A bill to be entitled An Act relating to the criminal penalties for the possession of certain tetrahydrocannabinols under the Texas Controlled Substances Act.

Representative Moody 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 2593**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2593**: Moody, chair; Biedermann, Dutton, Krause, and Slaton.

HB 3379 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3379, A bill to be entitled An Act relating to the duty to report child abuse and neglect.

Representative Leman moved to concur in the senate amendments to **HB 3379**.

The motion to concur in the senate amendments to **HB 3379** prevailed by (Record 1582): 134 Yeas, 9 Nays, 2 Present, not voting.

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

Nays — Anchia; Cole; Collier; Crockett; González, J.; González, M.; Morales Shaw; Schofield; Sherman.

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

Absent, Excused — Coleman.

Absent — Allen; Fierro; Johnson, A.; Walle.

STATEMENTS OF VOTE

When Record No. 1582 was taken, I was in the house but away from my desk. I would have voted no.

Allen

When Record No. 1582 was taken, I was shown voting no. I intended to vote yes.

Schofield

Senate Committee Substitute

CSHB 3379, A bill to be entitled An Act relating to the duty to report child abuse and neglect.

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

SECTION 1. Sections 261.101(a), (b), and (b-1), Family Code, are amended to read as follows:

(a) A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

(b) If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe [~~suspects~~] that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

(b-1) In addition to the duty to make a report under Subsection (a) or (b), a person or professional shall make a report in the manner required by Subsection (a) or (b), as applicable, if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

(1) another child; or

(2) an elderly person or person with a disability as defined by Section 48.002, Human Resources Code.

SECTION 2. The changes in law made by this Act apply only to a report of suspected abuse or neglect of a child that is made on or after the effective date of this Act. A report of suspected abuse or neglect that is made before that date is governed by the law in effect on the date the report was made, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.

HB 2896 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2896, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

Representative Bonnen moved to concur in the senate amendments to **HB 2896**.

The motion to concur in the senate amendments to **HB 2896** prevailed by (Record 1583): 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Middleton; Walle.

STATEMENT OF VOTE

When Record No. 1583 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

Senate Committee Substitute

CSHB 2896, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

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

SECTION 1. DEFINITION. In any provision of this Act that does not amend current law, "state agency" means an office, institution, or other agency that is in the executive or judicial branch of state government, has authority that is not limited to a geographical portion of the state, and was created by the constitution or a statute of this state. The term does not include an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created by an Act of the 87th Legislature, Regular Session, 2021, that becomes law and all dedications or rededications of revenue collected by a state agency for a particular purpose by an Act of the 87th Legislature, Regular Session, 2021, that becomes law are abolished on the later of August 31, 2021, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND ACCOUNTS. Section 2 of this Act does not apply to:

(1) statutory dedications, funds, and accounts that were enacted before the 87th Legislature convened to comply with requirements of state constitutional or federal law;

(2) dedications, funds, or accounts that remained exempt from former Section 403.094(h), Government Code, at the time dedications, accounts, and funds were abolished under that provision;

(3) increases in fees or other revenue dedicated as described by this section; or

(4) increases in fees or other revenue required to be deposited in a fund or account described by this section.

SECTION 4. FEDERAL FUNDS. Section 2 of this Act does not apply to funds created under an Act of the 87th Legislature, Regular Session, 2021, for which separate accounting is required by federal law, except that the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

SECTION 5. TRUST FUNDS. Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 87th Legislature, Regular Session, 2021, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

SECTION 6. BOND FUNDS. Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 87th Legislature, Regular Session, 2021, except that the funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

SECTION 7. CONSTITUTIONAL DEDICATIONS, FUNDS, AND ACCOUNTS. Section 2 of this Act does not apply to funds or accounts that would be created or re-created by the Texas Constitution or revenue that would be dedicated or rededicated by the Texas Constitution under a constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, or to dedicated revenue deposited to funds or accounts that would be so created or re-created, if the constitutional amendment is approved by the voters.

SECTION 8. ADDITIONAL USES FOR DEDICATED FUNDS OR ACCOUNTS. Section 2 of this Act does not apply to a newly authorized use of money in a dedicated fund or dedicated account as provided by an Act of the 87th Legislature, Regular Session, 2021, to the extent:

(1) the fund or account was exempted from abolition by an Act of the legislature that became law before January 1, 2021; and

(2) the newly authorized use is within the scope of the original dedication of the fund or account.

SECTION 9. ACCOUNTS IN GENERAL REVENUE FUND. Effective on the later of the effective date of the Act creating or re-creating the specified account or August 31, 2021, the following accounts, the revenue deposited to the credit of those accounts, and the revenue dedicated for deposit to the credit of those accounts, are exempt from Section 2 of this Act and the accounts are created or re-created in the general revenue fund, if created or re-created by an Act of the 87th Legislature, Regular Session, 2021, that becomes law:

(1) the broadband development account created as an account in the general revenue fund by **HB 5** or similar legislation;

(2) the Brain Institute of Texas research fund created as an account in the general revenue fund by **HB 15** or similar legislation;

(3) an account created in the general revenue fund by **HB 211** or similar legislation;

(4) the rural veterinarian incentive program account created as an account in the general revenue fund by **HB 1259** or similar legislation;

(5) the barbering and cosmetology school tuition protection account created by **HB 1560** or similar legislation;

(6) the micro-business recovery fund created as an account in the general revenue fund by **HB 3271** or similar legislation;

(7) the consumable hemp products account created as an account in the general revenue fund by **HB 3948** or similar legislation;

(8) the Texas youth livestock show fund created as an account in the general revenue fund by **HB 3959** or similar legislation;

(9) the Texas music incubator account created as an account in the general revenue fund by **SB 609** or similar legislation;

(10) the Breeders' Cup Developmental Account created as an account in the general revenue fund by **SB 704** or similar legislation;

(11) the Bulk Storage Vessel Performance Standards Program Account created by **SB 900** or similar legislation;

(12) an account created in the general revenue fund by **SB 1137** or similar legislation;

(13) the micro-business disaster recovery fund created as an account in the general revenue fund by **SB 1465** or similar legislation; and

(14) the opioid abatement account created as an account in the general revenue fund by **SB 1827** or similar legislation.

SECTION 10. SEPARATE FUNDS. Effective on the later of the effective date of the Act creating or re-creating the specified fund or August 31, 2021, the following funds, if created or re-created by an Act of the 87th Legislature, Regular Session, 2021, the revenue deposited to the funds, and the revenue dedicated for deposit to the funds, are exempt from Section 2 of this Act, and the funds are created or re-created as separate funds inside or outside the state treasury, as specified by the Act creating or re-creating the fund:

(1) the broadband pole replacement fund created as a fund in the state treasury by **HB 1505** or similar legislation;

(2) the state utilities reliability fund created as a special fund in the state treasury by **HB 2000** or similar legislation;

(3) the state utilities reliability revenue fund created as a special fund in the state treasury by **HB 2000** or similar legislation;

(4) the critical infrastructure resiliency fund created as a special fund in the state treasury by **HB 2275** or similar legislation;

(5) the disaster response loan fund created as a fund outside the state treasury by **HB 2812** or similar legislation;

(6) the open burn pit registry fund created as a special fund in the state treasury by **HB 3953**, **HB 3957**, or similar legislation;

(7) the technology improvement and modernization fund created as a special fund in the state treasury by **HB 4018** or similar legislation;

(8) the broadband development fund created as a special fund in the state treasury by **SB 5** or similar legislation;

(9) the small business disaster recovery revolving fund created as a special fund outside the state treasury by **SB 678** or similar legislation;

(10) the horse industry escrow account created as a trust account outside the state treasury by **SB 704** or similar legislation;

(11) the Texas small and rural community success fund created as a trust fund outside the state treasury by **SB 1465** or similar legislation; and

(12) the opioid abatement trust fund created as a trust fund outside the state treasury by **SB 1827** or similar legislation.

SECTION 11. REVENUE DEDICATIONS. Effective on the later of the effective date of the Act dedicating or rededicating the specified revenue or August 31, 2021, the following dedications or rededications of revenue collected for a particular purpose are exempt from Section 2 of this Act, if dedicated or rededicated by an Act of the 87th Legislature, Regular Session, 2021:

(1) the dedication of grants and donations to the state highway fund provided by **HB 1075** or similar legislation;

(2) the dedication of certain tax revenue to the specialty court account provided by **HB 1256** or similar legislation;

(3) the dedication of funds to the anthropogenic carbon dioxide storage trust fund provided by **HB 1284** or similar legislation;

(4) the dedication of revenue from the fee established by **HB 1631** or similar legislation to the game, fish, and water safety account;

(5) the dedication of municipal sales and use tax revenue provided by **HB 1900** or similar legislation;

(6) the dedication of revenue provided by **HB 1904** or similar legislation;

(7) the dedication of revenue to the state highway fund provided by **HB 2577** or similar legislation;

(8) the dedication of revenue to the designated trauma facility and emergency medical services account provided by **HB 3514** or similar legislation;

(9) the dedication of revenue to the Motor Vehicle Crime Prevention Authority provided by **HB 3514** or similar legislation;

(10) the dedication of revenue to the oil and gas regulation and cleanup fund provided by **HB 3973** or similar legislation;

(11) the dedication of revenue to the State Securities Board provided by **HB 4131** or similar legislation;

(12) the dedication of revenue provided by **HB 4472** or similar legislation;

(13) the dedication of revenue provided by **SB 41** or similar legislation;

(14) the dedication of revenue to the Texas mobility fund provided by **SB 181** or similar legislation;

(15) the dedication of grants and donations to the state highway fund provided by **SB 633** or similar legislation;

(16) the dedication of revenue provided by **SB 1263** or similar legislation;

(17) the dedication of revenue to the state highway fund provided by **SB 1728** or similar legislation;

(18) the dedication of revenue from penalties imposed under **SB 2038** or similar legislation to the freestanding emergency medical care facility licensing fund; and

(19) the dedication of tax revenue provided by **SB 2089** or similar legislation.

SECTION 12. REALLOCATION OF INTEREST ACCRUED ON CERTAIN DEDICATED REVENUE. (a) This section applies only to an account in the general revenue fund:

(1) any part of which Section 403.095, Government Code, makes available for certification under Section 403.121, Government Code; and

(2) that is created or re-created by an Act of the 87th Legislature, Regular Session, 2021.

(b) Except as provided by this Act, all interest and other earnings that accrue on all revenue held in an account in the general revenue fund are available for any general governmental purpose.

(c) Except as provided by this Act, the comptroller shall deposit all interest and other earnings that accrue on all revenue held in an account in the general revenue fund to the credit of the general revenue fund.

SECTION 13. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE. Effective September 1, 2021, Sections 403.095(b), (d), and (f), Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that on August 31, 2023 [~~2021~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 87th [~~86th~~] Legislature are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 87th [~~86th~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

(1) funds outside the treasury;

(2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;

(3) funds created by the constitution or a court; or

(4) funds for which separate accounting is required by federal law.

(f) This section expires September 1, 2023 [~~2021~~].

SECTION 14. AMENDMENT OF SECTION 504.6012, TRANSPORTATION CODE. Effective September 1, 2021, Section 504.6012, Transportation Code, is amended to read as follows:

Sec. 504.6012. ELIMINATION OF DEDICATED REVENUE ACCOUNTS; REVENUES IN TRUST. (a) Notwithstanding any other law, not later than September 30, 2021 [~~2019~~], the comptroller shall eliminate all dedicated accounts established for specialty license plates and shall set aside the balances of those dedicated accounts so that the balances may be appropriated only for the purposes intended as provided by the dedications.

(b) On and after September 1, 2021 [~~2019~~], the portion of a fee payable that is designated for deposit to a dedicated account shall be paid instead to the credit of an account in a trust fund created by the comptroller outside the general revenue fund. The comptroller shall administer the trust fund and accounts and may allocate the corpus and earnings on each account only in accordance with the dedications of the revenue deposited to the trust fund accounts.

SECTION 15. EFFECT OF ACT. (a) This Act prevails over any other Act of the 87th Legislature, Regular Session, 2021, regardless of the relative dates of enactment, that purports to create or re-create a special fund or account or to dedicate or rededicate revenue to a particular purpose, including any fund, account, or revenue dedication abolished under former Section 403.094, Government Code.

(b) An exemption from the application of Section 403.095, Government Code, contained in another Act of the 87th Legislature, Regular Session, 2021, that is exempted from the application of Section 2 of this Act has no effect.

(c) Revenue that, under the terms of another Act of the 87th Legislature, Regular Session, 2021, would be deposited to the credit of a special account or fund shall be deposited to the credit of the undedicated portion of the general revenue fund unless the fund, account, or dedication is exempted under this Act.

(d) This Act prevails over any other Act of the 87th Legislature, Regular Session, 2021, regardless of the relative dates of enactment, that purports to allocate interest or other earnings that accrue on revenue held in an account in the general revenue fund any part of which Section 403.095, Government Code, makes available for certification under Section 403.121, Government Code.

SECTION 16. EFFECTIVE DATE. Except as otherwise provided by this Act:

(1) this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; and

(2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

HB 4667 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4667, A bill to be entitled An Act relating to the transfer of certain state property from the Department of Public Safety to the City of Eagle Pass.

Representative E. Morales moved to concur in the senate amendments to **HB 4667**.

The motion to concur in the senate amendments to **HB 4667** prevailed by (Record 1584): 123 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; 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; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; 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; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Sanford; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Bell, C.; Cain; Hefner; Holland; Krause; Middleton; Noble; Patterson; Schaefer; Schofield; Shaheen; Slaton; Slawson; Stucky; Swanson; Tinderholt; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Dean; Longoria; Rose; Rosenthal; Toth; Walle.

STATEMENTS OF VOTE

When Record No. 1584 was taken, I was in the house but away from my desk. I would have voted no.

Dean

When Record No. 1584 was taken, I was shown voting yes. I intended to vote no.

Hull

When Record No. 1584 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

Senate Committee Substitute

CSHB 4667, A bill to be entitled An Act relating to the transfer of certain state property from the Department of Public Safety to the City of Eagle Pass.

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

SECTION 1. (a) As soon as practicable, the Public Safety Commission shall transfer to the City of Eagle Pass the real property interests of the State of Texas and the Department of Public Safety in the tract of land described by Subsection (f) of this section. The City of Eagle Pass shall enter into an interlocal agreement with Maverick County that grants the county non-exclusive, mutual use of that tract of land for a purpose that benefits the public interest of the state and for a term of not less than 25 years.

(b) The City of Eagle Pass and Maverick County may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the City of Eagle Pass uses the property for any purpose other than a purpose described by this subsection, ownership of the property automatically reverts to the State of Texas. If Maverick County uses the property for any purpose other than a purpose described by this subsection, the interlocal agreement described by Subsection (a) of this section is void.

(c) The Public Safety Commission shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

(1) provide that:

(A) the City of Eagle Pass may use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the State of Texas if the City of Eagle Pass uses the property for any purpose other than a purpose described by Paragraph (A) of this subdivision; and

(2) describe the property to be transferred by metes and bounds.

(d) The Public Safety Commission shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Maverick County.

(e) Sections 31.158 and 31.159, Natural Resources Code, do not apply to the transfer of real property authorized by this Act.

(f) The tract of land referred to in this section is described as follows:

A 5.0 acre tract of land out of F. & J. Byrne Survey No. 6, Abstract No. A1110 in Maverick County, Texas, and located at 32 Foster Maldonado Boulevard, Eagle Pass, Texas.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 4663 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4663, A bill to be entitled An Act relating to the powers of the Hidalgo County Drainage District Number 1; authorizing the issuance of bonds.

Representative Martinez moved to concur in the senate amendments to **HB 4663**.

The motion to concur in the senate amendments to **HB 4663** prevailed by (Record 1585): 98 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Bowers; Bucy; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; 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, T.; Krause; Kuempel; Lambert; Larson; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sherman; Spiller; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Cason; Cyrier; Darby; Dean; Ellzey; Gates; Goldman; Hefner; Holland; Hull; King, P.; Klick; Landgraf; Leach; Metcalf; Middleton; Murr; Noble; Patterson; Rogers; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stephenson; Swanson; Tinderholt; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman.

Absent — Biedermann; Canales; Longoria; Parker; Walle.

STATEMENTS OF VOTE

When Record No. 1585 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1585 was taken, I was in the house but away from my desk. I would have voted no.

Biedermann

When Record No. 1585 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 1585 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1585 was taken, my vote failed to register. I would have voted no.

Parker

Senate Committee Substitute

CSHB 4663, A bill to be entitled An Act relating to the powers of the Hidalgo County Drainage District Number 1; authorizing the issuance of bonds.

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

SECTION 1. In this Act, "district" means the Hidalgo County Drainage District Number 1.

SECTION 2. (a) District revenue bonds may be secured as described by a board resolution by a pledge of:

(1) all or part of the district's gross revenue, other than taxation, minus the amount necessary to pay the cost of maintaining and operating the district and its property;

(2) the net revenue of a contract made at any time; or

(3) other revenue specified by board resolution.

(b) The pledge may reserve the right to issue additional bonds on a parity with or subordinate to the bonds being issued, subject to conditions specified by the pledge.

(c) District revenue bonds not payable wholly or partly from ad valorem taxes may be issued without an election.

SECTION 3. (a) The district may sell reclaimed water at wholesale and sell reclaimed water on a retail basis to the extent that the sale does not conflict with a certificate of convenience and necessity.

(b) The district may enter into public-private partnership agreements to fund infrastructure improvements needed to sell reclaimed water to consumers.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HR 1868 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1868**, suspending the limitations on the conferees for **HB 5**.

HB 619 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 619, A bill to be entitled An Act relating to developing a strategic plan to support the child-care workforce.

Representative S. Thompson moved to concur in the senate amendments to **HB 619**.

The motion to concur in the senate amendments to **HB 619** prevailed by (Record 1586): 95 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bernal; Bowers; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; 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; Lambert; 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; Parker; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Stucky; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Cain; Capriglione; Cason; Cyrier; Dean; Ellzey; Frank; Gates; Goldman; Hefner; Holland; Hull; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Paul; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Smith; Smithee; Spiller; Stephenson; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Anchia; Slawson; Thierry; Walle; White.

STATEMENT OF VOTE

When Record No. 1586 was taken, my vote failed to register. I would have voted no.

White

Senate Committee Substitute

CSHB 619, A bill to be entitled An Act relating to developing a strategic plan to support the child-care workforce.

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

SECTION 1. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.0062 to read as follows:

Sec. 302.0062. STRATEGIC PLAN TO SUPPORT CHILD-CARE WORKFORCE. (a) The commission shall prepare a strategic plan for improving the quality of the infant, toddler, preschool, and school-age child-care workforce in this state. The strategic plan must include:

(1) recommendations for local workforce development boards to improve, sustain, and support the child-care workforce;

(2) recommendations for increasing compensation for and reducing turnover of child-care workers;

(3) recommendations for eliminating pay disparities in the child-care workforce;

(4) recommendations for increasing paid opportunities for professional development and education for child-care workers, including apprenticeships;

(5) best practices from local workforce development boards in this state and other programs designed to support child-care workers;

(6) recommendations for increasing participation in the Texas Early Childhood Professional Development System;

(7) recommendations for public and private institutions of higher education to:

(A) increase the use of articulation agreements with school districts and open-enrollment charter schools; and

(B) assist in the education and training of child-care workers;

(8) specific recommendations for improving the infant and toddler child-care workforce; and

(9) a timeline and benchmarks for the commission and local workforce development boards to implement recommendations from the strategic plan.

(b) The commission shall convene a workgroup to assist the commission in developing the plan. The workgroup shall include:

(1) child-care providers;

(2) community stakeholders; and

(3) child-care workers.

(c) The commission shall use the following information in creating the plan:

(1) demographic data of child-care workers in this state, including:

(A) the race, ethnicity, gender, and educational attainment of child-care workers; and

(B) the ages of the children the worker serves;

(2) compensation data for child-care workers disaggregated by race, ethnicity, gender, and educational attainment;

(3) the information described by Subdivisions (1) and (2) for a representative sample set of child-care facilities in the state; and

(4) information provided by the workgroup established under Subsection (b).

(d) The commission shall provide the strategic plan prepared under this section to the governor, the lieutenant governor, and the speaker of the house of representatives.

(e) The commission shall update the strategic plan prepared under this section every three years.

SECTION 2. Not later than December 31, 2022, the Texas Workforce Commission shall make the strategic plan required by Section 302.0062, Labor Code, as added by this Act, available to the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 3. This Act takes effect September 1, 2021.

HB 1698 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

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

Representative Raney moved to concur in the senate amendments to **HB 1698**.

The motion to concur in the senate amendments to **HB 1698** prevailed by (Record 1587): 95 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bowers; Bucy; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; 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; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Cook; Cyrier; Dean; Ellzey; Frank; Gates; Goldman; Hefner; Holland; Hull; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Coleman.

Absent — Morrison; Parker; Rogers; Walle.

STATEMENTS OF VOTE

When Record No. 1587 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 1587 was taken, I was shown voting yes. I intended to vote no.

Herrero

When Record No. 1587 was taken, I was shown voting no. I intended to vote yes.

Leman

When Record No. 1587 was taken, my vote failed to register. I would have voted no.

Parker

When Record No. 1587 was taken, my vote failed to register. I would have voted yes.

Rogers

Senate Committee Substitute

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

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

SECTION 1. Sections 502.402(a) and (b), Transportation Code, are amended to read as follows:

(a) This section applies only to:

(1) a county that:

(A) borders the United Mexican States; and

(B) has a population of more than 250,000; [~~and~~]

(2) a county that has a population of more than 1.5 million that is coterminous with a regional mobility authority; and

(3) a county that has a population of more than 190,000 and not more than 1.5 million that is coterminous with a regional mobility authority.

(b) The commissioners court of a county by order may impose an additional fee for a vehicle registered in the county. Except as provided by Subsection (b-1), the fee may not exceed $10. In a county described by Subsection (a)(3), the fee must be approved by a majority of the qualified voters of the county voting on the issue at a referendum election, which the commissioners court may order and hold for that purpose.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2365 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2365, A bill to be entitled An Act relating to the participation and reimbursement of certain military medical treatment facilities and affiliated health care providers under Medicaid.

Representative Lopez moved to concur in the senate amendments to **HB 2365**.

The motion to concur in the senate amendments to **HB 2365** prevailed by (Record 1588): 91 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bernal; Bowers; Bucy; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; White; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cook; Craddick; Cyrier; Darby; Dean; Goldman; Harless; Hefner; Holland; Hull; King, K.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Anderson; Walle.

STATEMENTS OF VOTE

When Record No. 1588 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 1588 was taken, I was shown voting no. I intended to vote yes.

Hull

When Record No. 1588 was taken, I was shown voting yes. I intended to vote no.

Leman

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

Amend **HB 2365** (senate committee printing) in SECTION 1 of the bill by striking added Section 32.0275(d), Human Resources Code (page 1, lines 42 through 47).

HB 1423 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1423, A bill to be entitled An Act relating to the regulation and inspection procedures of certain long-term care facilities, including a survey of certain facilities' emergency power sources.

Representative Campos moved to concur in the senate amendments to **HB 1423**.

The motion to concur in the senate amendments to **HB 1423** prevailed by (Record 1589): 84 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Bailes; Beckley; Bernal; Bowers; Bucy; Button; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Hull; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Klick; Kuempel; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; White; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Gates; Goldman; Harless; Hefner; Holland; Jetton; King, K.; King, P.; Krause; Lambert; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Paul; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Anderson; Clardy; Herrero; Huberty; Morales, C.; Walle.

STATEMENTS OF VOTE

When Record No. 1589 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 1589 was taken, I was in the house but away from my desk. I would have voted yes.

C. Morales

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

Amend **HB 1423** (senate committee printing) in SECTION 4 of the bill, in the nonamendatory language, by striking added Subsection (b) (page 2, lines 25 through 28) and substituting the following:

(b) The Health and Human Services Commission shall break down the results of the survey conducted under Subsection (a) based on:

(1) the type of facility;

(2) the size of the facility; and

(3) the geographic location of the facility.

(c) Not later than September 1, 2022, the Health and Human Services Commission shall submit the results of the survey conducted under Subsection (a) of this section to the members of the House Human Services Committee and the Senate Health and Human Services Committee, or the successor of those committees.

HB 3927 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3927, A bill to be entitled An Act relating to the issuance and use of certain temporary motor vehicle tags and the classification of temporary motor vehicle tags as governmental records for purposes of certain criminal offenses.

Representative Hefner moved to concur in the senate amendments to **HB 3927**.

The motion to concur in the senate amendments to **HB 3927** prevailed by (Record 1590): 125 Yeas, 16 Nays, 4 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harless; 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; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Anchia; Biedermann; Cain; Cason; Cook; Cyrier; Guerra; Muñoz; Romero; Schaefer; Shaheen; Slaton; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Meza; Talarico; Walle.

STATEMENTS OF VOTE

When Record No. 1590 was taken, I was shown voting present, not voting. I intended to vote yes.

Capriglione

When Record No. 1590 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 1590 was taken, I was shown voting present, not voting. I intended to vote yes.

Ramos

Senate Committee Substitute

CSHB 3927, A bill to be entitled An Act relating to certain temporary motor vehicle tags.

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

SECTION 1. Sections 503.0626(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall develop, manage, and maintain a secure, real-time database of information on vehicles to which dealers and converters have affixed temporary tags. [~~The database shall be managed by the vehicle titles and registration division of the department.~~]

(c) Before a dealer's or converter's temporary tag may be displayed on a vehicle, the dealer or converter must enter into the database through the Internet information on the vehicle and information about the dealer or converter as prescribed by the department. Except as provided by Section 506.0632(g), the [~~The~~] department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code, or to any converter licensed under Chapter 2301, Occupations Code.

SECTION 2. Section 503.063, Transportation Code, is amended by adding Subsection (i) to read as follows:

(i) A vehicle may be issued and display a buyer's tag without satisfying the inspection requirements of Chapter 548 if:

(1) the buyer of the vehicle is not a resident of this state; and

(2) the vehicle:

(A) at the time of purchase, is not located or required to be titled or registered in this state;

(B) will be titled and registered in accordance with the laws of the buyer's state of residence; and

(C) will be inspected in accordance with the laws of the buyer's state of residence, if the laws of that state require inspection.

SECTION 3. Sections 503.0631(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall develop, manage, and maintain a secure, real-time database of information on persons to whom temporary buyer's tags are issued that may be used by a law enforcement agency in the same manner that the agency uses vehicle registration information. [~~The database shall be managed by the vehicle titles and registration division of the department.~~]

(c) Except as provided by Subsection (d), before a buyer's temporary tag may be displayed on a vehicle, a dealer must enter into the database through the Internet information about the buyer of the vehicle for which the tag was issued as prescribed by the department and generate a vehicle-specific number for the tag as required by Section 503.063(e). Except as provided by Section 506.0632(g), the [~~The~~] department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code.

SECTION 4. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0632 to read as follows:

Sec. 503.0632. DEPARTMENT REGULATION OF TEMPORARY TAGS AND ACCESS TO TEMPORARY TAG DATABASES. (a) The department by rule may establish the maximum number of temporary tags that a dealer or converter may obtain in a calendar year under Section 503.062, 503.0625, or 503.063.

(b) The maximum number of temporary tags that the department determines a dealer or converter may obtain under this section must be based on the dealer's or converter's anticipated need for temporary tags, taking into consideration:

(1) the dealer's or converter's:

(A) time in operation;

(B) sales data; and

(C) expected growth;

(2) expected changes in the dealer's or converter's market;

(3) temporary conditions that may affect sales by the dealer or converter; and

(4) any other information the department considers relevant.

(c) At the request of a dealer or converter, the department may authorize additional temporary tags of any type for the dealer or converter if the dealer or converter demonstrates a need for additional temporary tags resulting from business operations, including anticipated need.

(d) The department's denial of a request under Subsection (c) may be overturned if a dealer or converter shows by a preponderance of the evidence the need for additional temporary tags.

(e) The department:

(1) shall monitor in real time the number of temporary tags obtained by a dealer or converter; and

(2) if a dealer or converter obtains temporary tags in excess of the number established by the department under Subsection (a), shall immediately:

(A) review the dealer's or converter's records; and

(B) investigate to determine the reason for the excess number of temporary tags obtained, including by consulting with the dealer or converter.

(f) If after the review and investigation under Subsection (e)(2) the department determines that a dealer or converter is not compliant with Section 503.038(a)(12), the department shall issue a cease and desist order as provided by Section 2301.802, Occupations Code.

(g) If after the review and investigation under Subsection (e)(2) the department determines by clear and convincing evidence that irreparable harm is occurring to the public and to other dealers or converters because a dealer or converter is fraudulently obtaining temporary tags from the temporary tag database, the department may, after giving notice electronically and by certified mail to the dealer or converter, deny access to a temporary tag database to the dealer or converter. A dealer or converter denied access to a temporary tag database under this subsection may request a hearing on the denial as provided by Subchapter O, Chapter 2301, Occupations Code.

SECTION 5. Sections 503.067(b) and (d), Transportation Code, are amended to read as follows:

(b) A person may not operate a vehicle that displays:

(1) a temporary tag in violation of this chapter or Chapter 502; or

(2) any other [~~an~~] unauthorized temporary tag.

(d) A person may not sell or distribute a temporary tag or an item represented to be a temporary tag unless the person is[~~:~~

[~~(1)~~] a dealer issuing the tag in connection with the sale of a vehicle[~~; or~~

[~~(2) a printer or distributor engaged in the business of selling temporary tags solely for uses authorized under this chapter~~]].

SECTION 6. 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 7. This Act takes effect September 1, 2021.

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

Amend **CSHB 3927** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 503.0626(c), Transportation Code (page 1, line 34), strike "506.0632(g)" and substitute "503.0632(f)".

(2) In the recital to SECTION 2 of the bill (page 1, line 40), strike "Subsection (i)" and substitute "Subsections (i) and (j)".

(3) In SECTION 2 of the bill, immediately following added Section 503.063(i), Transportation Code (page 1, between lines 52 and 53), insert the following:

(j) A vehicle may be issued and display a buyer's tag without satisfying the inspection requirements of Chapter 548 if the vehicle is purchased at public auction in this state and is:

(1) an antique vehicle as defined by Section 683.077(b); or

(2) a special interest vehicle as defined by Section 683.077(b) that:

(A) is at least 12 years of age; and

(B) has been the subject of a retail sale.

(4) In SECTION 3 of the bill, in amended Section 503.0631(c), Transportation Code (page 2, line 7), strike "506.0632(g)" and substitute "503.0632(f)".

(5) In SECTION 4 of the bill, strike added Sections 503.0632(e), (f), and (g), Transportation Code (page 2, lines 41-67), and substitute the following:

(e) The department shall monitor the number of temporary tags obtained by a dealer or converter.

(f) If the department determines that a dealer or converter is fraudulently obtaining temporary tags from the temporary tag database, the department may, after giving notice electronically and by certified mail to the dealer or converter, deny access to a temporary tag database to the dealer or converter. A dealer or converter denied access to a temporary tag database under this subsection may request a hearing on the denial as provided by Subchapter O, Chapter 2301, Occupations Code.

HB 2116 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2116, A bill to be entitled An Act relating to certain agreements by architects and engineers in or in connection with certain construction contracts.

Representative Krause moved to concur in the senate amendments to **HB 2116**.

The motion to concur in the senate amendments to **HB 2116** prevailed by (Record 1591): 136 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; 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; Hernandez; Herrero; Hinojosa; Holland; Howard; 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; Price; 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; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wu; Zwiener.

Nays — Hefner; Schaefer; Slaton; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Burns; Cain; Huberty; Murr; Walle.

STATEMENTS OF VOTE

When Record No. 1591 was taken, I was in the house but away from my desk. I would have voted no.

Cain

When Record No. 1591 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

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

Amend **HB 2116** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 130, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 130. LIABILITY PROVISIONS [~~INDEMNIFICATION~~] IN CERTAIN CONSTRUCTION CONTRACTS

SECTION 2. Section 130.002, Civil Practice and Remedies Code, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c) Except as provided by Subsection (d), (e), or (f), a covenant or promise in, in connection with, or collateral to a construction contract for engineering or architectural services related to an improvement to real property is void and unenforceable to the extent the covenant or promise provides that a licensed engineer or registered architect must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the owner, the owner's agent, the owner's employee, or another entity over which the owner exercises control. A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property may provide for the reimbursement of an owner's reasonable attorney's fees in proportion to the engineer's or architect's liability.

(d) Notwithstanding Subsection (c), an owner that is a party to a contract for engineering or architectural services related to an improvement to real property may require in the contract that the engineer or architect name the owner as an additional insured under any of the engineer's or architect's insurance coverage to the extent additional insureds are allowed under the policy and provide any defense to the owner provided by the policy to a named insured.

(e) Subsection (c) does not apply to a contract for services in which an owner contracts with an entity to provide both design and construction services.

(f) Subsection (c) does not apply to a covenant to defend a party, including a third party, for a claim of negligent hiring of the architect or engineer.

SECTION 3. Chapter 130, Civil Practice and Remedies Code, is amended by adding Section 130.0021 to read as follows:

Sec. 130.0021. ARCHITECT'S OR ENGINEER'S STANDARD OF CARE. (a) A construction contract for architectural or engineering services or a contract related to the construction or repair of an improvement to real property that contains architectural or engineering services as a component part must require that the architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers practicing under the same or similar circumstances and professional license.

(b) If a contract described by Subsection (a) contains a provision establishing a different standard of care than the standard described by Subsection (a):

(1) the provision is void and unenforceable; and

(2) the standard of care described by Subsection (a) applies to the performance of the architectural or engineering services.

(c) Section 130.004 does not limit the applicability of this section.

SECTION 4. Section 130.004, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 130.004. OWNER OF INTEREST IN REAL PROPERTY. (a) Except as provided by Section 130.002(b) or (c) or Section 130.0021, this chapter does not apply to an owner of an interest in real property or persons employed solely by that owner.

(b) Except as provided by Section 130.002(b) or (c) or Section 130.0021, this chapter does not prohibit or make void or unenforceable a covenant or promise to:

(1) indemnify or hold harmless an owner of an interest in real property and persons employed solely by that owner; or

(2) allocate, release, liquidate, limit, or exclude liability in connection with a construction contract between an owner or other person for whom a construction contract is being performed and a registered architect or licensed engineer.

SECTION 5. (a) Section 130.002(c), Civil Practice and Remedies Code, as added by this Act, applies only to a covenant or promise in, in connection with, or collateral to a contract entered into on or after the effective date of this Act.

(b) Sections 130.002(d) and 130.0021, Civil Practice and Remedies Code, as added by this Act, apply only to a contract entered into on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2021.

HB 4544 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4544, A bill to be entitled An Act relating to providing children committed to the Texas Juvenile Justice Department with state-issued identification on discharge or release.

Representative Swanson moved to concur in the senate amendments to **HB 4544**.

The motion to concur in the senate amendments to **HB 4544** prevailed by (Record 1592): 144 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; 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; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; 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; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Martinez Fischer; Rodriguez; Walle.

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

Amend **HB 4544** (senate committee printing) as follows:

(1) In the recital to SECTION 2 of the bill, adding Section 245.0536, Human Resources Code (page 1, line 43), strike "Section 245.0536" and substitute "Sections 245.0536 and 245.0537".

(2) In SECTION 2 of the bill, immediately after added Section 245.0536, Human Resources Code (page 2, between lines 24 and 25), insert the following:

Sec. 245.0537. PROVIDING RELEASED OR DISCHARGED CHILD WITH BIRTH CERTIFICATE AND SOCIAL SECURITY CARD. (a) In addition to complying with the requirements of Section 245.0536, before releasing a child under supervision or finally discharging a child, the department must:

(1) determine whether the child has a:

(A) certified copy of the child's birth certificate; and

(B) copy of the child's social security card; and

(2) if the child does not have a document described by Subdivision (1), submit to the appropriate entity on behalf of the child a request for the issuance of the applicable document.

(b) The department shall submit a request under Subsection (a)(2) as soon as is practicable to enable the department to receive the applicable document before the department releases or discharges the child and to provide the child with the applicable document when the department releases or discharges the child.

(c) This section does not apply to a child who:

(1) is not legally present in the United States; or

(2) was not a resident of this state before the child was placed in the custody of the department.

(3) In SECTION 4 of the bill, adding transition language (page 2, lines 31 and 32), strike "Section 245.0536, Human Resources Code, as added by this Act, applies" and substitute "Sections 245.0536 and 245.0537, Human Resources Code, as added by this Act, apply".

HB 1935 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1935, A bill to be entitled An Act relating to emergency refills of insulin and insulin-related equipment or supplies.

Representative Bucy moved to concur in the senate amendments to **HB 1935**.

The motion to concur in the senate amendments to **HB 1935** prevailed by (Record 1593): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; 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; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer;

Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu; Zwiener.

Nays — Slaton.

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

Absent, Excused — Coleman.

Absent — Bernal; Cain; Walle.

STATEMENTS OF VOTE

When Record No. 1593 was taken, I was in the house but away from my desk. I would have voted yes.

Bernal

When Record No. 1593 was taken, I was in the house but away from my desk. I would have voted yes.

Cain

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

Amend **HB 1935** (senate committee report) in SECTION 1 of the bill, in added Section 562.0541(a)(2), Occupations Code (page 1, line 31), between "meters," and "and", by inserting "continuous glucose monitor supplies".

HB 4293 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4293, A bill to be entitled An Act relating to the creation of a court reminder program for criminal defendants.

Representative Hinojosa moved to concur in the senate amendments to **HB 4293**.

The motion to concur in the senate amendments to **HB 4293** prevailed by (Record 1594): 118 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burns; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burrows; Cain; Cook; Goldman; Harless; Hefner; Krause; Metcalf; Noble; Patterson; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Middleton; Rogers; Walle; White.

STATEMENTS OF VOTE

When Record No. 1594 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1594 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1594 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1594 was taken, my vote failed to register. I would have voted yes.

Rogers

When Record No. 1594 was taken, my vote failed to register. I would have voted yes.

White

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

Amend **HB 4293** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 75.602(a), Government Code (page 2, line 7), strike "judges" and substitute "justices of the justice courts and judges".

(2) In SECTION 1 of the bill, in added Section 75.602(a), Government Code (page 2, line 8), strike "shall" and substitute "may".

(3) In SECTION 1 of the bill, in added Section 75.602(b), Government Code (page 2, line 12), between "the" and "judges", insert "justices and".

(4) In SECTION 1 of the bill, in added Section 75.603(a), Government Code (page 2, line 18), between "the" and "judges", insert "justices of the justice courts and".

(5) Strike SECTION 2 of the bill (page 2, lines 32 through 37), substitute the following appropriately numbered SECTION, and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) Not later than September 1, 2022, the Office of Court Administration of the Texas Judicial System shall develop and make available the court reminder program as required by Section 75.601, Government Code, as added by this Act.

(b) The Office of Court Administration of the Texas Judicial System is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the office may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

HB 3459 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3459, A bill to be entitled An Act relating to preauthorization requirements for certain medical and health care services and utilization review for certain health benefit plans.

HB 3459 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SPILLER: Chairman Bonnen, when a preauthorization exemption is rescinded in this bill, does that impact services that were provided before the rescission was finalized?

REPRESENTATIVE BONNEN: No, it does not. The rescission, even after being finalized, does not have a retroactive effect, and it doesn't undo an exemptions application to past services. As it is expressly stated in the bill, a health care service cannot be retroactively denied on the basis of a rescission of an exemption. A rescission of an exemption under this bill only affects health care services to be provided in the future after the rescission is finalized. After a finalized rescission of an exemption, future services would be subject to the prior authorization requirements, if any, for the particular health care service until a new exemption is granted.

SPILLER: Okay. So a rescission of an exemption does not affect the services that were already provided or the exemption related payment protections under the bill that were in place when the services were provided?

BONNEN: That is correct. It does not affect past services or exemption payment protections that were in place for those services.

Representative Bonnen moved to concur in the senate amendments to **HB 3459**.

The motion to concur in the senate amendments to **HB 3459** prevailed by (Record 1595): 140 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; 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; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wu; Zwiener.

Nays — Biedermann; Cain; Slaton; Vasut.

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

Absent, Excused — Coleman.

Absent — Fierro; Schofield; Walle.

STATEMENTS OF VOTE

When Record No. 1595 was taken, I was shown voting yes. I intended to vote no.

Cason

When Record No. 1595 was taken, I was shown voting yes. I intended to vote no.

Hull

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

Amend **HB 3459** (senate committee report) as follows:

(1) Strike SECTIONS 1 and 2 of the bill (page 1, line 30, through page 2, line 53).

(2) In SECTION 4 of the bill (page 3, lines 3 and 4) strike "The changes in law made by this Act to Chapters 843 and 1301, Insurance Code, apply" and substitute "Subchapter N, Chapter 4201, Insurance Code, as added by this Act, applies".

(3) In SECTION 4 of the bill (page 3, line 5 and lines 6 and 7) strike "medical care or" each time it appears.

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

SECTION ____. Chapter 4201, Insurance Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES

Sec. 4201.651. DEFINITIONS. (a) In this subchapter, "preauthorization" means a determination by a health maintenance organization, insurer, or person contracting with a health maintenance organization or insurer that health care services proposed to be provided to a patient are medically necessary and appropriate.

(b) In this subchapter, terms defined by Section 843.002, including "health care services," "physician," and "provider," have the meanings assigned by that section.

Sec. 4201.652. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to:

(1) a health benefit plan offered by a health maintenance organization operating under Chapter 843, except that this subchapter does not apply to:

(A) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(B) the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code;

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

(3) a person who contracts with a health maintenance organization or insurer to issue preauthorization determinations or perform the functions described in this subchapter for a health benefit plan to which this subchapter applies.

Sec. 4201.653. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. (a) A health maintenance organization or an insurer that uses a preauthorization process for health care services may not require a physician or provider to obtain preauthorization for a particular health care service if, in the most recent six-month evaluation period, as described by Subsection (b), the health maintenance organization or insurer has approved or would have approved not less than 90 percent of the preauthorization requests submitted by the physician or provider for the particular health care service.

(b) Except as provided by Subsection (c), a health maintenance organization or insurer shall evaluate whether a physician or provider qualifies for an exemption from preauthorization requirements under Subsection (a) once every six months.

(c) A health maintenance organization or insurer may continue an exemption under Subsection (a) without evaluating whether the physician or provider qualifies for the exemption under Subsection (a) for a particular evaluation period.

(d) A physician or provider is not required to request an exemption under Subsection (a) to qualify for the exemption.

Sec. 4201.654. DURATION OF PREAUTHORIZATION EXEMPTION. (a) A physician's or provider's exemption from preauthorization requirements under Section 4201.653 remains in effect until:

(1) the 30th day after the date the health maintenance organization or insurer notifies the physician or provider of the health maintenance organization's or insurer's determination to rescind the exemption under Section 4201.655, if the physician or provider does not appeal the health maintenance organization's or insurer's determination; or

(2) if the physician or provider appeals the determination, the fifth day after the date the independent review organization affirms the health maintenance organization's or insurer's determination to rescind the exemption.

(b) If a health maintenance organization or insurer does not finalize a rescission determination as specified in Subsection (a), then the physician or provider is considered to have met the criteria under Section 4201.653 to continue to qualify for the exemption.

Sec. 4201.655. DENIAL OR RESCISSION OF PREAUTHORIZATION EXEMPTION. (a) A health maintenance organization or insurer may rescind an exemption from preauthorization requirements under Section 4201.653 only:

(1) during January or June of each year;

(2) if the health maintenance organization or insurer makes a determination, on the basis of a retrospective review of a random sample of not fewer than five and no more than 20 claims submitted by the physician or provider during the most recent evaluation period described by Section 4201.653(b), that less than 90 percent of the claims for the particular health care service met the medical necessity criteria that would have been used by the health maintenance organization or insurer when conducting preauthorization review for the particular health care service during the relevant evaluation period; and

(3) if the health maintenance organization or insurer complies with other applicable requirements specified in this section, including:

(A) notifying the physician or provider not less than 25 days before the proposed rescission is to take effect; and

(B) providing with the notice under Paragraph (A):

(i) the sample information used to make the determination under Subdivision (2); and

(ii) a plain language explanation of how the physician or provider may appeal and seek an independent review of the determination.

(b) A determination made under Subsection (a)(2) must be made by an individual licensed to practice medicine in this state. For a determination made under Subsection (a)(2) with respect to a physician, the determination must be made by an individual licensed to practice medicine in this state who has the same or similar specialty as that physician.

(c) A health maintenance organization or insurer may deny an exemption from preauthorization requirements under Section 4201.653 only if:

(1) the physician or provider does not have the exemption at the time of the relevant evaluation period; and

(2) the health maintenance organization or insurer provides the physician or provider with actual statistics and data for the relevant preauthorization request evaluation period and detailed information sufficient to demonstrate that the physician or provider does not meet the criteria for an exemption from preauthorization requirements for the particular health care service under Section 4201.653.

Sec. 4201.656. INDEPENDENT REVIEW OF EXEMPTION DETERMINATION. (a) A physician or provider has a right to a review of an adverse determination regarding a preauthorization exemption be conducted by an independent review organization. A health maintenance organization or insurer may not require a physician or provider to engage in an internal appeal process before requesting a review by an independent review organization under this section.

(b) A health maintenance organization or insurer shall pay:

(1) for any appeal or independent review of an adverse determination regarding a preauthorization exemption requested under this section; and

(2) a reasonable fee determined by the Texas Medical Board for any copies of medical records or other documents requested from a physician or provider during an exemption rescission review requested under this section.

(c) An independent review organization must complete an expedited review of an adverse determination regarding a preauthorization exemption not later than the 30th day after the date a physician or provider files the request for a review under this section.

(d) A physician or provider may request that the independent review organization consider another random sample of not less than five and no more than 20 claims submitted to the health maintenance organization or insurer by the physician or provider during the relevant evaluation period for the relevant health care service as part of its review. If the physician or provider makes a request under this subsection, the independent review organization shall base its determination on the medical necessity of claims reviewed by the health maintenance organization or insurer under Section 4201.655 and reviewed under this subsection.

Sec. 4201.657. EFFECT OF APPEAL OR INDEPENDENT REVIEW DETERMINATION. (a) A health maintenance organization or insurer is bound by an appeal or independent review determination that does not affirm the determination made by the health maintenance organization or insurer to rescind a preauthorization exemption.

(b) A health maintenance organization or insurer may not retroactively deny a health care service on the basis of a rescission of an exemption, even if the health maintenance organization's or insurer's determination to rescind the preauthorization exemption is affirmed by an independent review organization.

(c) If a determination of a preauthorization exemption made by the health maintenance organization or insurer is overturned on review by an independent review organization, the health maintenance organization or insurer:

(1) may not attempt to rescind the exemption before the end of the next evaluation period that occurs; and

(2) may only rescind the exemption after if the health maintenance organization or insurer complies with Sections 4201.655 and 4201.656.

Sec. 4201.658. ELIGIBILITY FOR PREAUTHORIZATION EXEMPTION FOLLOWING FINALIZED EXEMPTION RESCISSION OR DENIAL. After a final determination or review affirming the rescission or denial of an exemption for a specific health care service under Section 4201.653, a physician or provider is eligible for consideration of an exemption for the same health care service after the six-month evaluation period that follows the evaluation period which formed the basis of the rescission or denial of an exemption.

Sec. 4201.659. EFFECT OF PREAUTHORIZATION EXEMPTION. (a) A health maintenance organization or insurer may not deny or reduce payment to a physician or provider for a health care service for which the physician or provider has qualified for an exemption from preauthorization requirements under Section 4201.653 based on medical necessity or appropriateness of care unless the physician or provider:

(1) knowingly and materially misrepresented the health care service in a request for payment submitted to the health maintenance organization or insurer with the specific intent to deceive and obtain an unlawful payment from the health maintenance organization or insurer; or

(2) failed to substantially perform the health care service.

(b) A health maintenance organization or an insurer may not conduct a retrospective review of a health care service subject to an exemption except:

(1) to determine if the physician or provider still qualifies for an exemption under this subchapter; or

(2) if the health maintenance organization or insurer has a reasonable cause to suspect a basis for denial exists under Subsection (a).

(c) For a retrospective review described by Subsection (b)(2), nothing in this subchapter may be construed to modify or otherwise affect:

(1) the requirements under or application of Section 4201.305, including any timeframes specified by that section; or

(2) any other applicable law, except to prescribe the only circumstances under which:

(A) a retrospective utilization review may occur as specified by Subsection (b)(2); or

(B) payment may be denied or reduced as specified by Subsection (a).

(d) Not later than five days after qualifying for an exemption from preauthorization requirements under Section 4201.653, a health maintenance organization or insurer must provide to a physician or provider a notice that includes:

(1) a statement that the physician or provider qualifies for an exemption from preauthorization requirements under Section 4201.653;

(2) a list of the health care services and health benefit plans to which the exemption applies; and

(3) a statement of the duration of the exemption.

(e) If a physician or provider submits a preauthorization request for a health care service for which the physician or provider qualifies for an exemption from preauthorization requirements under Section 4201.653, the health maintenance organization or insurer must promptly provide a notice to the physician or provider that includes:

(1) the information described by Subsection (d); and

(2) a notification of the health maintenance organization's or insurer's payment requirements.

(f) Nothing in this subchapter may be construed to:

(1) authorize a physician or provider to provide a health care service outside the scope of the provider's applicable license issued under Title 3, Occupations Code; or

(2) require a health maintenance organization or insurer to pay for a health care service described by Subdivision (1) that is performed in violation of the laws of this state.

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

Amend **HB 3459** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill appropriately:

SECTION ____. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.2181 to read as follows:

Sec. 1551.2181. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND HEALTH CARE PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. A preauthorization process used by a health benefit plan provided under this chapter is subject to the same limitations and requirements provided by Section 1301.1354 for a preauthorization process used by an insurer.

SECTION ____. Subchapter D, Chapter 1575, Insurance Code, is amended by adding Section 1575.1701 to read as follows:

Sec. 1575.1701. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND HEALTH CARE PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. A preauthorization process used by a health benefit plan provided under this chapter is subject to the same limitations and requirements provided by Section 1301.1354 for a preauthorization process used by an insurer.

SECTION ____. Subchapter C, Chapter 1579, Insurance Code, is amended by adding Section 1579.1061 to read as follows:

Sec. 1579.1061. EXEMPTION FROM PREAUTHORIZATION REQUIREMENTS FOR PHYSICIANS AND HEALTH CARE PROVIDERS PROVIDING CERTAIN HEALTH CARE SERVICES. A preauthorization process used by a health coverage plan provided under this chapter is subject to the same limitations and requirements provided by Section 1301.1354 for a preauthorization process used by an insurer.

REMARKS ORDERED PRINTED

Representative Spiller moved to print remarks between Representative Bonnen and Representative Spiller on **HB 3459**.

The motion prevailed.

(Speaker in the chair)

HB 1501 - WITH SENATE AMENDMENTS

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

HB 1501, A bill to be entitled An Act relating to certain regulations adopted by a governmental entity restricting the use of a natural gas or propane appliance or other system or component.

HB 1501 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of the senate amendments to **HB 1501** under Rule 11, Section 2, of the House Rules on the grounds that amendments are not germane. The point of order was sustained and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on House Bill 1501 (Senate Amendments)

Announced in the House on May 28, 2021

Representative Zweiner raises a point of order against further consideration of the Senate amendments to **HB 1501** under Rule 11, Section 2, of the House Rules on the grounds that amendments are not germane.

The House engrossed bill would enact a prohibition on governmental entities from taking actions that effectively prohibit the use of appliances or energy systems fueled by natural gas or propane in residential and commercial buildings. Among other things, the Senate amendments would prohibit governmental entities from imposing "pricing differences" in connection with permit applications. This term would include financial incentives as part of an entity's voluntary encouragement for the use of other energy sources. The Senate amendments are not germane. 87 H. Jour. 788 (2021).

Accordingly, the point of order is well-taken and sustained. The Chair directs the Chief Clerk to return the bill to the Senate for further action.

HB 1501 was returned to the senate for further action.

(Walle now present)

HB 1301 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1301, A bill to be entitled An Act relating to the services provided by a colonia self-help center.

Representative Guillen moved to concur in the senate amendments to **HB 1301**.

The motion to concur in the senate amendments to **HB 1301** prevailed by (Record 1596): 93 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Larson; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; 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; Romero; Rose; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Anderson; Ashby; Bell, C.; Biedermann; Buckley; Burns; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Frank; Harris; Hefner; King, P.; Klick; Krause; Lambert; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Parker; Patterson; Paul; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Dean; Fierro; Frullo; Johnson, A.; Kuempel; Lopez; Rosenthal; Smithee.

STATEMENTS OF VOTE

When Record No. 1596 was taken, my vote failed to register. I would have voted no.

Frullo

When Record No. 1596 was taken, I was shown voting present, not voting. I intended to vote no.

Gates

Senate Committee Substitute

CSHB 1301, A bill to be entitled An Act relating to services provided by colonia self-help centers and a study on colonias in this state.

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

SECTION 1. Sections 2306.586(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a) The purpose of a self-help center is to assist individuals and families of low income and very low income to finance, refinance, construct, improve, or maintain a safe, suitable home and otherwise improve living conditions in the colonias' designated service area or in another area the department has determined is suitable.

(b) A self-help center shall set a goal to improve the living conditions of residents in the colonias designated under Section 2306.583(b) [~~2306.583(a)(2)~~] within a two-year period after a contract is awarded under this subchapter.

(c) A self-help center may serve individuals and families of low income and very low income by:

(1) providing assistance in obtaining loans or grants to build a home;

(2) teaching construction skills necessary to repair or build a home;

(3) providing model home plans;

(4) operating a program to rent or provide tools for home construction and improvement for the benefit of property owners in colonias who are building or repairing a residence or installing necessary residential infrastructure;

(5) helping to obtain, construct, access, or improve the service and utility infrastructure designed to service residences in a colonia, including potable water, wastewater disposal, drainage, streets, and utilities;

(6) surveying or platting residential property that an individual purchased without the benefit of a legal survey, plat, or record;

(7) providing credit and debt counseling related to home purchase and finance;

(8) applying for grants and loans to provide housing and other needed community improvements;

(9) providing other services that the self-help center, with the approval of the department, determines are necessary to assist colonia residents in improving their [~~physical~~] living conditions, including help in:

(A) obtaining suitable alternative housing outside of a colonia's area; and

(B) performing the following authorized public service activities under Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.):

(i) securing employment;

(ii) establishing or expanding a small business;

(iii) developing professional skills; or

(iv) managing personal finances and achieving financial literacy;

(10) providing assistance in obtaining loans or grants to enable an individual or a family to acquire fee simple title to property that originally was purchased under a contract for a deed, contract for sale, or other executory contract; and

(11) providing monthly programs to educate individuals and families on their rights and responsibilities as property owners.

(d) A self-help center may not provide grants, financing, or mortgage loan services to purchase, build, rehabilitate, or finance construction or improvements to a home or otherwise improve living conditions in a colonia if water service and suitable wastewater disposal are not available.

SECTION 2. (a) In this section, "colonia" has the meaning assigned by Section 2306.581, Government Code.

(b) A joint interim committee is established to study colonias and colonia initiatives in this state.

(c) The joint interim committee is composed of the members of the standing committees of the legislature with primary jurisdiction over colonias and colonia issues. The committee members shall select a presiding officer from among the membership.

(d) In conducting the study under this section, the joint interim committee shall:

(1) determine the best methods for updating and maintaining colonia identification systems and for identifying and classifying colonias in which the highest public health risks exist;

(2) consider whether colonias should be defined uniformly across all relevant state agencies and whether that definition should include essential metrics such as:

(A) economic mobility levels;

(B) poverty levels;

(C) mortality rates;

(D) health professional shortage area scores; and

(E) the average level of education attained by colonia residents;

(3) to address the enduring lack of services and infrastructure in colonias, assess best practices and funding needs for surveying the services and infrastructure available in, and demographics of, each colonia;

(4) assess the status of state agency tracking and reporting of state-funded colonia projects and whether improvements to the tracking or reporting mechanisms are necessary;

(5) determine and assess any non-infrastructure needs within colonias and options for this state to address those needs; and

(6) assess the impact of the COVID-19 pandemic on colonias and whether additional state services are necessary to address those impacts.

(e) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(f) Not later than September 1, 2022, the joint interim committee shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the legislature a written report that includes the findings of the committee under this section, including any legislative recommendations.

(g) The joint interim committee established under this section is abolished and this section expires November 1, 2022.

SECTION 3. This Act takes effect September 1, 2021.

HB 1849 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1849, A bill to be entitled An Act relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.

Representative Sanford moved to concur in the senate amendments to **HB 1849**.

The motion to concur in the senate amendments to **HB 1849** prevailed by (Record 1597): 142 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; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Fierro; Harless; Johnson, A.; Kuempel; Morales, C.; Raney.

STATEMENTS OF VOTE

When Record No. 1597 was taken, my vote failed to register. I would have voted yes.

Harless

When Record No. 1597 was taken, I was in the house but away from my desk. I would have voted yes.

C. Morales

Senate Committee Substitute

CSHB 1849, A bill to be entitled An Act relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.

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

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

SECTION 2. Subchapter B, Chapter 156, Family Code, is amended by adding Section 156.106 to read as follows:

Sec. 156.106. MODIFICATION OF ORDER BASED ON DEATH OF CONSERVATOR. (a) The death of a person who is a conservator of a child is a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for the possession of or access to the child.

(b) Before modifying an order under Section 156.101 based on a material and substantial change of circumstances described by Subsection (a), the court must consider any term or condition of the order or portion of a decree that denies possession of the child to a parent or imposes restrictions or limitations on the parent's right to possession of or access to the child. The court may include those restrictions or limitations in a modification of the order if the court finds that the restrictions or limitations continue to be in the best interest of the child.

SECTION 3. The change in law made by this Act applies to a suit for modification that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

SECTION 4. This Act takes effect September 1, 2021.

HB 1247 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1247, A bill to be entitled An Act relating to the development of and report on a tri-agency work-based learning strategic framework by the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board.

Representative Lozano moved to concur in the senate amendments to **HB 1247**.

The motion to concur in the senate amendments to **HB 1247** prevailed by (Record 1598): 114 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; 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; Lambert; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Burns; Burrows; Cain; Capriglione; Cook; Cyrier; Harris; Hefner; Krause; Landgraf; Leach; Metcalf; Middleton; Murr; Noble; Patterson; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Fierro; Kuempel.

STATEMENTS OF VOTE

When Record No. 1598 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 1598 was taken, I was shown voting yes. I intended to vote no.

Leman

Senate Committee Substitute

CSHB 1247, A bill to be entitled An Act relating to the development of and report on a tri-agency work-based learning strategic framework by the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board.

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

SECTION 1. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 318 to read as follows:

CHAPTER 318. TRI-AGENCY WORK-BASED LEARNING STRATEGIC FRAMEWORK

Sec. 318.001. TRI-AGENCY WORK-BASED LEARNING STRATEGIC FRAMEWORK. (a) The commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board jointly shall develop a strategic framework to encourage work-based learning in this state. Each agency shall appoint an existing agency employee to lead the development of the framework.

(b) Not later than December 31, 2022, the commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board jointly shall prepare and submit to the legislature a report on the framework developed under Subsection (a). The report must:

(1) define "work-based learning opportunity" in a comprehensive manner that includes a variety of high-quality and rigorous work-based learning opportunities, such as youth apprenticeships, internships, simulated workplaces, service learning, and virtual workspaces;

(2) determine common language, definitions, and quality standards to be used by each agency for work-based learning opportunities that span secondary and postsecondary education;

(3) establish methods of identifying student and adult learner skills and competencies that are aligned with industry demand and talent needs, with a particular focus on high-demand, high-growth industries that offer livable wages;

(4) align priorities, programs, and goals across the agencies to ensure the development of cohesive work-based learning strategies that strengthen workforce pipelines;

(5) identify strategies for the agencies to partner with public primary and secondary schools, public institutions of higher education, businesses, workforce organizations, and relevant collaboratives to implement high-quality project-based learning in middle and junior high school classrooms and work-based learning experiences in high school and postsecondary education;

(6) provide methods of supporting partnerships between public institutions of higher education to create additional pathways for postsecondary work-based learning credentials of value to high-demand, high-growth industries and that lead to quality career opportunities;

(7) articulate the roles and responsibilities of public primary and secondary schools, public institutions of higher education, and workforce boards and organizations in implementing high-quality work-based learning programs and partnerships;

(8) provide a strategy for identifying industry-led high-quality training models that promote and replicate high-need jobs that lead to equitable outcomes for individuals and can be scaled across industries and regions;

(9) identify opportunities to improve and incentivize regional coordination across the state to better reflect regional workforce needs and eliminate duplicative programs, including by providing state support to build capacity in regional intermediary organizations to facilitate education-workforce partnerships and programs;

(10) identify streamlined data collection models for primary, secondary, and postsecondary education and workforce accountability that can be disaggregated as necessary to evaluate and increase equity in access to high-quality programs, with a focus on underrepresented populations;

(11) include recommendations to improve the coordination of funds and awarding of grants among the agencies to eliminate barriers to entry for regional partners; and

(12) identify any available federal funds that may be used for work-based learning and training and include recommendations regarding the use of those funds by the agencies, including supporting incentives for public institutions of higher education, work-study programs, and student advising and completion strategies.

(c) As soon as practicable after the report is submitted, the commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board shall, to the extent possible, implement the recommendations made under Subsection (b)(12).

Sec. 318.002. EXPIRATION. This chapter expires September 1, 2023.

SECTION 2. This Act takes effect September 1, 2021.

HB 1664 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1664, A bill to be entitled An Act relating to the reinstatement of eligibility for medical assistance of certain children placed in juvenile facilities.

Representative White moved to concur in the senate amendments to **HB 1664**.

The motion to concur in the senate amendments to **HB 1664** prevailed by (Record 1599): 128 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; 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; 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; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Harris; Hefner; Krause; Patterson; Schaefer; Schofield; Shaheen; Slaton; Slawson; Swanson; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cortez; Dominguez; Fierro; Kuempel.

STATEMENTS OF VOTE

When Record No. 1599 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 1599 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

Senate Committee Substitute

CSHB 1664, A bill to be entitled An Act relating to the reinstatement of eligibility for medical assistance of certain children placed in juvenile facilities.

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

SECTION 1. The heading to Section 32.0264, Human Resources Code, is amended to read as follows:

Sec. 32.0264. SUSPENSION AND [~~AUTOMATIC~~] REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES.

SECTION 2. Section 32.0264, Human Resources Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), if, during the period a child is placed in a juvenile facility, the child is hospitalized or becomes an inpatient in another type of medical facility, the commission shall reinstate the child's eligibility for medical assistance during the period of the child's inpatient stay. The executive commissioner shall adopt rules necessary to implement this subsection, including rules governing the procedure for reinstating a child's eligibility for medical assistance under this subsection.

SECTION 3. If before implementing Section 32.0264(b-1), Human Resources Code, as added by this Act, the Health and Human Services Commission determines that a memorandum of understanding between the commission and the Texas Juvenile Justice Department or the adoption of policies or procedures is necessary for implementation of that provision, the commission may delay implementing that provision until the earlier of:

(1) the date any necessary memorandum of understanding, policies, and procedures are adopted; or

(2) March 1, 2022.

SECTION 4. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. This Act takes effect September 1, 2021.

HB 2030 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2030, A bill to be entitled An Act relating to the establishment by the Texas Higher Education Coordinating Board of a grant program for regional postsecondary education collaboratives.

Representative C. Turner 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 2030**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2030**: C. Turner, chair; Dutton, Goldman, Murphy, and S. Thompson.

HB 3973 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3973, A bill to be entitled An Act relating to the composition and use of money in the oil and gas regulation and cleanup fund.

Representative Walle 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 3973**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3973**: Walle, chair; Craddick, Geren, Herrero, and Minjarez.

HB 3821 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3821, A bill to be entitled An Act relating to employing and training mental health professionals for the mental health program for veterans.

Representative Hunter moved to concur in the senate amendments to **HB 3821**.

The motion to concur in the senate amendments to **HB 3821** prevailed by (Record 1600): 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; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody;

Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cortez; Dominguez; Fierro; Middleton.

STATEMENT OF VOTE

When Record No. 1600 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

Senate Committee Substitute

CSHB 3821, A bill to be entitled An Act relating to employing and training mental health professionals for the mental health program for veterans.

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

SECTION 1. Sections 434.352(a) and (b), Government Code, are amended to read as follows:

(a) The commission and the Health and Human [~~Department of State Health~~] Services Commission shall coordinate to administer the mental health program for veterans developed under Chapter 1001, Health and Safety Code.

(b) For the mental health program for veterans, the commission shall:

(1) provide training to peer service coordinators and peers in accordance with Section 434.353;

(2) provide technical assistance to peer service coordinators and peers;

(3) identify, train, and communicate with community-based licensed mental health professionals, community-based organizations, and faith-based organizations;

(4) coordinate services for justice involved veterans; [~~and~~]

(5) coordinate local delivery to veterans and immediate family members of veterans of mental health first aid for veterans training; and

(6) employ and train mental health professionals to assist the Health and Human Services Commission in the administration of the program.

SECTION 2. This Act takes effect September 1, 2021.

HB 385 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 385, A bill to be entitled An Act relating to conditions of community supervision and procedures applicable to the reduction or termination of a defendant's period of community supervision.

Representative Pacheco moved to concur in the senate amendments to **HB 385**.

The motion to concur in the senate amendments to **HB 385** prevailed by (Record 1601): 111 Yeas, 31 Nays, 1 Present, not voting.

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

Nays — Anderson; Bell, C.; Buckley; Burns; Cain; Capriglione; Cook; Cyrier; Gates; Harris; Hefner; King, P.; Krause; Landgraf; Murr; Noble; Oliverson; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Slawson; Smith; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cortez; Dominguez; Fierro; Middleton; Turner, C.; Wu.

STATEMENT OF VOTE

When Record No. 1601 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

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

Amend **HB 385** (senate committee report) in SECTION 1 of the bill, by striking added Article 42A.052(a)(2), Code of Criminal Procedure (page 1, lines 31-35), and substituting the following:

(2) prioritizing the conditions ordered by the court according to the defendant's progress under supervision.

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

Amend **HB 385** (senate committee report) in SECTION 8 of the bill, immediately following added Article 42A.655(f), Code of Criminal Procedure (page 4, between lines 53 and 54), by inserting the following appropriately lettered subsection and relettering subsequent subsections of Article 42A.655 and any cross-references to those subsections accordingly:

(____) In making a determination under Subsection (f), a court may waive completely or partially a payment required under Article 42A.652 only if, after waiving all other applicable payments included under Subsection (b), the court determines that the defendant does not have sufficient resources or income to make the payment.

Senate Amendment No. 3 (Senate Floor Amendment No. 1 - Third Reading)

Amend **HB 385** (senate committee printing) on third reading in SECTION 2 of the bill, (page 2, lines 28-39), by striking the following:

", provided that, notwithstanding Subsection (a) or any other law, a judge may only require a defendant to attend counseling sessions or participate in treatment if:

(A) the results of an evaluation that is designed to determine the appropriate type and level of treatment necessary to address the defendant's alcohol or drug dependency indicate that counseling or treatment is necessary to protect or restore the community or the victim and to rehabilitate the defendant; or

(B) the defendant's use, manufacture, possession, or delivery of a controlled substance or alcohol was an element of the offense for which the defendant was placed on community supervision"

HB 981 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 981, A bill to be entitled An Act relating to a study by the Texas Higher Education Coordinating Board on the feasibility of establishing a divinity program at Texas Southern University.

Representative Dutton moved to concur in the senate amendments to **HB 981**.

The motion to concur in the senate amendments to **HB 981** prevailed by (Record 1602): 107 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; 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, T.; Klick; Kuempel; Lambert; Larson; Leach;

Longoria; Lopez; Lozano; Lucio; Martinez Fischer; Meyer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Burns; Burrows; Cain; Capriglione; Cook; Frank; Gates; Harris; Hefner; Hull; Krause; Landgraf; Leman; Metcalf; Murr; Noble; Patterson; Paul; Price; Sanford; Schaefer; Slaton; Slawson; Smith; Spiller; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cortez; Dominguez; Fierro; King, P.; Martinez; Middleton; Moody.

STATEMENTS OF VOTE

When Record No. 1602 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1602 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

Senate Committee Substitute

CSHB 981, A bill to be entitled An Act relating to a study by the Texas Higher Education Coordinating Board on the feasibility of establishing a religious studies program at Texas Southern University.

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

SECTION 1. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.06695 to read as follows:

Sec. 61.06695. STUDY ON RELIGIOUS STUDIES PROGRAM AT TEXAS SOUTHERN UNIVERSITY. (a) The board shall conduct a study on the feasibility of establishing a religious studies program that offers bachelor's, master's, and doctoral degrees at Texas Southern University.

(b) Not later than December 1, 2022, the board shall submit to each legislative standing committee with primary jurisdiction over higher education and the board of regents of Texas Southern University a report on the results of the study.

(c) This section expires September 1, 2023.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

RECESS

Representative Metcalf moved that the house recess until 1:30 p.m. today.

The motion prevailed.

The house accordingly, at 12:57 p.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 2:01 p.m. and was called to order by the speaker.

SB 2 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Paddie, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2**: Paddie, chair; Harless, Hernandez, Lucio, and P. King.

SB 3 - REQUEST OF SENATE GRANTED

On motion of Representative Paddie, the house granted the request of the senate for the appointment of a Conference Committee on **SB 3**.

SB 3 - CONFERENCE COMMITTEE INSTRUCTED

Representative Patterson moved to instruct the Conference Committee on **SB 3** to approve a conference committee report that, in adjusting all differences between the two houses, excludes any language that:

(1) is prescriptive regarding the generation resource adequacy proposals that are required to be studied under this bill to further enhance reliability of the ERCOT market or requires a study of incorporating fully regulated generation into the ERCOT competitive market; or

(2) would authorize or require the formation or study of a regulated power reserve outside the ERCOT market or similar proposal.

The motion to instruct conferees prevailed.

SB 3 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 3**: Paddie, chair; Hernandez, Howard, Hunter, and P. King.

SB 15 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative P. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 15**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 15**: P. King, chair; Canales, Perez, Rogers, and E. Thompson.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

SB 572 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative White, the house granted the request of the senate for the appointment of a Conference Committee on **SB 572**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 572**: White, chair; Frank, Krause, E. Morales, and Sanford.

SB 23 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Oliverson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 23**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 23**: Oliverson, chair; Cain, Guillen, Harless, and Schofield.

SB 64 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative White, the house granted the request of the senate for the appointment of a Conference Committee on **SB 64**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 64**: White, chair; Hefner, Patterson, Schaefer, and Tinderholt.

SB 794 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Meyer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 794**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 794**: Meyer, chair; Bonnen, Button, Martinez Fischer, and Thierry.

SB 204 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Huberty, the house granted the request of the senate for the appointment of a Conference Committee on **SB 204**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 204**: Huberty, chair; Buckley, K. King, Talarico, and VanDeaver.

SB 766 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Leach, the house granted the request of the senate for the appointment of a Conference Committee on **SB 766**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 766**: Leach, chair; Dutton, Hull, Meyer, and S. Thompson.

SB 800 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Paddie, the house granted the request of the senate for the appointment of a Conference Committee on **SB 800**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 800**: Paddie, chair; Hernandez, Howard, Oliverson, and Slawson.

SB 1164 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Collier, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1164**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1164**: Collier, chair; Crockett, Neave, Ordaz Perez, and Thierry.

SB 1648 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Krause, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1648**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1648**: Krause, chair; Leach, Minjarez, Oliverson, and Parker.

SB 1816 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative E. Thompson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1816**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1816**: E. Thompson, chair; Canales, Landgraf, Martinez, and Paddie.

SB 2038 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Oliverson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2038**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2038**: Dean, chair; Allison, Guillen, J.E. Johnson, and Oliverson.

SB 2124 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Canales, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2124**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2124**: Lucio, chair; Dominguez, P. King, Minjarez, and Oliverson.

SB 1776 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Hefner, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1776**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1776**: K. Bell, chair; Harris, Oliverson, Talarico, and Toth.

HB 1900 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1900, A bill to be entitled An Act relating to municipalities that adopt budgets that defund municipal police departments.

Representative Goldman moved to concur in the senate amendments to **HB 1900**.

The motion to concur in the senate amendments to **HB 1900** prevailed by (Record 1603): 88 Yeas, 57 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; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guerra; 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; Meza; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; 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; Canales; Cole; Collier; Crockett; Davis; Deshotel; Dutton; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez;

Martinez Fischer; Minjarez; Moody; Morales, C.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cortez; Dominguez; Fierro.

STATEMENT OF VOTE

When Record No. 1603 was taken, I was shown voting no. I intended to vote yes.

Muñoz

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

Amend **HB 1900** (senate committee report) as follows:

(1) In SECTION 1.01 of the bill, strike added Section 109.004(b), Local Government Code (page 2, lines 1-5), and substitute the following:

(b) For purposes of making a determination of whether a municipality is a defunding municipality under this chapter, a municipality's appropriation to the municipality's police department does not include:

(1) any grant money received by the municipality during any fiscal year; or

(2) any sales and use tax revenue received by the municipality for the purpose of financing a crime control and prevention district under Chapter 363.

(2) In SECTION 3.01 of the bill, strike added Section 26.0444(d), Tax Code (page 3, lines 20-23), and substitute the following:

(d) For purposes of Subsection (a)(2), the amount of money appropriated for public safety and the amount of money spent by the municipality for public safety does not include:

(1) any grant money received by the municipality during any fiscal year; or

(2) any sales and use tax revenue received by the municipality for the purpose of financing a crime control and prevention district under Chapter 363, Local Government Code, during any fiscal year.

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

Amend **HB 1900** (senate committee printing) in SECTION 2.01 of the bill, in added Section 43.004, Local Government Code, as follows:

(1) In the heading (page 2, line 25), between "PROHIBITED" and the underlined period, insert "; EXCEPTION".

(2) In Subsection (b) (page 2, line 28), strike "A" and substitute "Except as provided by Subsection (c), a".

(3) Immediately after Subsection (b) (page 2, between lines 35 and 36), insert the following:

(c) This section does not apply to a defunding municipality annexing all or part of an area under Section 43.0116 that was designated an industrial district under Section 42.044(b) or the subject of an agreement under Section 42.044(c) as of January 1, 2021.

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

Amend **HB 1900** (senate committee printing) in SECTION 5.02 of the bill, in added Section 33.0211, Utilities Code, immediately after Subsection (b) (page 4, between lines 53 and 54), insert the following:

(c) If a municipally owned utility has not transferred funds to the defunding municipality described by Subsection (a) in the immediately preceding 12 months, the municipally owned utility may increase its rates to account for:

(1) pass-through charges imposed by a state regulatory body or the independent organization certified under Section 39.151;

(2) fuel, hedging, or wholesale power cost increases; or

(3) to fulfill debt obligations or comply with Chapter 1502, Government Code.

(d) A municipally owned utility that increases rates under this Subsection (c) may not transfer funds to the defunding municipality described by Subsection (a) until the date the criminal justice division of the governor's office issues a written determination in accordance with Section 109.005, Local Government Code, finding that the municipality described by Subsection (a) has reversed the reduction described by Section 109.003(1), Local Government Code.

HB 3571 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3571, A bill to be entitled An Act relating to the regulation of security measures by a property owners' association.

Representative Bonnen moved to concur in the senate amendments to **HB 3571**.

The motion to concur in the senate amendments to **HB 3571** prevailed by (Record 1604): 144 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; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; 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; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Cortez; Dominguez; Fierro.

Senate Committee Substitute

CSHB 3571, A bill to be entitled An Act relating to the regulation of security measures by certain property owners' associations.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.023 to read as follows:

Sec. 202.023. SECURITY MEASURES. (a) This section does not apply to a master mixed-use property owners' association subject to Chapter 215.

(b) Except as provided by Subsection (c), a property owners' association may not adopt or enforce a restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence.

(c) This section does not prohibit a property owners' association from regulating the type of fencing that a property owner may install.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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

Amend **CSHB 3571** (senate committee report) in SECTION 1 of the bill as follows:

(1) Strike added Section 202.023(a), Property Code (page 1, lines 27-29), and substitute the following:

(a) This section does not apply to:

(1) a condominium as defined by Section 81.002 or 82.003; or

(2) a master mixed-use property owners' association subject to Chapter 215.

(1) Strike added Section 202.023(c), Property Code (page 1, lines 35-37), and substitute the following:

(c) This section does not prohibit a property owners' association from:

(1) prohibiting the installation of a security camera by a property owner in a place other than the property owner's private property; or

(2) regulating the type of fencing that a property owner may install.

HB 2757 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2757, A bill to be entitled An Act relating to the conduct and promotion of charitable raffles.

Representative Cyrier moved to concur in the senate amendments to **HB 2757**.

The motion to concur in the senate amendments to **HB 2757** prevailed by (Record 1605): 134 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bowers; Buckley; Bucy; Burns; Burrows; Button; 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; Kuempel; Lambert; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bonnen; Cain; Hefner; Krause; Landgraf; Middleton; Murr; Noble; Oliverson; Patterson; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Shaheen.

STATEMENTS OF VOTE

When Record No. 1605 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 1605 was taken, I was shown voting yes. I intended to vote no.

Toth

Senate Committee Substitute

CSHB 2757, A bill to be entitled An Act relating to the conduct and promotion of charitable raffles.

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

SECTION 1. Section 2002.003(e), Occupations Code, is amended to read as follows:

(e) A nonprofit wildlife conservation association and its local chapters, affiliates, wildlife cooperatives, or units are qualified nonprofit organizations under this chapter if the parent association meets the eligibility criteria under this section other than the requirement prescribed by Subsection (a)(3), (b)(3), (b-1)(3), or (c)(3), as applicable. An association or a local chapter, affiliate, wildlife cooperative, or unit that is eligible under this subsection may not use any proceeds from a raffle conducted under this chapter to attempt to influence legislation or participate or intervene in a political campaign on behalf of a candidate for public office in any manner, including by publishing or distributing a statement or making a campaign contribution. [~~A nonprofit wildlife conservation association may conduct two raffles each year and each local chapter, affiliate, wildlife cooperative, or unit may conduct two raffles each year under this chapter.~~] For purposes of this section, a nonprofit wildlife conservation association includes an association that supports wildlife, fish, or fowl.

SECTION 2. Section 2002.052(b), Occupations Code, is amended to read as follows:

(b) A raffle is not authorized by this chapter if the organization [~~sells or offers to sell tickets for or~~] awards prizes in the raffle in a calendar year in which the organization has previously [~~sold or offered to sell tickets for or~~] awarded prizes in four [~~two or more~~] other raffles. For purposes of this subsection, a raffle conducted in a preceding calendar year for which a prize or prizes are awarded on a later date set in accordance with Subsection (e) that occurs in a subsequent calendar year is not included in the number of raffles for which prizes are awarded by the organization in that subsequent calendar year.

SECTION 3. Sections 2002.056(b) and (c), Occupations Code, are amended to read as follows:

(b) Except as provided by Subsections (b-1) and (c), the value of a prize offered or awarded at a raffle that is purchased by the organization or for which the organization provides any consideration may not exceed $75,000 [~~$50,000~~].

(c) A raffle prize may consist of one or more tickets in the state lottery authorized by Chapter 466, Government Code, with a face value of $75,000 [~~$50,000~~] or less, without regard to whether a prize in the lottery game to which the ticket or tickets relate exceeds $75,000 [~~$50,000~~].

SECTION 4. Section 2002.052(c), Occupations Code, is repealed.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2382 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2382, A bill to be entitled An Act relating to the use of a broker for the sale of real property by the El Paso County Hospital District.

Representative Moody moved to concur in the senate amendments to **HB 2382**.

The motion to concur in the senate amendments to **HB 2382** prevailed by (Record 1606): 107 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cortez; Craddick; 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, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Anderson; Ashby; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Cook; Cyrier; Dean; Gates; Goldman; Harris; Hefner; Holland; King, P.; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Patterson; Paul; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENTS OF VOTE

When Record No. 1606 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 1606 was taken, I was shown voting no. I intended to vote yes.

Toth

Senate Committee Substitute

CSHB 2382, A bill to be entitled An Act relating to the operations and administration of the El Paso County Hospital District.

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

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.060 to read as follows:

Sec. 281.060. EL PASO COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this section:

(1) "Broker" means a person licensed as a broker under Chapter 1101, Occupations Code.

(2) "District" means the El Paso County Hospital District.

(b) Except as provided by Subsection (c), the El Paso County Hospital District may contract with a broker to sell a tract of real property that is owned by the district.

(c) The district may not contract with a broker who is related within the third degree of consanguinity, as determined under Chapter 573, Government Code, to:

(1) a member of the board of hospital managers of the district; or

(2) a public official who serves on the El Paso County Commissioners Court.

(d) The district may pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.

(e) If a contract made under Subsection (b) requires a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service used by other brokers in the county in which the real property is located, the district, on or after the 30th day after the date the property is listed, may sell the tract of real property to a ready, willing, and able buyer who is produced by any broker, including a broker described by Subsection (c), using the multiple-listing service and who submits the most advantageous offer.

(f) The district must post a notice of intent to sell the real property in a newspaper of general circulation, not less than once, at least 14 days before the date the district accepts an offer produced by a broker.

(g) The district may sell a tract of real property under this section without complying with the requirements of Section 272.001, Local Government Code.

SECTION 2. Section 281.0221, Health and Safety Code, is repealed.

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 954 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 954, A bill to be entitled An Act relating to certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.

Representative Dutton moved to concur in the senate amendments to **HB 954**.

The motion to concur in the senate amendments to **HB 954** prevailed by (Record 1607): 128 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; 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; 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; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Shaheen; Sherman; Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Ashby; Biedermann; Burrows; Cain; Dean; Goldman; Harris; Hefner; Holland; Krause; Leman; Patterson; Sanford; Schaefer; Schofield; Slawson; Swanson; Tinderholt; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Huberty.

STATEMENT OF VOTE

When Record No. 1607 was taken, I was shown voting yes. I intended to vote no.

Wilson

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

Amend **HB 954** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. (a) As soon as practicable after the effective date of this Act, the Texas Department of Criminal Justice shall transfer to the City of Burnet the real property described by Subsection (e) of this section.

(b) The City of Burnet shall use the property transferred under this section only for a purpose that benefits the public interest of the state. If the City of Burnet uses the property for any purpose other than a purpose that benefits the public interest of the state, ownership of the property automatically reverts to the Texas Department of Criminal Justice.

(c) The Texas Department of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must provide that:

(1) the City of Burnet use the property only for a purpose that benefits the public interest of the state; and

(2) ownership of the property will automatically revert to the Texas Department of Criminal Justice if the City of Burnet uses the property for any purpose other than a purpose that benefits the public interest of the state.

(d) The Texas Department of Criminal Justice shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Burnet County.

(e) The real property referred to in Subsection (a) of this section is described as follows:

A 28.157 ACRE TRACT OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, BURNET COUNTY, TEXAS, OF LAND AS DESCRIBED IN THE REMAINDER TRACT OF A CALLED 300.000 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE STATE OF TEXAS, RECORDED ON VOLUME 608, PAGE 19 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, SAID 28.157 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a found 5/8" iron pin, at the northwesterly corner of a called 20.611 acre tract of land as described in document to the City of Burnet, recorded in Volume 300, Page 184 of the Deed Records of Burnet County, Texas, at the southwesterly corner of the variable width right-of-way of Ellen Halbert Drive, along the easterly line of the remnant of said 300.000 acre tract, and being an easterly angle point hereof;

THENCE South 13°58'54" East, along the westerly line of said 20.611 acre tract, the westerly line of a called 2.259 acre tract of land as described in document to the City of Burnet, Recorded in Document No. 200908664 of the Official Public Records of Burnet County, Texas, a distance of 1844.69' to a 1/2" iron pin set with "CUPLIN" property cap, along the northerly line of a called 61.30 acre tract of land as described in document to the City of Burnet, recorded in Document No. 201904590 of the Official Public Records of Burnet County, Texas, along the southerly line of the remnant tract of said 300.000 acre tract, and being the southeasterly corner hereof, from whence a found 1/2" iron pin at the southeasterly corner of said 2.259 acre tract bears North 75°50'42" East, a distance of 255.72';

THENCE South 75°50'42" West, along the northerly line of said 61.30 acre tract, the southerly line of the remnant tract of said 300.000 acre tract, and hereof, a distance of 1120.41' to a 1/2" iron pin set with "CUPLIN" property cap, at the southwesterly corner hereof, from whence a found 3/8" iron pin with "Landtech" property capat the northwesterly corner of said 61.30 acre tract bears, South 75°50'42" West, a distance of 1497.86';

THENCE over and across the remnant tract of said 300.000 acre tract, and the westerly lines hereof the following courses and distances;

(1) North 12°11'19" East, a distance of 850.00' to a 1/2" iron pin set with "CUPLIN" property cap;

(2) North 12°58'09" East, a distance of 525.00' to a 1/2" iron pin set with "CUPLIN" property cap;

(3) North 12°00'15" East, a distance of 415.00' to a 1/2" iron pin set with "CUPLIN" property cap;

(4) North 12°46'27" East, a distance of 155.00' to a 1/2" iron pin set with "CUPLIN" property cap;

(5) North 40°37'37" East, a distance of 92.00' to a 1/2" iron pin set with "CUPLIN" property cap;

(6) North 22°36'53" East, a distance of 110.76' to a 1/2" iron pin set with "CUPLIN" property cap;

(7) North 57°10'01" East, a distance of 69.29' to a 1/2" iron pin set with "CUPLIN" property cap;

(8) North 31°27'02" East, a distance of 55.74' to a 1/2" iron pin set with "CUPLIN" property cap;

(9) North 88°09'32" East, a distance of 10.21' to a 1/2" iron pin set with "CUPLIN" property cap, along the easterly line of the remnant tract of said 300.00 acre tract, the easterly line of a called 70' wide access easement as described in Document No. 200712014 of the Official Public Records of Burnet County, Texas, along the westerly line of said Ellen Halbert Drive, and being the northeasterly corner hereof, from whence a 1/2" iron pin with "1877" property cap at the northeasterly corner of said 70' wide access easement bears, North 14°02'32" West, a distance of 45.80';

THENCE South 14°02'32" East, along the westerly right-of-way line of said Ellen Halbert Drive, the easterly line of said 70' wide access easement, the easterly line of the remnant tract of said 300.000 acre tract, and hereof, a distance of 27.05' to a 1/2" iron pin found, at the southeasterly corner of said 70' wide access easement, and being an easterly angle point hereof;

THENCE South 13°40'34" East, along the westerly right-of-way line of said Ellen Halbert Drive, the easterly line of the remnant tract of said 300.000 acre tract, and hereof, a distance of 68.74' to the POINT OF BEGINNING, containing 28.157 acres, more or less.

HB 3617 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3617, A bill to be entitled An Act relating to certain qualifications and requirements for residential mortgage loan companies.

Representative Anchia moved to concur in the senate amendments to **HB 3617**.

The motion to concur in the senate amendments to **HB 3617** prevailed by (Record 1608): 99 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro;

Frullo; Geren; Gervin-Hawkins; Goldman; 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, P.; King, T.; Kuempel; Lambert; 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; Parker; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Cook; Cyrier; Dean; Ellzey; Frank; Gates; Harris; Hefner; Holland; Hull; King, K.; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENTS OF VOTE

When Record No. 1608 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1608 was taken, I was shown voting no. I intended to vote yes.

Metcalf

Senate Committee Substitute

CSHB 3617, A bill to be entitled An Act relating to certain qualifications and requirements for residential mortgage loan companies, the investment and use of excess residential mortgage loan originator recovery fund fees, and the creation of the mortgage grant fund; changing a fee.

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

SECTION 1. Section 13.016, Finance Code, is amended to read as follows:

Sec. 13.016. RECOVERY FUND. (a) Except as provided by Subchapter G, Chapter 156, the [~~The~~] savings and mortgage lending commissioner shall establish, administer, and maintain one recovery fund for the purposes of Chapters 156 and 157. The recovery fund shall be administered and maintained under Subchapter F, Chapter 156.

(b) The savings and mortgage lending commissioner's authority under this section includes the authority to[~~:~~

[~~(1) set fee amounts under Chapters 156 and 157 for deposit in the recovery fund; and~~

[~~(2)~~] enforce disciplinary action as provided by Chapters 156 and 157 for a person's failure to comply with the applicable provisions of those chapters relating to the recovery fund and with applicable rules adopted under those chapters.

SECTION 2. Section 156.2041, Finance Code, is amended to read as follows:

Sec. 156.2041. QUALIFICATIONS AND REQUIREMENTS FOR LICENSE: MORTGAGE COMPANY. [~~(a)~~] To be issued a mortgage company license, an applicant must:

(1) submit a completed application together with the payment of applicable fees through the Nationwide Mortgage Licensing System and Registry;

(2) designate control persons for the mortgage company through the Nationwide Mortgage Licensing System and Registry;

(3) designate an individual licensed as a residential mortgage loan originator under Chapter 157 as the company's qualifying individual;

(4) if applicable, submit a completed branch application through the Nationwide Mortgage Licensing System and Registry for each branch office that engages in residential mortgage loan activity on residential real estate located in this state;

(5) not be in violation of this chapter, a rule adopted under this chapter, or any order previously issued by the commissioner to the applicant;

(6) have the company name or assumed name properly filed with either the secretary of state or with the appropriate county clerk's office; and

(7) [~~maintain a physical office in this state; and~~

[~~(8)~~] provide financial statements and any other information required by the commissioner.

SECTION 3. Section 156.2042, Finance Code, is amended to read as follows:

Sec. 156.2042. QUALIFICATIONS AND REQUIREMENTS FOR LICENSE: CREDIT UNION SUBSIDIARY ORGANIZATION. [~~(a)~~] To be issued a credit union subsidiary organization license, an applicant must:

(1) submit a completed application together with the payment of applicable fees through the Nationwide Mortgage Licensing System and Registry;

(2) designate control persons for the organization through the Nationwide Mortgage Licensing System and Registry;

(3) designate an individual licensed as a residential mortgage loan originator under Chapter 157 as the company's qualifying individual;

(4) submit a completed branch application through the Nationwide Mortgage Licensing System and Registry for each branch office that engages in residential mortgage loan activity on residential real estate located in this state; and

(5) not be in violation of this chapter, a rule adopted under this chapter, or any order previously issued by the commissioner to the applicant[~~; and~~

[~~(6) maintain a physical office in this state~~].

SECTION 4. Section 156.212, Finance Code, is amended to read as follows:

Sec. 156.212. MAINTENANCE AND LOCATION OF OFFICES. [~~(a) Each residential mortgage loan company licensed under this chapter shall maintain a physical office in this state.~~

[~~(a-1) If a residential mortgage loan company's main office is outside this state, the requirement of Subsection (a) is satisfied if the company has a branch office located in this state.~~

[~~(b)~~] If a residential mortgage loan company maintains an office separate and distinct from the company's main office, whether located in this state or not, that conducts mortgage business with consumers of this state or regarding residential real estate in this state, the company shall apply for, pay a fee of $50 for, and obtain an additional license to be known as a branch office license for each additional office to be maintained by the company.

SECTION 5. Sections 156.501(b) and (c), Finance Code, are amended to read as follows:

(b) Subject to this subsection and Section 156.502(b), the recovery fund shall be used to reimburse residential mortgage loan applicants for actual damages incurred because of acts committed by a residential mortgage loan originator who was licensed under Chapter 157 when the act was committed. The use of the fund is limited to reimbursement for out-of-pocket losses caused by an act by a residential mortgage loan originator licensed under Chapter 157 that constitutes a violation of Section 157.024(a)(2), (3), (5), (7), (8), (9), (10), (13), (16), (17), or (18) or 156.304(b).

(c) Amounts in the recovery fund may be invested and reinvested in accordance with Chapter 2256, Government Code, and under the prudent person standard described in Section 11b, Article VII, Texas Constitution [~~in the same manner as funds of the Employees Retirement System of Texas~~], and the interest from these investments shall be deposited to the credit of the fund. An investment may not be made under this subsection if the investment will impair the necessary liquidity required to satisfy claims [~~judgment payments~~] awarded under this subchapter.

SECTION 6. Section 156.502, Finance Code, is amended to read as follows:

Sec. 156.502. FUNDING. (a) On an application for an original license [~~or for renewal of a license~~] issued under Chapter 157, the applicant, in addition to paying the original application fee [~~or renewal fee~~], shall pay a fee in the [~~an~~] amount of [~~determined by the commissioner, not to exceed~~] $20. The fee shall be deposited in the recovery fund.

(a-1) All or any portion of the amount of a penalty that is collected by the commissioner under Sections 156.302, 156.303, 157.023, 157.024, 157.031, 158.105, and 180.202, as determined by the commissioner, may be deposited to the credit of the recovery fund at the end of each fiscal year.

(b) If the balance remaining in the recovery fund at the end of a calendar year is more than $3.5 million, the amount of money in excess of that amount shall be remitted by the commissioner to the comptroller for deposit in the

mortgage grant fund established under Subchapter G [~~available to the commissioner to offset the expenses of participating in and sharing information with the Nationwide Mortgage Licensing System and Registry in accordance with Chapter 180~~].

SECTION 7. Chapter 156, Finance Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. MORTGAGE GRANT FUND

Sec. 156.551. MORTGAGE GRANT FUND. (a) The commissioner shall establish, administer, and maintain a mortgage grant fund as provided by this subchapter. The amounts received by the commissioner for deposit in the fund shall be held by the commissioner in trust for carrying out the purposes of the fund.

(b) All or any portion of the amount of a penalty that is collected by the commissioner under Sections 156.302, 156.303, 157.023, 157.024, 157.031, 158.105, and 180.202, as determined by the commissioner, may be deposited to the credit of the mortgage grant fund at the end of each fiscal year.

Sec. 156.552. FUNDING. The mortgage grant fund consists of:

(1) penalties collected by the commissioner and deposited to the credit of the fund in accordance with Section 156.551(b); and

(2) excess amounts transferred from the recovery fund under Section 156.502(b).

Sec. 156.553. MANAGEMENT OF FUND. (a) The commissioner, as manager of the mortgage grant fund, shall:

(1) subject to Subsection (b), invest and reinvest the assets of the fund;

(2) make disbursements from the fund in accordance with Section 156.554;

(3) advise the finance commission regarding the fund;

(4) maintain books and records for the fund as required by the finance commission; and

(5) appear at hearings or judicial proceedings related to the fund.

(b) Amounts in the mortgage grant fund may be invested and reinvested in accordance with Chapter 2256, Government Code, and under the prudent person standard described in Section 11b, Article VII, Texas Constitution.

Sec. 156.554. DISBURSEMENT FROM FUND. (a) The commissioner shall approve each disbursement from the mortgage grant fund, which must be for a purpose authorized by Subsection (b).

(b) The commissioner:

(1) to the extent the commissioner determines the fund has sufficient assets available, shall provide a grant in an amount of not less than $100,000 each year to an auxiliary mortgage loan activity company or another statewide nonprofit organization that supports organizations described by Section 156.202(a-1)(1) for the purposes of:

(A) providing statewide training and technical assistance to entities described by Section 156.202(a-1);

(B) servicing third-party mortgage loans;

(C) providing financial education to consumers that relates to mortgage loans; and

(D) administering disaster repair programs and preparedness resources for consumers with mortgage loans;

(2) shall make disbursements from the fund to pay claims made under Section 156.555 that meet the requirements for payment under that section; and

(3) may make disbursements from the fund to:

(A) provide support for statewide financial education, activities, and programs specifically related to mortgage loans for consumers, including activities and programs described by Section 393.628(c); and

(B) if a governor's declaration of a state of disaster under Section 418.014, Government Code, is in effect, a governmental or nonprofit organization providing mortgage payment assistance for residence homesteads, as defined by Section 11.13, Tax Code, as needed due to the disaster.

Sec. 156.555. PAYMENT OF CLAIMS FOR FRAUDULENT UNLICENSED ACTIVITY. (a) A residential mortgage loan applicant may make a claim on and receive payment from the mortgage grant fund for the recovery of the applicant's actual, out-of-pocket damages incurred because of fraud committed by an individual who acted as a residential mortgage loan originator but who did not hold the required license issued under Chapter 157 at the time the individual committed the fraudulent act.

(b) The eligibility and procedural requirements for a claim made under Section 156.504 and the statute of limitations under Section 156.503 apply to a residential mortgage loan applicant who makes a claim under this section.

(c) Payments made from the mortgage grant fund to a residential mortgage loan applicant under this section are subject to the limits provided by Section 156.505.

Sec. 156.556. RULES. The finance commission shall adopt rules to administer this subchapter, including rules governing implementation of Section 156.554 that:

(1) ensure a grant awarded under that section is used for a public purpose described by that section; and

(2) provide a means of recovering money awarded that is not used in compliance with that section.

SECTION 8. Section 157.013(b), Finance Code, is amended to read as follows:

(b) An application for a residential mortgage loan originator license must be accompanied by:

(1) an application fee in an amount determined by the commissioner, not to exceed $500; and

(2) for an original license, a recovery fund fee in the [~~an~~] amount of [~~determined by the commissioner, not to exceed~~] $20.

SECTION 9. Sections 156.501(d) and (f), Finance Code, are repealed.

SECTION 10. Section 156.501(c), Finance Code, as amended by this Act, applies only to an investment made on or after the effective date of this Act. An investment made before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 11. This Act takes effect September 1, 2021.

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

Amend **CSHB 3617** (senate committee report) in SECTION 7 of the bill as follows:

(1) In added section 156.551(b), Finance Code (page 3, line 25), strike "All" and substitute "Subject to Subsection (c), all".

(2) Immediately following added Section 156.551(b), Finance Code (page 3, line 29), insert the following:

(c) The balance of the mortgage grant fund may not at any time exceed $300,000.

(3) Strike added Section 156.554(b)(1), Finance Code (page 3, lines 57 through 69), and substitute the following:

(1) may provide grants in an aggregate amount of not more than $100,000 each year to an auxiliary mortgage loan activity company or another nonprofit organization for the purposes of:

(A) providing to consumers financial education relating to mortgage loans; and

(B) providing to other nonprofit organizations training in order for those organizations to provide to consumers financial education relating to mortgage loans;

(4) Strike added Section 156.554(b)(3), Finance Code (page 4, lines 4 through 13), and substitute the following:

(3) may make disbursements from the fund to provide support for statewide financial education, activities, and programs specifically related to mortgage loans for consumers, including activities and programs described by Section 393.628(c).

HB 3131 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3131, A bill to be entitled An Act relating to the information required to be included in the certificate of formation of a filing entity.

Representative Cole moved to concur in the senate amendments to **HB 3131**.

The motion to concur in the senate amendments to **HB 3131** prevailed by (Record 1609): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; 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.

Absent — Shaheen.

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

Amend **HB 3131** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 3.005(a)(6), Business Organizations Code (page 1, line 38), strike "preferred" and substitute "initial".

(2) In SECTION 3 of the bill (page 1, line 61), strike "September 1, 2021" and substitute "January 1, 2022".

HB 525 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 525, A bill to be entitled An Act relating to the protection of religious organizations.

Representative Shaheen 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 525**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 525**: Shaheen, chair; Guillen, Hull, Krause, and Noble.

HB 2610 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2610, A bill to be entitled An Act relating to the deadline to begin a county fire code inspection in certain counties.

Representative Harless moved to concur in the senate amendments to **HB 2610**.

The motion to concur in the senate amendments to **HB 2610** prevailed by (Record 1610): 117 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burrows; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; 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.; Klick; Kuempel; Lambert; Larson; Leach; 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; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Burns; Cain; Capriglione; Cook; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leman; Murr; Noble; Oliverson; Patterson; Sanford; Schaefer; Shaheen; Slaton; Slawson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1610 was taken, I was shown voting yes. I intended to vote no.

Middleton

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

Amend **HB 2610** (senate committee report) in SECTION 1 of the bill, in added Section 233.064(e-1), Local Government Code (page 1, line 34), between "request" and the underlined period, by inserting the following:

, except the county shall begin the inspection of an indoor retail fireworks site, as defined by Section 2154.001, Occupations Code, within five business days after the date of receipt of the written inspection request

HB 1758 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1758, A bill to be entitled An Act relating to law enforcement's use of force by means of a drone.

Representative Krause 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 1758**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1758**: Krause, chair; Bowers, Martinez, Patterson, and Tinderholt.

HB 3643 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative K. King called up with senate amendments for consideration at this time,

HB 3643, A bill to be entitled An Act relating to the creation of the Texas Commission on Virtual Education.

Representative K. King moved to concur in the senate amendments to **HB 3643**.

The motion to concur in the senate amendments to **HB 3643** prevailed by (Record 1611): 106 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Buckley; Bucy; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Darby; 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.; Klick; Kuempel; Lambert; 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; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Burns; Burrows; Cain; Cason; Cook; Dean; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Paul; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bonnen; Leach.

STATEMENTS OF VOTE

When Record No. 1611 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1611 was taken, my vote failed to register. I would have voted no.

Leach

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

Amend **HB 3643** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, adding Subchapter I, Chapter 48, Education Code (page 2, between lines 27 and 28), insert the following:

Sec. 48.4085. GIFTS, GRANTS, AND DONATIONS. The agency may accept gifts, grants, and donations from any source to support the commission.

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

SECTION ____. The Texas Commission on Virtual Education, as created by Subchapter I, Chapter 48, Education Code, as added by this Act, is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, support the commission using other appropriations available for that purpose.

HB 1578 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1578, A bill to be entitled An Act relating to recovery of attorney's fees in certain civil cases.

Representative Landgraf moved to concur in the senate amendments to **HB 1578**.

The motion to concur in the senate amendments to **HB 1578** prevailed by (Record 1612): 135 Yeas, 10 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; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guillen; 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 Fischer; Metcalf; Meyer; Middleton; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu.

Nays — Cyrier; Dean; Gates; Goodwin; Harless; Hefner; Martinez; Meza; Moody; Zwiener.

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

Absent, Excused — Coleman.

Absent — Thompson, E.; Wilson.

STATEMENT OF VOTE

When Record No. 1612 was taken, my vote failed to register. I would have voted yes.

Wilson

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

Amend **HB 1578** (senate committee printing) in SECTION 1 of the bill, in amended Section 38.001, Civil Practice and Remedies Code (page 1, line 27), between "organization" and "[~~corporation~~]", by inserting "other than a quasi-governmental entity authorized to perform a function by state law, a religious organization, a charitable organization, or a charitable trust".

HB 3767 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3767, A bill to be entitled An Act relating to measures to support the alignment of education and workforce development in the state with state workforce needs, including the establishment of the Tri-Agency Workforce Initiative.

Representative Murphy moved to concur in the senate amendments to **HB 3767**.

The motion to concur in the senate amendments to **HB 3767** prevailed by (Record 1613): 98 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Guerra; Guillen; Harless; Hernandez; Herrero; 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 Fischer; Meyer; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu.

Nays — Anderson; Bailes; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cason; Cook; Cyrier; Goldman; Goodwin; Harris; Hefner; Hinojosa; Holland; Hull; Klick; Krause; Lambert; Landgraf; Leach; Leman; Martinez; Metcalf; Meza; Middleton; Moody; Murr; Noble; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Frank.

STATEMENT OF VOTE

When Record No. 1613 was taken, I was shown voting no. I intended to vote yes.

Paul

Senate Committee Substitute

CSHB 3767, A bill to be entitled An Act relating to measures to support the alignment of education and workforce development in the state with state workforce needs, including the establishment of the Tri-Agency Workforce Initiative.

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

SECTION 1. This Act shall be known as the Texas Education and Workforce Alignment Act.

SECTION 2. Subtitle G, Title 10, Government Code, is amended by adding Chapter 2308A to read as follows:

CHAPTER 2308A. TRI-AGENCY WORKFORCE INITIATIVE

Sec. 2308A.001. DEFINITIONS. In this chapter:

(1) "Agency," unless the context requires otherwise, means the Texas Education Agency.

(2) "Career education and training program" means:

(A) a career and technology education program offered by a public school;

(B) a career technical or workforce education program, as defined by the coordinating board, offered by an institution of higher education;

(C) a program administered by the commission relating to jobs training, skills development, or adult education and literacy; and

(D) a work-based learning program, such as an apprenticeship or internship program, that receives state funding or is administered by the commission.

(3) "Commission" means the Texas Workforce Commission.

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

(5) "Initiative" means the Tri-Agency Workforce Initiative.

(6) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(7) "State workforce development goals" means the state workforce development goals developed under Section 2308A.006.

Sec. 2308A.002. PURPOSE. The Tri-Agency Workforce Initiative is established to coordinate and improve information and other resources as necessary to:

(1) ensure that the use of state and federal education and workforce funds is efficiently aligned to achieve state workforce development goals;

(2) align career education and training programs to workforce demands; and

(3) enable local and state policy makers to identify the workforce outcomes of participants in career education and training programs and progress toward the state workforce development goals.

Sec. 2308A.003. INTERAGENCY AGREEMENTS AND STAFFING. (a) The agency, coordinating board, and commission shall enter into one or more interagency agreements establishing policies and processes for:

(1) sharing and matching relevant data and cooperatively managing education and workforce information collected by each respective agency; and

(2) coordinating the assignment of existing staff and other resources as necessary to effectuate the state workforce development goals and the strategies for achieving those goals developed under Section 2308A.006.

(b) The time spent by an employee of the agency, coordinating board, or commission in supporting the work of the initiative is not included in calculating the number of full-time equivalent employees allotted to the respective agency under other law.

Sec. 2308A.004. QUARTERLY DISCUSSIONS. The commissioner of education, commissioner of higher education, and chair of the commission shall discuss the work of the initiative at least once per quarter.

Sec. 2308A.005. STRATEGIC PLAN FOR UNIFIED WORKFORCE DATA REPOSITORY. (a) The coordinating board shall develop a strategic plan for the operation of a unified repository for education and workforce data. In developing the plan, the coordinating board shall solicit input from the agency, the commission, and relevant stakeholders.

(b) The plan developed under Subsection (a) must include recommendations for:

(1) automatically matching records of the agency, coordinating board, and commission at the student level on a timely basis;

(2) creating publicly available tools and resources regarding data on the outcomes of participants in career education and training programs, including graduation rates, student debt, employment status and industry of employment, and earnings over time, disaggregated to the extent practicable by income, race, ethnicity, and gender;

(3) making timely student data available to authorized entities to support higher education and workforce application, entry, and success; and

(4) creating and supporting a secure portal through which authorized personnel of approved entities can view and analyze comprehensive longitudinal and the most currently available matched data related to the progress toward meeting state workforce needs.

Sec. 2308A.006. STATE WORKFORCE DEVELOPMENT GOALS AND STRATEGIES. (a) The commissioner of education, commissioner of higher education, and chair of the commission jointly shall develop and post in a prominent location on the initiative's and each respective agency's Internet website state workforce development goals and coordinated interagency strategies for achieving those goals.

(b) The goals developed under Subsection (a) must:

(1) be developed in consultation with employers;

(2) include goals for the attainment of employment in jobs that pay a self-sufficient wage for all career education and training programs in the state;

(3) be disaggregated by race, ethnicity, and gender for each workforce development region; and

(4) provide for:

(A) locally determined priorities consistent with state goals; and

(B) collaborative planning and coordination with local employers, public schools, institutions of higher education, and local workforce development boards.

(c) The strategies developed under Subsection (a) must:

(1) include strategies for expanding work-based learning;

(2) articulate the ways in which the state can best leverage state and federal funding for career education and training programs; and

(3) be demonstrably guided by:

(A) education and workforce data;

(B) evidence of success and considerations of cost-effectiveness; and

(C) prioritized occupational classifications, including all target occupations and critical career pathways designated under Subsection (e).

(d) In consultation with employers, the commissioner of education, commissioner of higher education, and chair of the commission jointly shall update the state workforce development goals and strategies developed under Subsection (a) at least every four years, or more frequently if needed to reflect available data and circumstances.

(e) In consultation with employers, the commissioner of education, commissioner of higher education, and chair of the commission shall designate and update every two years a list of career pathways that includes the following two priority categories:

(1) target occupations, which include current needs that exist in one or more regions of the state as reflected in regional workforce assessments that:

(A) use the best available data and local employer requests; and

(B) satisfy minimum federal standards for designations, such as a foundation for qualified use of federal workforce funding; and

(2) critical career pathways that reflect the best statewide data and forecasts of skills and careers for which demand in the state is expected to grow that may:

(A) be associated with new emerging industries or new specialty occupations within an industry; or

(B) reflect pathways to better wages for workers with documented skills that provide promotional opportunities within or across occupations with targeted upskill training.

Sec. 2308A.007. CREDENTIAL LIBRARY. (a) The coordinating board and the commission jointly may establish a publicly accessible web-based library of credentials, such as diplomas, certificates, certifications, digital badges, apprenticeships, licenses, or degrees, that are:

(1) delivered, issued, funded, or governed by the state;

(2) aligned with recognized skills and industry standards;

(3) available to residents of the state; and

(4) used by employers in the state.

(b) The coordinating board and the commission jointly may designate a host agency or operating entity for a credential library established under this section.

(c) In establishing a credential library under this section, the coordinating board and the commission shall solicit input from the agency and relevant stakeholders.

Sec. 2308A.008. INTERNET-BASED RESOURCES. (a) Using federal funding or gifts, grants, or donations available for the purpose, the coordinating board may establish Internet-based resources for the initiative. The resources may include:

(1) a central Internet website for the initiative that contains information on the state workforce development goals and the strategies for achieving those goals developed under Section 2308A.006;

(2) a unified dashboard, updated on an annual or more frequent basis, that reports progress toward accomplishment of the state workforce development goals, both statewide and disaggregated by public school and public school campus, institution of higher education campus, workforce region, and county;

(3) data on the outcomes of students who participate in career education and training programs, disaggregated to the extent practicable by income, race, ethnicity, and gender, including data regarding degree and credential completion, employment status and industry of employment, and earnings over time;

(4) guidance supporting the use of data on the dashboard described by Subdivision (2) for greater accessibility for a wide range of public, practitioner, and legislative users;

(5) tools enabling residents of the state to:

(A) explore careers that match the resident's education and skills and lead to a self-sufficient wage;

(B) identify and evaluate education and training opportunities related to the resident's career interests; and

(C) connect to available jobs through existing job matching websites; and

(6) tools to support joint program planning, budgeting, and performance evaluation among:

(A) the agency, coordinating board, and commission; and

(B) public schools, institutions of higher education, local workforce development boards, and partnering entities.

(b) In establishing Internet-based resources for the initiative under Subsection (a), the coordinating board shall solicit input from the agency and the commission.

Sec. 2308A.009. STUDENT SUCCESS REPORTING. (a) Using federal workforce funds to the extent available for the purpose, the agency and the coordinating board shall make available to each public school and institution of higher education information possessed by the agency, coordinating board, or commission regarding the success of students previously enrolled in a career education and training program offered by the school or institution with respect to critical student outcomes, including degree and credential completion, employment status and industry of employment, and earnings over time.

(b) The commissioner of education and the commissioner of higher education shall ensure that the information made available under Subsection (a) is made available in a manner that complies with applicable state or federal law regarding the privacy and confidentiality of student information.

Sec. 2308A.010. OPPORTUNITY FOR COMMENT. At least 30 days before finalizing state workforce development goals or strategies for achieving those goals developed under Section 2308A.006, the agency, coordinating board, and commission jointly shall post on the initiative's and each respective agency's Internet website the proposed goals or strategies and instructions for submitting comment on those items to the agencies.

Sec. 2308A.011. TARGETED FUNDING TO ADDRESS STATE GOALS. (a) A state agency that receives funding through the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. Section 2301 et seq.) or the Workforce Innovation and Opportunity Act (Pub. L. No. 113-128) or any other federal funding for career education and training may, to the extent permissible under federal law, combine with, transfer to, or delegate to another state agency that receives such funding the agency's management of workforce-related funding as necessary to implement the state workforce development goals.

(b) A state agency that receives federal or state funding for career education and training programs shall include in the agency's legislative appropriations request a description of how the agency's career education and training programs and expenditures align with the state workforce development goals.

Sec. 2308A.012. SELF-SUFFICIENT WAGE. The agency, coordinating board, and commission jointly shall determine for each county the wage that constitutes a self-sufficient wage for purposes of this chapter. The determination must be based on a common standard that reflects the regionally adjusted minimum employment earnings necessary to meet a family's basic needs while also maintaining self-sufficiency.

Sec. 2308A.013. GIFTS, GRANTS, AND DONATIONS. (a) The agency, coordinating board, and commission may accept gifts, grants, and donations from any public or private source for purposes of the initiative.

(b) The agency, coordinating board, and commission shall investigate potential sources of funding from federal grants or programs that may be used for purposes of the initiative.

SECTION 3. Subchapter A, Chapter 204, Labor Code, is amended by adding Section 204.0025 to read as follows:

Sec. 204.0025. ADDITIONAL WORKFORCE DATA REPORTING. (a) It is the intent of the legislature that the commission, subject to the availability of federal funding or other resources for the purpose, work with employers to enhance the reporting of employment and earnings data by employers to the commission as part of an employer's routine wage filings under this subtitle or commission rule and consistent with federal law and regulations. The enhanced wage filings must include information related to occupation and other important employment information that would improve the state's labor market information.

(b) Not later than January 1, 2022, the commission shall, using existing staff and resources, design and implement a voluntary pilot program for the reporting and collection of enhanced wage filings described by Subsection (a). To the greatest extent possible, the commission shall include a representative sample of employers in the pilot program.

(c) Not later than September 1, 2022, the commission shall inform the legislature, including the standing legislative committees with relevant jurisdiction, regarding the results of the pilot program and any recommendations for legislative or other action.

(d) Subsections (b) and (c) and this subsection expire September 1, 2023.

SECTION 4. Not later than October 1, 2021, the Texas Education Agency, Texas Higher Education Coordinating Board, and Texas Workforce Commission shall hold the initial discussion required under Section 2308A.004, Government Code, as added by this Act.

SECTION 5. (a) Not later than January 31, 2022, the Texas Education Agency, Texas Higher Education Coordinating Board, and Texas Workforce Commission shall develop the initial state workforce development goals required under Section 2308A.006, Government Code, as added by this Act.

(b) Not later than April 30, 2022, the Texas Education Agency, Texas Higher Education Coordinating Board, and Texas Workforce Commission shall develop the initial strategies required under Section 2308A.006, Government Code, as added by this Act.

SECTION 6. Not later than August 1, 2022, the Texas Higher Education Coordinating Board shall develop the strategic plan for the operation of a unified repository for education and workforce data required under Section 2308A.005, Government Code, as added by this Act.

SECTION 7. (a) The Texas Education Agency and the Texas Higher Education Coordinating Board, as applicable, are required to implement Sections 2308A.005 and 2308A.009, Government Code, as added by this Act, only if:

(1) the legislature appropriates funds for that purpose; or

(2) the agencies receive gifts, grants, or donations for that purpose under Section 2308A.013, Government Code, as added by this Act.

(b) If funding described by Subsection (a) of this section is not appropriated or otherwise made available for the purpose described by that subsection, the Texas Education Agency and the Texas Higher Education Coordinating Board, as applicable, may, but are not required to, implement Sections 2308A.005 and 2308A.009, Government Code, as added by this Act, using other money available to the agencies for that purpose.

SECTION 8. This Act takes effect September 1, 2021.

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

Amend **CSHB 3767** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 204.0025, Labor Code (page 5, line 18), strike "(a)".

(2) In SECTION 3 of the bill, in added Section 204.0025, Labor Code, strike Subsections (b), (c), and (d) (page 5, lines 28 through 40).

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

SECTION ____. The Texas Workforce Commission is required to implement Section 204.0025, Labor Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement that section using other appropriations available for that purpose.

HB 3720 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3720, A bill to be entitled An Act relating to interest lists and eligibility criteria for certain Medicaid waiver programs.

Representative Frank 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 3720**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3720**: Frank, chair; M. González, Guillen, Klick, and Noble.

MESSAGE FROM THE SENATE

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

HB 2219 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2219, A bill to be entitled An Act relating to the issuance of Texas Mobility Fund obligations.

Representative Canales moved to concur in the senate amendments to **HB 2219**.

The motion to concur in the senate amendments to **HB 2219** prevailed by (Record 1614): 112 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; 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; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; 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; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Bonnen; Burrows; Cain; Cason; Cook; Cyrier; Dean; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Oliverson; Patterson; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENTS OF VOTE

When Record No. 1614 was taken, I was shown voting no. I intended to vote yes.

Cook

When Record No. 1614 was taken, I was shown voting yes. I intended to vote no.

Schofield

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

Amend **HB 2219** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 22-23), strike "201.943(a), Transportation Code, is amended" and substitute "201.943, Transportation Code, is amended by amending Subsections (a) and (l) and adding Subsection (m)".

(2) In SECTION 1 of the bill, in amended Section 201.943(a), Transportation Code (page 1, line 24), strike "and (g), [~~and (l),~~]" and substitute "(g), [~~and~~] (l), and (m),".

(3) In SECTION 1 of the bill, immediately following amended Section 201.943(a), Transportation Code (page 1, between lines 34 and 35), insert the following:

(l) Except as otherwise provided by this subsection, obligations may not be issued under this section or Section 49-k, Article III, Texas Constitution, on or after January 1, 2027 [~~2015~~]. The commission may issue obligations to refund:

(1) outstanding obligations to provide savings to the state; and

(2) outstanding variable rate obligations and may renew or replace credit agreements relating to the variable rate obligations.

(m) The aggregate principal amount of obligations that may be issued under this section or Section 49-k, Article III, Texas Constitution, after May 31, 2021, and before January 1, 2027, other than obligations described by Subsection (l)(1) or (2), may not exceed an amount equal to 60 percent of the outstanding principal amount existing on May 1, 2021, of obligations issued under this section or Section 49-k, Article III, Texas Constitution.

(4) Strike SECTION 2 of the bill (page 1, lines 35 and 36) and renumber the SECTIONS of the bill accordingly.

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

Amend **HB 2219** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 22), strike "Section 201.943(a), Transportation Code, is" and substitute "Sections 201.943(a) and (d), Transportation Code, are".

(2) In SECTION 1 of the bill, immediately following amended Section 201.943(a), Transportation Code (page 1, between lines 34 and 35), insert the following:

(d) Obligations may be issued for one or more of the following purposes:

(1) to pay all or part of the costs of constructing, reconstructing, acquiring, and expanding state highways, including any necessary design and acquisition of rights-of-way, in the manner and locations determined by the commission that, according to conclusive findings of the commission, have an expected useful life, without material repair, of not less than 10 years;

(2) to provide participation by the state in the payment of part of the costs of constructing and providing [~~publicly-owned toll roads and other~~] public transportation projects that are determined by the commission to be in the best interests of the state in its major goal of improving the mobility of the residents of the state;

(3) to create debt service reserve accounts;

(4) to pay interest on obligations for a period of not longer than two years;

(5) to refund or cancel outstanding obligations; and

(6) to pay the commission's costs of issuance.

HB 4 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4, A bill to be entitled An Act relating to the provision and delivery of health care services under Medicaid and other public benefits programs using telecommunications or information technology and to reimbursement for some of those services.

Representative Price moved to concur in the senate amendments to **HB 4**.

The motion to concur in the senate amendments to **HB 4** prevailed by (Record 1615): 147 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; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Paddie.

Senate Committee Substitute

CSHB 4, A bill to be entitled An Act relating to the provision and delivery of certain health care services in this state, including services under Medicaid and other public benefits programs, using telecommunications or information technology and to reimbursement for some of those services.

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

SECTION 1. Section 531.0216(i), Government Code, is amended to read as follows:

(i) The executive commissioner by rule shall ensure that a rural health clinic as defined by 42 U.S.C. Section 1396d(l)(1) and a federally qualified health center as defined by 42 U.S.C. Section 1396d(l)(2)(B) may be reimbursed for the originating site facility fee or the distant site practitioner fee or both, as appropriate, for a covered telemedicine medical service or telehealth service delivered by a health care provider to a Medicaid recipient. The commission is required to implement this subsection only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement this subsection using other money available to the commission for that purpose.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02161 to read as follows:

Sec. 531.02161. PROVISION OF SERVICES THROUGH TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY UNDER MEDICAID AND OTHER PUBLIC BENEFITS PROGRAMS. (a) In this section:

(1) "Behavioral health services" has the meaning assigned by Section 533.00255.

(2) "Case management services" includes service coordination, service management, and care coordination.

(b) To the extent permitted by federal law and to the extent it is cost-effective and clinically effective, as determined by the commission, the commission shall ensure that Medicaid recipients, child health plan program enrollees, and other individuals receiving benefits under a public benefits program administered by the commission or a health and human services agency,

regardless of whether receiving benefits through a managed care delivery model or another delivery model, have the option to receive services as telemedicine medical services, telehealth services, or otherwise using telecommunications or information technology, including the following services:

(1) preventive health and wellness services;

(2) case management services, including targeted case management services;

(3) subject to Subsection (c), behavioral health services;

(4) occupational, physical, and speech therapy services;

(5) nutritional counseling services; and

(6) assessment services, including nursing assessments under the following Section 1915(c) waiver programs:

(A) the community living assistance and support services (CLASS) waiver program;

(B) the deaf-blind with multiple disabilities (DBMD) waiver program;

(C) the home and community-based services (HCS) waiver program; and

(D) the Texas home living (TxHmL) waiver program.

(c) To the extent permitted by state and federal law and to the extent it is cost-effective and clinically effective, as determined by the commission, the executive commissioner by rule shall develop and implement a system that ensures behavioral health services may be provided using an audio-only platform consistent with Section 111.008, Occupations Code, to a Medicaid recipient, a child health plan program enrollee, or another individual receiving those services under another public benefits program administered by the commission or a health and human services agency.

(d) If the executive commissioner determines that providing services other than behavioral health services is appropriate using an audio-only platform under a public benefits program administered by the commission or a health and human services agency, in accordance with applicable federal and state law, the executive commissioner may by rule authorize the provision of those services under the applicable program using the audio-only platform. In determining whether the use of an audio-only platform in a program is appropriate under this subsection, the executive commissioner shall consider whether using the platform would be cost-effective and clinically effective.

SECTION 3. Section 531.02164, Government Code, is amended by adding Subsection (f) to read as follows:

(f) To comply with state and federal requirements to provide access to medically necessary services under the Medicaid managed care program, a Medicaid managed care organization may reimburse providers for home telemonitoring services provided to persons who have conditions and exhibit risk factors other than those expressly authorized by this section. In determining whether the managed care organization should provide reimbursement for

services under this subsection, the organization shall consider whether reimbursement for the service is cost-effective and providing the service is clinically effective.

SECTION 4. Section 533.0061(b), Government Code, is amended to read as follows:

(b) To the extent it is feasible, the provider access standards established under this section must:

(1) distinguish between access to providers in urban and rural settings; [~~and~~]

(2) consider the number and geographic distribution of Medicaid-enrolled providers in a particular service delivery area; and

(3) subject to Section 531.0216(c) and consistent with Section 111.007, Occupations Code, consider and include the availability of telehealth services and telemedicine medical services within the provider network of a Medicaid managed care organization.

SECTION 5. Section 533.008, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The executive commissioner shall adopt and publish guidelines for Medicaid managed care organizations regarding how organizations may communicate by text message or e-mail with recipients enrolled in the organization's managed care plan using the contact information provided in a recipient's application for Medicaid benefits under Section 32.025(g)(2), Human Resources Code.

SECTION 6. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.039 to read as follows:

Sec. 533.039. DELIVERY OF BENEFITS USING TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY. (a) The commission shall establish policies and procedures to improve access to care under the Medicaid managed care program by encouraging the use of telehealth services, telemedicine medical services, home telemonitoring services, and other telecommunications or information technology under the program.

(b) To the extent permitted by federal law, the executive commissioner by rule shall establish policies and procedures that allow a Medicaid managed care organization to conduct assessments and provide care coordination services using telecommunications or information technology. In establishing the policies and procedures, the executive commissioner shall consider:

(1) the extent to which a managed care organization determines using the telecommunications or information technology is appropriate;

(2) whether the recipient requests that the assessment or service be provided using telecommunications or information technology;

(3) whether the recipient consents to receiving the assessment or service using telecommunications or information technology;

(4) whether conducting the assessment, including an assessment for an initial waiver eligibility determination, or providing the service in person is not feasible because of the existence of an emergency or state of disaster, including a public health emergency or natural disaster; and

(5) whether the commission determines using the telecommunications or information technology is appropriate under the circumstances.

(c) If a Medicaid managed care organization conducts an assessment of or provides care coordination services to a recipient using telecommunications or information technology, the managed care organization shall:

(1) monitor the health care services provided to the recipient for evidence of fraud, waste, and abuse; and

(2) determine whether additional social services or supports are needed.

(d) To the extent permitted by federal law, the commission shall allow a recipient who is assessed or provided with care coordination services by a Medicaid managed care organization using telecommunications or information technology to provide consent or other authorizations to receive services verbally instead of in writing.

(e) The commission shall determine categories of recipients of home and community-based services who must receive in-person visits. Except during circumstances described by Subsection (b)(4), a Medicaid managed care organization shall, for a recipient of home and community-based services for which the commission requires in-person visits, conduct:

(1) at least one in-person visit with the recipient to make an initial waiver eligibility determination; and

(2) additional in-person visits with the recipient if necessary, as determined by the managed care organization.

(f) Notwithstanding the provisions of this section, the commission may, on a case-by-case basis, require a Medicaid managed care organization to discontinue the use of telecommunications or information technology for assessment or service coordination services if the commission determines that the discontinuation is in the best interest of the recipient.

SECTION 7. Section 62.1571, Health and Safety Code, is amended to read as follows:

Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND TELEHEALTH SERVICES. (a) In providing covered benefits to a child, a health plan provider must permit benefits to be provided through telemedicine medical services and telehealth services in accordance with policies developed by the commission.

(b) The policies must provide for:

(1) the availability of covered benefits appropriately provided through telemedicine medical services or telehealth services that are comparable to the same types of covered benefits provided without the use of telemedicine medical services or telehealth services; and

(2) the availability of covered benefits for different services performed by multiple health care providers during a single session of telemedicine medical services or telehealth services, if the executive commissioner determines that delivery of the covered benefits in that manner is cost-effective in comparison to the costs that would be involved in obtaining the services from providers without the use of telemedicine medical services or telehealth services, including the costs of transportation and lodging and other direct costs.

(d) In this section, "telehealth service" and "telemedicine medical service" have [~~has~~] the meanings [~~meaning~~] assigned by Section 531.001, Government Code.

SECTION 8. Subchapter A, Chapter 462, Health and Safety Code, is amended by adding Section 462.015 to read as follows:

Sec. 462.015. OUTPATIENT TREATMENT SERVICES PROVIDED USING TELECOMMUNICATIONS OR INFORMATION TECHNOLOGY. (a) An outpatient chemical dependency treatment program provided by a treatment facility licensed under Chapter 464 may provide services under the program to adult and adolescent clients, consistent with commission rule, using telecommunications or information technology.

(b) The executive commissioner shall adopt rules to implement this section.

SECTION 9. Section 462.025, Health and Safety Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) The rules governing the intake, screening, and assessment procedures shall establish minimum standards for providing intake, screening, and assessment using telecommunications or information technology.

SECTION 10. Section 32.025(g), Human Resources Code, is amended to read as follows:

(g) The application form adopted under this section must include:

(1) for an applicant who is pregnant, a question regarding whether the pregnancy is the woman's first gestational pregnancy; and

(2) for all applicants, a question regarding the applicant's preferences for being contacted by a managed care organization or health care provider, as follows:

"If you are determined eligible for benefits, your managed care organization or health plan provider may contact you by telephone, text message, or e-mail about health care matters, including reminders for appointments and information about immunizations or well check visits. All preferred methods of contact listed on this application will be shared with your managed care organization or health plan provider. Please indicate below your preferred methods of contact in order of preference, with the number 1 being the most preferable method:

(1) By telephone (if contacted by cellular telephone, the call may be autodialed or prerecorded, and your carrier's usage rates may apply)? Yes No

Telephone number: _____

Order of preference: 1 2 3 (circle a number)

(2) By text message (a free autodialed service, but your carrier may charge message and data rates)? Yes No

Cellular telephone number: _____

Order of preference: 1 2 3 (circle a number)

(3) By e-mail? Yes No

E-mail address: _____

Order of preference: 1 2 3 (circle a number)".

SECTION 11. Not later than January 1, 2022, the Health and Human Services Commission shall:

(1) implement Section 531.02161, Government Code, as added by this Act; and

(2) publish the guidelines required by Section 533.008(c), Government Code, as added by this Act.

SECTION 12. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 13. 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.

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

Amend **CSHB 4** (senate committee report) as follows:

(1) In SECTION 5 of the bill, in added Section 533.008(c), Government Code (page 3, line 3), between "Code" and the underlined period, insert ", including updated information provided to the organization in accordance with Section 32.025(h), Human Resources Code".

(2) Strike SECTION 10 of the bill (page 4, lines 38 through 68) and substitute the following:

SECTION 10. Section 32.025, Human Resources Code, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) The application form, including a renewal form, adopted under this section must include:

(1) for an applicant who is pregnant, a question regarding whether the pregnancy is the woman's first gestational pregnancy; [~~and~~]

(2) for all applicants, a question regarding the applicant's preferences for being contacted by a managed care organization or health plan provider that provides the applicant with the option to be contacted[~~, as follows:~~

[~~"If you are determined eligible for benefits, your managed care organization or health plan provider may contact you~~] by telephone, text message, or e-mail about health care matters, including reminders for appointments and information about immunizations or well check visits; and

(3) language that:

(A) notifies the applicant that, if determined eligible for benefits, all preferred contact methods listed on the application and renewal forms will be shared with the applicant's managed care organization or health plan provider;

(B) allows the applicant to consent to being contacted through the preferred contact methods by the applicant's managed care organization or health plan provider; and

(C) explains the security risks of electronic communication. [~~All preferred methods of contact listed on this application will be shared with your managed care organization or health plan provider. Please indicate below your preferred methods of contact in order of preference, with the number 1 being the most preferable method:~~

[~~(1) By telephone (if contacted by cellular telephone, the call may be autodialed or prerecorded, and your carrier's usage rates may apply)? Yes No~~

[~~Telephone number: _____~~

[~~Order of preference: 1 2 3 (circle a number)~~

[~~(2) By text message (a free autodialed service, but your carrier may charge message and data rates)? Yes No~~

[~~Cellular telephone number: _____~~

[~~Order of preference: 1 2 3 (circle a number)~~

[~~(3) By e-mail? Yes No~~

[~~E-mail address: _____~~

[~~Order of preference: 1 2 3 (circle a number)".~~]

(h) For purposes of Subsections (g)(2) and (3), the commission shall implement a process to:

(1) transmit the applicant's preferred contact methods and consent to the managed care organization or health plan provider;

(2) allow an applicant to change the applicant's preferences in the future, including providing for an option to opt out of electronic communication; and

(3) communicate updated information to the managed care organization or health plan provider.

(3) In SECTION 11 of the bill, adding transition language (page 5, lines 2 through 5), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the SECTION accordingly:

(____) adopt a revised application form for medical assistance benefits that conforms to the requirements of Section 32.025(g), Human Resources Code, as amended by this Act;

HB 3415 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3415, A bill to be entitled An Act relating to the authority of certain counties to require photo identification to file certain documents with the county clerk.

Representative Goldman moved to concur in the senate amendments to **HB 3415**.

The motion to concur in the senate amendments to **HB 3415** prevailed by (Record 1616): 138 Yeas, 7 Nays, 1 Present, not voting.

Yeas — 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; 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; 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; Parker; Paul; Perez; Price; 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; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Crockett; Hefner; Leman; Patterson; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Allen; Paddie; Raney.

STATEMENTS OF VOTE

When Record No. 1616 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 1616 was taken, I was shown voting no. I intended to vote yes.

Leman

Senate Committee Substitute

CSHB 3415, A bill to be entitled An Act relating to the authority of a county to require photo identification to file certain documents with the county clerk.

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

SECTION 1. The heading to Section 191.010, Local Government Code, is amended to read as follows:

Sec. 191.010. AUTHORITY TO REQUIRE PHOTO IDENTIFICATION TO FILE CERTAIN DOCUMENTS [~~IN CERTAIN COUNTIES~~].

SECTION 2. Section 191.010(b), Local Government Code, is amended to read as follows:

(b) A county clerk [~~in a county with a population of 3.3 million or more~~] may require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. The clerk may copy the photo identification or record information from the photo identification. The clerk may not charge a person a fee to copy or record the information from a photo identification.

SECTION 3. This Act takes effect September 1, 2021.

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

Amend **CSHB 3415** (senate committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 24-27) and renumber the SECTIONS of the bill accordingly.

(2) In SECTION 2 of the bill, in amended Section 191.010(b), Local Government Code (page 1, lines 30-31), strike "[~~in a county with a population of 3.3 million or more~~]" and substitute "in a county with a population of 800,000 [~~3.3 million~~] or more".

HB 700 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 700, A bill to be entitled An Act relating to the eligibility of foster children to receive college credit for completing the Preparation for Adult Living Program.

Representative J.D. Johnson moved to concur in the senate amendments to **HB 700**.

The motion to concur in the senate amendments to **HB 700** prevailed by (Record 1617): 138 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; 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; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Capriglione; Cason; Hefner; Leman; Shaheen; Swanson; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Vasut.

STATEMENTS OF VOTE

When Record No. 1617 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1617 was taken, I was in the house but away from my desk. I would have voted no.

Vasut

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

Amend **HB 700** (senate committee printing) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 23 and 24) and substitute the following:

SECTION 1. Section 264.121, Family Code, is amended by amending Subsections (a), (a-2), (a-6), (e-1), and (g) and adding Subsections (a-7) and (e-4) to read as follows:

(2) In SECTION 1 of the bill, in amended Section 264.121, Family Code (page 1, between lines 24 and 25) insert the following:

(a) The department shall address the unique challenges facing foster children in the conservatorship of the department who must transition to independent living by:

(1) expanding efforts to improve transition planning and increasing the availability of transitional family group decision-making to all youth age 14 or older in the department's permanent managing conservatorship, including enrolling the youth in the Preparation for Adult Living Program before the age of 16;

(2) coordinating with the commission to obtain authority, to the extent allowed by federal law, the state Medicaid plan, the Title IV-E state plan, and any waiver or amendment to either plan, necessary to:

(A) extend foster care eligibility and transition services for youth up to age 21 and develop policy to permit eligible youth to return to foster care as necessary to achieve the goals of the Transitional Living Services Program; and

(B) extend Medicaid coverage for foster care youth and former foster care youth up to age 21 with a single application at the time the youth leaves foster care; [~~and~~]

(3) entering into cooperative agreements with the Texas Workforce Commission and local workforce development boards to further the objectives of the Preparation for Adult Living Program. The department, the Texas Workforce Commission, and the local workforce development boards shall ensure that services are prioritized and targeted to meet the needs of foster care and former foster care children and that such services will include, where feasible, referrals for short-term stays for youth needing housing;

(4) addressing barriers to participation in the Preparation for Adult Living Program for a youth who has a disability by making appropriate accommodations that allow the youth to meaningfully participate in the program; and

(5) documenting in the youth's case file any accommodations made under Subdivision (4).

(a-2) The experiential life-skills training under Subsection (a-1) must include:

(1) a financial literacy education program developed in collaboration with the Office of Consumer Credit Commissioner and the State Securities Board that:

(A) includes instruction on:

(i) obtaining and interpreting a credit score;

(ii) protecting, repairing, and improving a credit score;

(iii) avoiding predatory lending practices;

(iv) saving money and accomplishing financial goals through prudent financial management practices;

(v) using basic banking and accounting skills, including balancing a checkbook;

(vi) using debit and credit cards responsibly;

(vii) understanding a paycheck and items withheld from a paycheck;

(viii) understanding the time requirements and process for filing federal taxes;

(ix) protecting financial, credit, and personally identifying information in personal and professional relationships and online;

(x) forms of identity and credit theft; and

(xi) using insurance to protect against the risk of financial loss; and

(B) assists a youth who has a source of income to:

(i) establish a savings plan and, if available, a savings account that the youth can independently manage; and

(ii) prepare a monthly budget that includes the following expenses:

(a) rent based on the monthly rent for an apartment advertised for lease during the preceding month;

(b) utilities based on a reasonable utility bill in the area in which the youth resides;

(c) telephone service based on a reasonable bill for telephone service in the area in which the youth resides;

(d) Internet service based on a reasonable bill for Internet service in the area in which the youth resides; and

(e) other reasonable monthly expenses; and

(2) for youth who are 17 years of age or older, lessons related to:

(A) insurance, including applying for and obtaining automobile insurance and residential property insurance, including tenants insurance; [~~and~~]

(B) civic engagement, including the process for registering to vote, the places to vote, and resources for information regarding upcoming elections; and

(C) the documents the youth is required to receive under Subsection (e-1) prior to being discharged from foster care and how those documents may be used.

(3) In SECTION 1 of the bill, in amended Section 264.121, Family Code (page 1, between lines 42 and 43) insert the following:

(a-7) The department shall ensure that before a youth leaves foster care, each youth who is 14 years of age or older has an e-mail address through which the youth may receive encrypted copies of personal documents and records.

(e-1) If, at the time a youth is discharged from foster care, the youth is at least 18 years of age or has had the disabilities of minority removed, the department shall provide to the youth, not later than the 30th day before the date the youth is discharged from foster care, the following information and documents unless the youth already has the information or document:

(1) the youth's birth certificate;

(2) the youth's immunization records;

(3) the information contained in the youth's health passport;

(4) a personal identification certificate under Chapter 521, Transportation Code;

(5) a social security card or a replacement social security card, if appropriate; and

(6) a Medicaid card or other proof of the youth's enrollment in Medicaid or an insurance card from a health plan that provides health coverage to foster youth[~~, if appropriate~~].

(e-4) The youth's caseworker shall:

(1) assist the youth with developing a plan for keeping the documents described by Subsection (e) in a safe place; and

(2) inform the youth about the documents the youth is required to receive before the date the youth is discharged from foster care.

(g) For a youth taking prescription medication, the department shall ensure that the youth's transition plan includes provisions to assist the youth in managing the use of the medication and in managing the child's long-term physical and mental health needs after leaving foster care, including:

(1) provisions that inform the youth about:

(A) [~~(1)~~] the use of the medication;

(B) [~~(2)~~] the resources that are available to assist the youth in managing the use of the medication; and

(C) [~~(3)~~] informed consent and the provision of medical care in accordance with Section 266.010(l); and

(2) for each youth who is 17 years of age or older and preparing to leave foster care, a program supervised by a health care professional to assist the youth with independently managing the youth's medication.

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

SECTION ____. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1214 to read as follows:

Sec. 264.1214. HOUSING FOR HOMELESS YOUTH AGING OUT OF FOSTER CARE. (a) For a youth who will voluntarily enter extended foster care on the youth's 18th birthday, the youth's caseworker shall, not later than six months before the youth's 18th birthday, complete any necessary transitional living or supervised independent living paperwork to ensure the youth has housing on the date the youth enters extended foster care. Not later than the 90th day before the youth's 18th birthday, the caseworker shall review the qualifications and requirements for the youth's housing.

(b) If a youth intends to continue living with the youth's substitute care provider after the youth's 18th birthday, the department shall waive any background check otherwise required for the youth to remain living with the substitute care provider.

(c) For a youth who continues living with the youth's substitute care provider after the youth's 18th birthday, the youth may share a bedroom with another youth who is 16 years of age or older provided the age difference between the youths does not exceed two years.

(d) A substitute care provider who prohibits a youth from living in the facility after the youth's 18th birthday shall notify the youth's caseworker of that fact:

(1) not later than:

(A) the 90th day before the youth's 18th birthday if the facility is a foster home; or

(B) six months before the youth's 18th birthday if the facility is a cottage family home or general residential operation; or

(2) as soon as possible if the youth is placed in a foster home, cottage family home, or general residential operation less than six months before the youth's 18th birthday.

(e) After receiving notice under Subsection (d), the youth's caseworker shall verbally communicate with the youth about the youth's living arrangements and document the substance of the communication in the youth's case file.

(f) The department shall assist a youth living in a supervised independent living program arrangement to develop a rental history by allowing the youth to cosign the lease for the youth's housing provided the property owner does not object.

(g) The department by rule shall establish a protocol that may be implemented for a youth to prevent the youth from aging out of a residential treatment center. The protocol, if implemented, must be implemented not later than the youth's 17th birthday or at the time the youth is placed in a residential treatment center after the youth's 17th birthday.

HB 1919 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1919, A bill to be entitled An Act relating to certain prohibited practices for certain health benefit plan issuers and certain required and prohibited practices for certain pharmacy benefit managers, including pharmacy benefit managers participating in the Medicaid and child health plan programs.

Representative Harris moved to concur in the senate amendments to **HB 1919**.

The motion to concur in the senate amendments to **HB 1919** prevailed by (Record 1618): 124 Yeas, 21 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; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; 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; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Beckley; Cason; Craddick; Crockett; Cyrier; Frullo; Goodwin; Hinojosa; Holland; Meza; Murr; Oliverson; Ramos; Rodriguez; Schaefer; Slaton; Spiller; Swanson; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cain; Morales Shaw; Rose.

STATEMENTS OF VOTE

When Record No. 1618 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 1618 was taken, I was shown voting no. I intended to vote yes.

Holland

When Record No. 1618 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 1618 was taken, I was shown voting no. I intended to vote yes.

Oliverson

When Record No. 1618 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

When Record No. 1618 was taken, I was shown voting no. I intended to vote yes.

Schaefer

Senate Committee Substitute

CSHB 1919, A bill to be entitled An Act relating to certain prohibited practices for certain health benefit plan issuers and certain required and prohibited practices for certain pharmacy benefit managers.

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

SECTION 1. Chapter 1369, Insurance Code, is amended by adding Subchapters L and M to read as follows:

SUBCHAPTER L. AFFILIATED PROVIDERS

Sec. 1369.551. DEFINITIONS. In this subchapter:

(1) "Affiliated provider" means a pharmacy or durable medical equipment provider that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a health benefit plan issuer or pharmacy benefit manager.

(2) "Health benefit plan" has the meaning assigned by Section 1369.251.

(3) "Pharmacy benefit manager" has the meaning assigned by Section 4151.151.

Sec. 1369.552. EXCEPTIONS TO APPLICABILITY OF SUBCHAPTER. Notwithstanding the definition of "health benefit plan" provided by Section 1369.551, this subchapter does not apply to an issuer or provider of health benefits under or a pharmacy benefit manager administering pharmacy benefits under:

(1) the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code;

(2) the child health plan program under Chapter 62, Health and Safety Code;

(3) the TRICARE military health system;

(4) a basic coverage plan under Chapter 1551;

(5) a basic plan under Chapter 1575;

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

(7) a plan providing basic coverage under Chapter 1601; or

(8) a workers' compensation insurance policy or other form of providing medical benefits under Title 5, Labor Code.

Sec. 1369.553. TRANSFER OR ACCEPTANCE OF CERTAIN RECORDS PROHIBITED. (a) In this section, "commercial purpose" does not include pharmacy reimbursement, formulary compliance, pharmaceutical care, utilization review by a health care provider, or a public health activity authorized by law.

(b) A health benefit plan issuer or pharmacy benefit manager may not transfer to or receive from the issuer's or manager's affiliated provider a record containing patient- or prescriber-identifiable prescription information for a commercial purpose.

Sec. 1369.554. PROHIBITION ON CERTAIN COMMUNICATIONS. (a) A health benefit plan issuer or pharmacy benefit manager may not steer or direct a patient to use the issuer's or manager's affiliated provider through any oral or written communication, including:

(1) online messaging regarding the provider; or

(2) patient- or prospective patient-specific advertising, marketing, or promotion of the provider.

(b) This section does not prohibit a health benefit plan issuer or pharmacy benefit manager from including the issuer's or manager's affiliated provider in a patient or prospective patient communication, if the communication:

(1) is regarding information about the cost or service provided by pharmacies or durable medical equipment providers in the network of a health benefit plan in which the patient or prospective patient is enrolled; and

(2) includes accurate comparable information regarding pharmacies or durable medical equipment providers in the network that are not the issuer's or manager's affiliated providers.

Sec. 1369.555. PROHIBITION ON CERTAIN REFERRALS AND SOLICITATIONS. (a) A health benefit plan issuer or pharmacy benefit manager may not require a patient to use the issuer's or manager's affiliated provider in order for the patient to receive the maximum benefit for the service under the patient's health benefit plan.

(b) A health benefit plan issuer or pharmacy benefit manager may not offer or implement a health benefit plan that requires or induces a patient to use the issuer's or manager's affiliated provider, including by providing for reduced cost-sharing if the patient uses the affiliated provider.

(c) A health benefit plan issuer or pharmacy benefit manager may not solicit a patient or prescriber to transfer a patient prescription to the issuer's or manager's affiliated provider.

(d) A health benefit plan issuer or pharmacy benefit manager may not require a pharmacy or durable medical equipment provider that is not the issuer's or manager's affiliated provider to transfer a patient's prescription to the issuer's or manager's affiliated provider without the prior written consent of the patient.

SUBCHAPTER M. CLINICIAN-ADMINISTERED DRUGS

Sec. 1369.601. DEFINITIONS. In this subchapter:

(1) "Affiliated provider" means a pharmacy or durable medical equipment provider that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a health benefit plan issuer or pharmacy benefit manager.

(2) "Clinician-administered drug" means an outpatient prescription drug other than a vaccine that:

(A) cannot reasonably be:

(i) self-administered by the patient to whom the drug is prescribed; or

(ii) administered by an individual assisting the patient with the self-administration; and

(B) is typically administered:

(i) by a physician or other health care provider authorized under the laws of this state to administer the drug, including when acting under a physician's delegation and supervision; and

(ii) in a physician's office, hospital outpatient infusion center, or other clinical setting.

(3) "Health care provider" means an individual who is licensed, certified, or otherwise authorized to provide health care services in this state.

(4) "Pharmacy benefit manager" has the meaning assigned by Section 4151.151.

(5) "Physician" means an individual licensed to practice medicine in this state.

Sec. 1369.602. APPLICABILITY OF SUBCHAPTER. (a) This subchapter 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 subchapter 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) health benefits provided by or through a church benefits board under Subchapter I, Chapter 22, Business Organizations Code;

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

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

(c) This subchapter does not apply to an issuer or provider of health benefits under or a pharmacy benefit manager administering pharmacy benefits under a workers' compensation insurance policy or other form of providing medical benefits under Title 5, Labor Code.

Sec. 1369.603. CERTAIN LIMITATIONS RELATED TO CLINICIAN-ADMINISTERED DRUGS PROHIBITED. (a) A health benefit plan issuer or pharmacy benefit manager may not, for a patient with a cancer or cancer-related diagnosis:

(1) require a clinician-administered drug to be dispensed by a pharmacy, including by an affiliated provider; or

(2) require that a clinician-administered drug or the administration of a clinician-administered drug be covered as a pharmacy benefit rather than a medical benefit.

(b) Nothing in this section may be construed to:

(1) authorize a person to administer a drug when otherwise prohibited under the laws of this state or federal law; or

(2) modify drug administration requirements under the laws of this state, including any requirements related to delegation and supervision of drug administration.

SECTION 2. Sections 1369.555(a) and (b), Insurance Code, as added by this Act, apply only to a health benefit plan delivered, issued for delivery, or renewed on or after the effective date of this Act.

SECTION 3. Subchapter M, Chapter 1369, Insurance Code, as added by this Act, applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022.

SECTION 4. This Act takes effect September 1, 2021.

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

Amend **CSHB 1919** (senate committee report) in SECTION 1 of the bill, in added Section 1369.552(6), Insurance Code (page 1, line 51), by striking "primary care".

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

Amend **CSHB 1919** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill adding Subchapters L and M, Chapter 1369, Insurance Code (page 1, line 27), strike "Subchapters L and M" and substitute "Subchapter L".

(2) In SECTION 1 of the bill, strike added Subchapter M, Chapter 1369, Insurance Code (page 2, line 46, through page 3, line 61).

(3) Strike SECTION 3 of the bill adding transition language for Subchapter M, Chapter 1369, Insurance Code (page 3, lines 66 through 69), and renumber subsequent SECTIONS of the bill accordingly.

HB 3979 - WITH SENATE AMENDMENTS

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

HB 3979, A bill to be entitled An Act relating to the social studies curriculum in public schools.

HB 3979 - REMARKS

REPRESENTATIVE TALARICO: Do you intend to concur with the senate's changes to this bill?

REPRESENTATIVE TOTH: You don't want to wait and see?

TALARICO: I'm asking you about your intention.

TOTH: I plan on concurring with the senate.

TALARICO: Okay. I just want to ask some questions about intent. Before this bill left the house, we added a bipartisan amendment requiring that our social studies educators teach the history of white supremacy and teach that it's morally wrong. Is that correct?

TOTH: We also had the discussion from the front and back mic that white supremacy—and we defined it, actually, in the bill—

TALARICO: So we added that amendment.

TOTH: —with an amendment to talk specifically about the Ku Klux Klan and eugenics and how evil that was.

TALARICO: Right. I was the author of that amendment, correct?

TOTH: You were. Yes.

TALARICO: And you supported that amendment?

TOTH: Yeah. White supremacy as it's defined by the Ku Klux Klan and eugenics is a terrible thing. Anyone that would hold hate in their heart toward a person simply because of the color of their skin is an evil thing.

TALARICO: Mr. Toth, did anyone in this body oppose that amendment?

TOTH: I don't believe they did, Mr. Talarico.

TALARICO: So that amendment requiring that we teach the history of white supremacy and teach that it's morally wrong was consented to unanimously in this body. That's right. What happened to that part of the bill when it got to the senate?

TOTH: One more time? I apologize.

TALARICO: What happened to that part of the bill when it go to the senate?

TOTH: There's still language in there that—

TALARICO: I'm just talking about that part of the bill, the language we added.

TOTH: It's not specifically in there the way you and I had talked about it.

TALARICO: It was removed? The section requiring that our students learn the history of white supremacy and learn that it's morally wrong was removed from this bill in the senate.

TOTH: Correct.

TALARICO: I worked with you on that amendment, correct?

TOTH: Correct.

TALARICO: And I know your heart is in the right place, and I know that you want to do right by our kids. And I thank you for supporting that amendment two weeks ago. I just want to make sure, for legislative intent, you still agree with that amendment today.

TOTH: Any way we can communicate correctly—

TALARICO: You agree—

TOTH: Let me answer your question, okay?

TALARICO: Sure.

TOTH: Because you asked a question. It was an open-ended question. It wasn't a closed-ended question. It was an open-ended question. Any way that we can adequately, correctly, broadly, deeply communicate that to judge somebody based on the color of their skin rather than the content of their character is evil and wrong.

TALARICO: Right. So you agree, like you did two weeks ago, that we should teach our students the history of white supremacy and teach that it's morally wrong?

TOTH: Anything that the senate has—

TALARICO: Just a yes or no, Mr. Toth.

TOTH: I would like to make sure that we absolutely teach—

TALARICO: You haven't changed your mind on that language we created, right?

TOTH: —that hatred based on the color of someone's skin is wrong, and we should always continue to communicate that.

TALARICO: I just want to make sure, being clear—you still support the amendment that we added, the language that we added, two weeks ago?

TOTH: Correct.

TALARICO: Okay. So let me ask you again, Mr. Toth. Why are you concurring with this change from the senate?

TOTH: We have a limited amount of time right now to—

TALARICO: I just want to make sure for people who are watching outside the building or for future generations who read this in the journal, you have the ability as the house author—

TOTH: We also—

TALARICO: Let me finish my question.

TOTH: Yes, Mr. Talarico. We also added some things—

TALARICO: Let me finish my question, Mr. Toth. So as the house author, you have the ability to reject—

TOTH: You asked why I'm concurring with the senate.

TALARICO: —this change and have the ability to request a conference committee to fight for this important language about white supremacy.

TOTH: So you asked why. How about if I share that with you, okay? Is that all right?

TALARICO: Sure.

TOTH: Okay. So we talked with members of the State Board of Education. We talked with former members of the State Board of Education. I personally talked with teachers, and I talked with the Texas Education Agency. And one of the things that we felt like was important was to add some means by which for teachers to be trained in civics. And so that's the language that the senate added to the bill.

TALARICO: Mr. Toth, I just want to focus again on that important amendment. It was the first amendment we adopted two weeks ago in this house. It was supported by every member of this house, including yourself. So is it fair to say that whoever removed that important language in the senate condemning white supremacy does not want the history of white supremacy to be taught and/or does not want our teachers to tell our students that white supremacy is morally wrong?

TOTH: You know, Senator West added an amendment to this bill as well.

TALARICO: Let me just, again—

TOTH: Let me answer you question, because you asked a question. I'd like to give you a thorough answer.

TALARICO: Make sure you're answering my question, not talking about something else.

TOTH: No, I'm totally going to. You asked why that came out, and my question is going to be right back at you, which is Senator West had the opportunity to add some amendments to this. That wasn't as important to him as the amendment that Senator Hughes took from him. So I don't know what the trade-off was. I'm not really quite sure why one was more important than the other, Representative. I can't answer that. I'm not inside his head.

TALARICO: Mr. Toth, why would anyone who believes white supremacy is wrong remove the part of the bill that says white supremacy is wrong? Let me ask it another way. Is it fair to say—

TOTH: Mr. Talarico, you asked me a question. You said, do you plan to concur or not concur? Do you plan to call a point of order on this bill?

TALARICO: I'm only a sophomore, but I do know from my two terms that questions come from this mic and answers come from that mic.

TOTH: No, they actually, if you look in the—

TALARICO: Is it fair—

TOTH: Actually—

TALARICO: Mr. Toth, is it fair—

TOTH: Actually, Mr. Talarico, if you look at the House Rules we're allowed to have a discussion.

TALARICO: Mr. Toth, is it fair to say that any bill—

TOTH: You don't want to have a discussion. You asked me a question. I answered it.

TALARICO: Mr. Toth, I know these questions are difficult, but you've got to do your best to answer them. Is it fair to say that any bill—

TOTH: Let's put the insults aside, Mr. Talarico.

TALARICO: Mr. Toth, is it fair to say that any bill that strikes language condemning racism is a racist bill? Mr. Toth, we can move on to another question. This bill is teaching certain values. In Section FA1, the bill mandates that teachers teach an appreciation of participating in civic life, of commitment to the United States and its form of government, and a commitment to free speech and civil discourse. But we are choosing—in fact, you're choosing today—not to teach students that white supremacy is morally wrong. So we're just teaching some values and not others in this bill. Is that correct?

TOTH: Is there anything in this bill, Mr. Talarico, that precludes the teaching of white supremacy?

TALARICO: Mr. Toth, does the bill mention white—

TOTH: I—it's a simple question. You made a statement, and I'm giving you an answer.

TALARICO: Again—

TOTH: Is there anything in this bill that precludes the teaching of white supremacy?

TALARICO: Again, Mr. Toth, I didn't bring this bill nor would I ever bring this bill as an educator or a person of conscience.

TOTH: I understand that.

TALARICO: I want to ask you, do you think that the removal of this clear and simple language condemning white supremacy reveals that the true purpose of this bill is to teach our students a whitewashed version of American history?

TOTH: No, absolutely not.

TALARICO: Mr. Toth, I just want—you know that when there are differences between a house version and a senate version of the bill that our Lege Council creates this little handy document.

TOTH: Side by side.

TALARICO: It's a side-by-side comparison. You have this?

TOTH: Yes, I do.

TALARICO: Mr. Toth, when you look at this side-by-side comparison with our house bill over here, the bill that we all passed, versus the senate's version on this side—

TOTH: What page are you on, Representative?

TALARICO: If you look at this comparison—

TOTH: What—I'm sorry. What page are you on?

TALARICO: I'm on page 3, but I'm not asking about a specific page. When you look at this side-by-side comparison throughout the bill, it reads like a how-to guide in historical whitewashing. Are you aware that this new version of the bill from the senate removes the writings of Frederick Douglass?

TOTH: I am.

TALARICO: Are you aware that this new version of the bill from the senate removes the writings of Dr. Martin Luther King Jr.?

TOTH: Yes.

TALARICO: Are you aware that this new version of the bill from the senate removes the history of Native Americans?

TOTH: The way the bill is laid out—

TALARICO: That's a yes or no question, Mr. Toth.

TOTH: —because we're very clear that we could not be conclusive about every single document out there that we could—

TALARICO: Are you aware that this version of the bill removes the history of Native Americans?

TOTH: I'm going to give you an answer. You're not—this isn't a trial. I'm going to give you an answer.

TALARICO: Okay, I'm ready for the answer.

TOTH: The way it's set out is so that a teacher can go to different documents and different authors by which to teach from. It's by no means meant to be a conclusive list.

TALARICO: Let me just ask you one more time. Are you aware that this new version of the bill from the senate removes the history of Native Americans? It's on page 3 of the side-by-side, if you don't have it in front of you.

TOTH: Then I believe you.

TALARICO: Okay. Are you aware that this new version of the bill removes mentions of Cesar Chavez?

TOTH: Yes.

TALARICO: Are you aware that this new version of the bill removes mentions of Susan B. Anthony?

TOTH: Yes, I am.

TALARICO: Yet the new version of the bill from the senate—this is not the bill we all passed as a house, but the senate's version—it still includes the writings of Alexis de Tocqueville, and he's not even an American. Could that be because he's a white man?

TOTH: Not exactly. And let me respond something, too. Let me—you brought up Susan B. Anthony. Are you aware, Representative, that Susan B. Anthony was an abolitionist?

TALARICO: Again, I don't have to answer questions about this bill because I would never file it.

TOTH: No, we're having a discussion here, and there's nothing—

TALARICO: Mr. Toth—

TOTH: —there's nothing about me in the rules not being able to ask you a question.

TALARICO: From what I can see, this—

TOTH: Were you also aware that she was pro-life and actually fought against both slavery—

TALARICO: Mr. Toth, I know these are hard questions. I really do.

TOTH:—and she also fought against abortion?

TALARICO: But I need you to try to answer them. From what I can see, the new version of the bill removes all mentions of people of color and women from the legislation. Is that correct? Mr. Toth?

TOTH: Go ahead. I'm sorry.

TALARICO: So by my count, the new version from the senate—again, this is not the bill we passed as the house. This is the bill from the senate. It removes nine historical figures of color and six female historical figures from the bill, which means that all mentions of people of color or women have been removed from this bill. Is that correct?

TOTH: I'll take your word for it, Representative.

TALARICO: Could an example of white supremacy, which we tried to condemn in this bill—

TOTH: And it also has in here the federal—if you'll look, it also has on here—on page 4, it speaks very clearly to the federal Civil Rights Act of 1964. What was the purpose of that?

HB 3979 - POINT OF ORDER

Representative Talarico raised a point of order against further consideration of the senate amendments to **HB 3979** under Rule 11, Section 2, and Rule 8, Section 3, of the House Rules and under Article III, Section 35(a), of the Texas Constitution on the grounds that amendments are not germane and that the bill contains more than one subject.

The points of order raised by Representative Talarico under Rule 8, Section 3, of the House Rules, and Article III, Section 35(a), of the Texas Constitution were withdrawn. The point of order raised under Rule 11, Section 2, of the House Rules was sustained and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on House Bill 3979 (Senate Amendments)

Announced in the House on May 28, 2021

Representative Talarico raises a point of order against further consideration of the Senate amendments to **HB 3979** under Rule 11, Section 2, of the House Rules on the grounds that amendments are not germane.

The engrossed House bill would require the adoption of specified elements to be taught in the public school social studies curriculum and prohibit certain compelled speech by, or the required training of, school teachers and administrators in connection with that curriculum. Among other things, the Senate amendments would require the commissioner of education to establish a civics training program that "must include training in . . . strategies for incorporating civics instruction into subject areas other than social studies." The Senate amendments are not germane.

Accordingly, the point of order is well-taken and sustained. The Chair directs the Chief Clerk to return the bill to the Senate for further action.

HB 3979 was returned to the senate for further action.

REMARKS ORDERED PRINTED

Representative Israel moved to print remarks between Representative Talarico and Representative Toth on **HB 3979**.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Resolutions Calendars to meet while the house is in session, at 4:15 p.m. today, in 1W.14, to consider a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 3:38 p.m., the following committee meeting was announced:

Resolutions Calendars, 4:15 p.m. today, 1W.14, for a formal meeting, to consider a calendar.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 295 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Minjarez submitted the conference committee report on **SB 295**.

Representative Minjarez moved to adopt the conference committee report on **SB 295**.

The motion to adopt the conference committee report on **SB 295** prevailed by (Record 1619): 135 Yeas, 9 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; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Harris; Hefner; Klick; Oliverson; Schaefer; Slaton; Swanson; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cain; Hernandez; Herrero; Jetton.

STATEMENTS OF VOTE

When Record No. 1619 was taken, my vote failed to register. I would have voted no.

Cain

When Record No. 1619 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1619 was taken, I was shown voting no. I intended to vote yes.

Wilson

SB 13 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the conference committee report on **SB 13**.

Representative P. King moved to adopt the conference committee report on **SB 13**.

The motion to adopt the conference committee report on **SB 13** prevailed by (Record 1620): 121 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Frank; Frullo; Gates; Geren; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Walle; White; Wilson.

Nays — Beckley; Bernal; Collier; Crockett; Dutton; Fierro; Gervin-Hawkins; Goodwin; Hernandez; Johnson, A.; Lucio; Minjarez; Moody; Morales, C.; Morales Shaw; Ramos; Reynolds; Rose; Sherman; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1620 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1620 was taken, I was shown voting yes. I intended to vote no.

Martinez Fischer

When Record No. 1620 was taken, I was shown voting yes. I intended to vote no.

Rodriguez

HB 3282 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the following conference committee report on **HB 3282**:

Austin, Texas, May 25, 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 3282** 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.

West	Ashby
Seliger	Harris
Hinojosa	Martinez
Hancock	E. Thompson
Nichols	Canales
On the part of the senate	On the part of the house

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.

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

SECTION 1. Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.3531 to read as follows:

Sec. 545.3531. AUTHORITY OF DISTRICT ENGINEER TO TEMPORARILY LOWER SPEED LIMIT AT HIGHWAY MAINTENANCE ACTIVITY SITE. (a) A district engineer of the Texas Department of Transportation may temporarily lower a prima facie speed limit for a highway or part of a highway in a district if the district engineer determines that the prima facie speed limit for the highway or part of highway is unreasonable or unsafe because of highway maintenance activities at the site.

(b) A district engineer may temporarily lower a prima facie speed limit under this section without the approval of or permission from the Texas Transportation Commission.

(c) A temporary speed limit established under this section:

(1) is a prima facie prudent and reasonable speed limit enforceable in the same manner as other prima facie speed limits established under other provisions of this subchapter; and

(2) supersedes any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.

(d) After a district engineer temporarily lowers a speed limit under this section, the Texas Department of Transportation shall:

(1) place and maintain at the maintenance activity site temporary speed limit signs that conform to the manual and specifications adopted under Section 544.001;

(2) temporarily conceal all other signs on the highway or part of a highway affected by the maintenance activity that give notice of a speed limit that would permit a person to operate a motor vehicle at a higher rate of speed; and

(3) remove all temporary speed limit signs placed under Subdivision (1) and concealments of other signs placed under Subdivision (2) when the temporary speed limit expires under Subsection (f).

(e) A temporary speed limit established under this section is effective when the Texas Department of Transportation, as required under Subsection (d), places temporary speed limit signs and conceals other signs that would permit a person to operate a motor vehicle at a higher rate of speed.

(f) A temporary speed limit established under this section:

(1) is effective until the earlier of:

(A) the 45th day after the date the limit becomes effective; or

(B) the date on which the district engineer determines that the maintenance activity has been completed and all equipment has been removed from the maintenance activity site; and

(2) may not be extended unless established by the Texas Transportation Commission under Section 545.353.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Representative Canales moved to adopt the conference committee report on **HB 3282**.

The motion to adopt the conference committee report on **HB 3282** prevailed by (Record 1621): 145 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Krause; Kuempel; Lambert;

Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Anchia; Middleton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — King, P.

STATEMENT OF VOTE

When Record No. 1621 was taken, I was shown voting yes. I intended to vote no.

Cason

HR 1868 - ADOPTED
(by Ashby)

The following privileged resolution was laid before the house:

HR 1868

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 5** (the expansion of broadband services to certain areas) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1) and (4), are suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5 of the bill, by adding Sections 490I.0105(a)(1)(B) and (2)(B), Government Code, to read as follows:

(a) The broadband development office shall create, update annually, and publish on the comptroller's Internet website a map classifying each designated area in this state as:

(1) an eligible area, if:

(A) fewer than 80 percent of the addresses in the designated area have access to broadband service; and

(B) the federal government has not awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area; or

(2) an ineligible area, if:

(A) 80 percent or more of the addresses in the designated area have access to broadband service; or

(B) the federal government has awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area.

Explanation: This change is necessary to ensure that an area is not classified as an area for which state financial assistance may be provided for the purpose of expanding access to and adoption of broadband service under Chapter 490I, Government Code, as added by the bill, if the federal government has awarded funding for the purposes of supporting the deployment of broadband service in the area.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5 of the bill, by adding Section 490I.0105(m), Government Code, to read as follows:

(m) A designated area that is classified as an ineligible area on account of the existence of federal funding to support broadband service deployment in the area may be reclassified as an eligible area if:

(1) funding from the federal government is forfeited or the recipient of the funding is disqualified from receiving the funding; and

(2) the designated area otherwise meets the qualifications of an eligible area.

Explanation: This change is necessary to ensure that an area classified as ineligible for state financial assistance provided for the purpose of expanding access to and adoption of broadband service under Chapter 490I, Government Code, as added by the bill, on account of the availability of federal funding for supporting the deployment of broadband service in the area may be reclassified as eligible to receive the assistance if the federal government funding is no longer available.

HR 1868 was adopted by (Record 1622): 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; 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; 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; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; 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 — Crockett; Reynolds.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Davis; Herrero; Lucio.

HB 5 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Ashby submitted the following conference committee report on **HB 5**:

Austin, Texas, May 24, 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 5** 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.

Nichols	Ashby
Hancock	Anderson
Hinojosa	C. Morales
Perry	Paddie
West	Rose
On the part of the senate	On the part of the house

HB 5, A bill to be entitled An Act relating to the expansion of broadband services to certain areas.

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

SECTION 1. Section 490H.002, Government Code, is amended to read as follows:

Sec. 490H.002. COMPOSITION. (a) The council is composed of one nonvoting member appointed by the broadband development office and the following [~~17~~] voting members appointed by the governor:

(1) two representatives of separate Internet service provider industry associations, including at least one representative of an association that primarily represents small providers, as defined by Section 56.032, Utilities Code[~~, appointed by the governor~~];

(2) one representative of the health information technology industry[~~, appointed by the governor~~];

(3) two representatives of unaffiliated nonprofit organizations that advocate for elderly persons statewide[~~, appointed by the governor~~];

(4) two representatives of unaffiliated nonprofit organizations that have a demonstrated history of working with the legislature and the public to identify solutions for expanding broadband to rural, unserved areas of this state[~~, appointed by the governor~~];

(5) one representative of an agricultural advocacy organization in this state[~~, appointed by the governor~~];

(6) one representative of a hospital advocacy organization in this state[~~, appointed by the governor~~];

(7) one representative of a medical advocacy organization in this state[~~, appointed by the governor~~];

(8) one county official who serves in an elected office of a county with a population of less than 35,000[~~, appointed by the governor~~];

(8-a) one county clerk of a county with a population of less than 60,000;

(8-b) one sheriff of a county with a population of less than 60,000;

(9) one municipal official who serves in an elected office of a municipality with a population of less than 20,000 located in a county with a population of less than 60,000[~~, appointed by the governor~~];

(10) one representative of an institution of higher education that has its main campus in a county with a population of less than 60,000[~~, appointed by the governor~~];

(11) one representative of a school district with a territory that includes only counties with a population of less than 60,000[~~, appointed by the governor~~];

(12) one representative from a library association[~~, appointed by the governor~~];

(13) one hospital administrator employed by a licensed hospital located in a county with a population of less than 60,000 [~~member of the house of representatives, appointed by the speaker of the house of representatives~~]; [~~and~~]

(14) one representative from an electric cooperative providing broadband;

(15) one representative of a school district with a territory that includes all or part of a county with a population of more than 500,000; and

(16) one representative of a nonprofit organization that has a demonstrated history of facilitating broadband adoption by offering digital literacy training or providing access to broadband technology [~~state senator, appointed by the lieutenant governor~~].

(b) The governor shall, to the greatest extent practicable, make appointments to the council that ensure that the composition of the council reflects the racial and ethnic composition of the state.

(c) [~~(b)~~] A member of the council appointed under Subsection (a) serves for a five-year term.

(d) [~~(c)~~] A vacancy on the council is filled in the same manner as the original appointment.

SECTION 2. Section 490H.003, Government Code, is amended to read as follows:

Sec. 490H.003. COUNCIL OFFICERS; COMMITTEES [~~PRESIDING OFFICER~~]. (a) The governor shall designate from the members of the council a chair and vice chair [~~the presiding officer~~] of the council for two-year terms.

(b) When designating a chair or vice chair, the governor shall ensure that:

(1) during a term when the chair resides in a county with a population of 100,000 or more, the vice chair resides in a county with a population of less than 100,000;

(2) during a term when the chair resides in a county with a population of less than 100,000, the vice chair resides in a county with a population of 100,000 or more;

(3) persons described by Subdivision (1) are immediately succeeded by persons described by Subdivision (2); and

(4) persons described by Subdivision (2) are immediately succeeded by persons described by Subdivision (1).

(c) The chair may appoint subcommittees and technical advisory committees to assist with the duties of the council.

SECTION 3. Section 490H.004, Government Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The council shall convene at the call of the chair or, if the chair is unable to call a meeting or does not call at least one meeting to meet the requirements of Subsection (a), at the call of the vice chair [~~presiding officer~~].

(c) The council shall:

(1) post the agenda for each council meeting on the council's Internet website at least 48 hours before the meeting; and

(2) not later than the 14th day after the date of each meeting, post on the council's Internet website the minutes or recording of the meeting required under Section 551.021.

(d) As an exception to Chapter 551 and other law, the council may meet by use of video conference call. This subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a member of the council to fully participate in any meeting of the council. A meeting held by use of video conference call:

(1) must be open to the public, which includes a video broadcast of the meeting in real time through the council's Internet website;

(2) must specify in the meeting notice the link to the video broadcast described by Subdivision (1); and

(3) must provide two-way video communication between all council members attending the meeting.

SECTION 4. Sections 490H.006(a) and (b), Government Code, are amended to read as follows:

(a) The council shall:

(1) research and monitor the progress of:

(A) broadband development in unserved areas;

(B) deployment of broadband statewide;

(C) purchase of broadband by residential and commercial customers; and

(D) patterns and discrepancies in access to broadband;

(2) identify barriers to residential and commercial broadband deployment in unserved areas;

(3) study:

(A) technology-neutral solutions to overcome barriers identified under Subdivision (2);

(B) industry and technology trends in broadband; and

(C) the detrimental impact of pornographic or other obscene materials on residents of this state and the feasibility of limiting access to those materials; and

(4) analyze how statewide access to broadband would benefit:

(A) economic development;

(B) the delivery of educational opportunities in higher education and public education;

(C) state and local law enforcement;

(D) state emergency preparedness; and

(E) the delivery of health care services, including telemedicine and telehealth.

(b) The council may research another matter related to broadband [~~only if a majority of the council approves researching the matter~~].

SECTION 5. Subtitle F, Title 4, Government Code, is amended by adding Chapter 490I to read as follows:

CHAPTER 490I. BROADBAND DEVELOPMENT OFFICE

Sec. 490I.0101. THRESHOLD SPEED FOR BROADBAND SERVICE. (a) For purposes of this chapter, subject to Subsection (b), "broadband service" means Internet service with the capability of providing:

(1) a download speed of 25 megabits per second or faster; and

(2) an upload speed of three megabits per second or faster.

(b) If the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability under 47 U.S.C. Section 1302 that are different than those specified by Subsection (a), the comptroller may require Internet service to be capable of providing download or upload speeds that match that federal threshold in order to qualify under this chapter as "broadband service."

(c) Not later than the 60th day after the date the comptroller adjusts the minimum download or upload speeds required for Internet service to qualify as "broadband service," the broadband development office shall publish on the comptroller's Internet website the adjusted minimum download and upload speeds.

Sec. 490I.0102. OFFICE. (a) The broadband development office is an office within the comptroller's office.

(b) The comptroller may employ additional employees necessary for the discharge of the duties of the broadband development office.

(c) The broadband development office:

(1) is under the direction and control of the comptroller;

(2) shall promote the policies enumerated in this chapter; and

(3) may perform any action authorized by state or federal law.

Sec. 490I.0103. POWERS AND DUTIES. (a) The broadband development office shall:

(1) serve as a resource for information regarding broadband service and digital connectivity in this state;

(2) engage in outreach to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office; and

(3) serve as an information clearinghouse in relation to:

(A) federal programs providing assistance to local entities with respect to broadband service; and

(B) addressing barriers to digital connectivity.

(b) The office has the powers necessary to carry out the duties of the office under this chapter, including the power to enter into contracts and other necessary instruments.

(c) This chapter does not grant the comptroller authority to regulate broadband services or broadband service providers or, except as required of an applicant or recipient under Section 490I.0106, to require broadband service providers to submit information to the comptroller.

(d) For the purpose of carrying out a duty or power of the office under this chapter, the office may:

(1) advertise in any available media; and

(2) promote the office's programs and functions.

Sec. 490I.0104. PARTICIPATION IN PROCEEDINGS OF FEDERAL COMMUNICATIONS COMMISSION. (a) The broadband development office may monitor, participate in, and provide input in proceedings of the Federal Communications Commission related to the geographic availability and deployment of broadband service in this state to ensure that:

(1) the information available to the commission reflects the current status of geographic availability and deployment of broadband service in this state; and

(2) this state is best positioned to benefit from broadband service deployment programs administered by federal agencies.

(b) The office may participate in a process established by the Federal Communications Commission allowing governmental entities to challenge the accuracy of the commission's information regarding the geographic availability and deployment of broadband service.

(c) The office shall establish procedures and a data collection process in accordance with rules established by the Federal Communications Commission that will enable the office to participate in the process described by Subsection (b).

Sec. 490I.0105. BROADBAND DEVELOPMENT MAP. (a) The broadband development office shall create, update annually, and publish on the comptroller's Internet website a map classifying each designated area in this state as:

(1) an eligible area, if:

(A) fewer than 80 percent of the addresses in the designated area have access to broadband service; and

(B) the federal government has not awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area; or

(2) an ineligible area, if:

(A) 80 percent or more of the addresses in the designated area have access to broadband service; or

(B) the federal government has awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area.

(b) The comptroller by rule may determine the scope of a designated area under Subsection (a).

(c) After creation of the initial map described in Subsection (a), the office may evaluate the usefulness of the standards for eligible and ineligible areas outlined in Subsection (a) and, if appropriate, make a recommendation to the legislature to revise the standards.

(d) The map required by Subsection (a) must display:

(1) the number of broadband service providers that serve each designated area;

(2) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service; and

(3) each public school campus in this state with an indication of whether the public school campus has access to broadband service.

(e) The office must create, update, and publish the map in a manner consistent with the most current mapping methodology adopted by the Federal Communications Commission.

(f) Except as provided by Subsection (g), the office shall use information available from the Federal Communications Commission to create or update the map.

(g) If information from the Federal Communications Commission is not available or not sufficient for the office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider may report the information to the office. The office may not require a subdivision or provider to report information in a format different from the format required by the most current mapping methodology adopted by the Federal Communications Commission.

(h) Information a broadband service provider reports to the office under Subsection (g) and information provided by the Federal Communications Commission, if not publicly available, is confidential and not subject to disclosure under Chapter 552.

(i) The office may contract with a private consultant or other appropriate person who is not associated or affiliated with a commercial broadband provider, including a local governmental entity, to provide technical or administrative assistance to the office for the purpose of creating or updating the map.

(j) The office may release information reported under Subsection (g) to a contractor providing services under Subsection (i). The contractor shall:

(1) keep the information confidential; and

(2) return the information to the office on the earliest of the following dates:

(A) the date the contract expires;

(B) the date the contract is terminated; or

(C) the date the mapping project for which the contractor is providing services is complete.

(k) A person who contracts under Subsection (i) may not provide services for a broadband provider in this state before the second anniversary of the last day the contract is in effect.

(l) The office shall establish criteria for determining whether a designated area should be reclassified as an eligible area or an ineligible area. The criteria must include an evaluation of Internet speed test data and information on end user addresses. The criteria may also include community surveys regarding the reliability of Internet service, where available.

(m) A designated area that is classified as an ineligible area on account of the existence of federal funding to support broadband service deployment in the area may be reclassified as an eligible area if:

(1) funding from the federal government is forfeited or the recipient of the funding is disqualified from receiving the funding; and

(2) the designated area otherwise meets the qualifications of an eligible area.

(n) A broadband service provider or political subdivision may petition the office to reclassify a designated area on the map as an eligible area or ineligible area. The office shall provide notice of the petition to each broadband service provider that provides broadband service to the designated area and post notice of the petition on the comptroller's Internet website.

(o) Not later than the 45th day after the date that a broadband provider receives notice under Subsection (n), the provider shall provide information to the office showing whether the designated area should or should not be reclassified.

(p) Not later than the 75th day after the date that a broadband provider receives notice under Subsection (n), the office shall determine whether to reclassify the designated area on the map and update the map as necessary. A determination made by the office under this subsection is not a contested case for purposes of Chapter 2001.

(q) The office is not required to create, update, or publish a map under this section if the Federal Communications Commission produces a map that:

(1) enables the office to identify eligible and ineligible areas, as described by Subsection (a); and

(2) meets the requirements of Subsection (d).

Sec. 490I.0106. BROADBAND DEVELOPMENT PROGRAM. (a) The broadband development office shall establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to and adoption of broadband service in designated areas determined to be eligible areas by the office under Section 490I.0105.

(b) The office shall establish and publish criteria for making awards under Subsection (a). The office shall:

(1) take into consideration grants and other financial incentives awarded by the federal government for the deployment of broadband service in a designated area;

(2) prioritize the applications of applicants that will expand access to and adoption of broadband service in eligible areas in which the lowest percentage of addresses have access to broadband service; and

(3) prioritize the applications of applicants that will expand access to broadband service in public and private primary and secondary schools and institutions of higher education.

(c) Notwithstanding Subsection (b)(2), the office may establish criteria that take into account a cost benefit analysis for awarding money to the eligible areas described by that subdivision.

(d) The office may not:

(1) favor a particular broadband technology in awarding grants, loans, or other financial incentives;

(2) award grants, loans, or other financial incentives to a broadband provider that does not report information requested by the office under Section 490I.0105;

(3) award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area; or

(4) take into consideration distributions from the state universal service fund established under Section 56.021, Utilities Code, when deciding to award grants, loans, or other financial incentives.

(e) The office shall:

(1) post on the comptroller's Internet website information about the application process and the receipt of awards and shall update that information as necessary; and

(2) post on the comptroller's Internet website information from each application, including the applicant's name, the area targeted for expanded broadband service access or adoption by the application, and any other information the office considers relevant or necessary, for a period of at least 30 days before the office makes a decision on the application.

(f) During the 30-day posting period described by Subsection (e) for an application, the office shall accept from any interested party a written protest of the application relating to whether the applicant or project is eligible for an award or should not receive an award based on the criteria prescribed by the office.

(g) Notwithstanding any deadline for submitting an application, if the office upholds a protest submitted under Subsection (f) on the grounds that one or more of the addresses in an eligible area subject to the application have access to broadband service, the applicant may resubmit the application without the challenged addresses not later than 30 days after the date that the office upheld the protest.

(h) The office shall establish and publish criteria for award recipients. The criteria must include requirements that grants, loans, and other financial incentives awarded through the program be used only for capital expenses, purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service.

(i) An award granted under this section does not affect the eligibility of a telecommunications provider to receive support from the state universal service fund under Section 56.021, Utilities Code.

Sec. 490I.0107. STATE BROADBAND PLAN. (a) The broadband development office shall prepare, update, and publish on the comptroller's Internet website a state broadband plan that establishes long-term goals for greater access to and adoption, affordability, and use of broadband service in this state.

(b) In developing the state broadband plan, the office shall:

(1) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services and technology access;

(2) consider the policy recommendations of the governor's broadband development council;

(3) favor policies that are technology-neutral and protect all members of the public;

(4) explore state and regional approaches to broadband development; and

(5) examine broadband service needs related to:

(A) public safety, including the needs of state agencies involved in the administration of criminal justice, as that term is defined by Article 66.001, Code of Criminal Procedure;

(B) public education and state and local education agencies, including any agency involved in the electronic administration of an assessment instrument required under Section 39.023, Education Code; and

(C) public health, including the needs of state agencies involved in the administration of public health initiatives such as the Health and Human Services Commission and the Department of State Health Services.

Sec. 490I.0108. BROADBAND DEVELOPMENT ACCOUNT. (a) The broadband development account is an account in the general revenue fund.

(b) The account consists of:

(1) appropriations of money to the account by the legislature;

(2) gifts, donations, and grants, including federal grants; and

(3) interest earned on the investment of the money in the account.

(c) The comptroller shall deposit to the credit of the account federal money received by the state for the purpose of broadband development, to the extent permitted by federal law.

(d) Money in the account may be appropriated only to the broadband development office for purposes of:

(1) creating or updating the map described by Section 490I.0105;

(2) administering the broadband development program under Section 490I.0106;

(3) creating or updating the state broadband plan under Section 490I.0107; or

(4) engaging in outreach to communities regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office and equipment.

(e) The account is exempt from the application of Sections 403.095, 403.0956, and 404.071.

Sec. 490I.0109. RULEMAKING. The comptroller may adopt rules as necessary to implement this chapter.

Sec. 490I.0110. BOARD OF ADVISORS. (a) In this section:

(1) "Rural area" means a county with a population of less than 100,000 that is not adjacent to a county with a population of more than 350,000.

(2) "Urban area" means a county with a population of more than one million.

(b) The broadband development office board of advisors is composed of 10 members, appointed as follows:

(1) two members appointed by the governor, including:

(A) one member to represent the Texas Economic Development and Tourism Office; and

(B) one member to represent nonprofit corporations that work on the expansion, adoption, affordability, and use of broadband service;

(2) three members appointed by the lieutenant governor, including:

(A) one member who resides in an urban area;

(B) one member to represent the public primary and secondary education community; and

(C) one member who resides in a county that:

(i) is adjacent to an international border;

(ii) is located not more than 150 miles from the Gulf of Mexico; and

(iii) has a population of more than 60,000;

(3) three members appointed by the speaker of the house of representatives, including:

(A) one member who resides in a rural area;

(B) one member to represent the health and telemedicine industry; and

(C) one member to represent the public higher education community;

(4) the comptroller or the comptroller's designee; and

(5) one nonvoting member appointed by the broadband development office to represent the office.

(c) The comptroller or the comptroller's designee serves as the presiding officer of the board of advisors.

(d) Members of the board of advisors serve at the pleasure of the appointing authority for staggered two-year terms, with the terms of the members described by Subsections (b)(1) and (2) expiring February 1 of each odd-numbered year and the terms of the members described by Subsections (b)(3), (4), and (5) expiring February 1 of each even-numbered year. A member may serve more than one term.

(e) Not later than the 30th day after the date a member's term expires, the appropriate appointing authority shall appoint a replacement in the same manner as the original appointment.

(f) If a vacancy occurs on the board of advisors, the appropriate appointing authority shall appoint a successor in the same manner as the original appointment to serve for the remainder of the unexpired term. The appropriate appointing authority shall appoint the successor not later than the 30th day after the date the vacancy occurs.

(g) The board of advisors shall provide guidance to the broadband development office regarding the expansion, adoption, affordability, and use of broadband service and the programs administered by the office.

(h) Beginning one year after the effective date of the Act enacting this chapter, the board of advisors shall meet at least once every other month with representatives from the broadband development office for the purpose of advising the work of the office in implementing the provisions of this chapter.

(i) A person who is professionally affiliated with a person serving as a member of the board of advisors is not eligible for funding from the broadband development program under Section 490I.0106.

(j) The board of advisors may consult with stakeholders with technical expertise in the area of broadband and telecommunication technology.

(k) Meetings of the board of advisors are subject to Chapter 551.

SECTION 6. (a) The broadband development office established by Section 490I.0102, Government Code, as added by this Act, shall publish the map required by Section 490I.0105, Government Code, as added by this Act, on the comptroller's Internet website not later than January 1, 2023.

(b) Not later than September 1, 2022, the office shall publish on the comptroller's Internet website:

(1) a map created by the Federal Communications Commission that displays the number of broadband service providers that serve each designated area; or

(2) a link to a map described by Subdivision (1) of this subsection.

(c) For the purpose of administering the broadband development program established by Section 490I.0106, Government Code, as added by this Act, the office shall use a map described by Subsection (b) of this section to determine whether an area is eligible until the office publishes the map required by Section 490I.0105, Government Code, as added by this Act.

SECTION 7. The broadband development office established by Section 490I.0102, Government Code, as added by this Act, shall prepare the initial state broadband plan required by Section 490I.0107, Government Code, as added by this Act, not later than the first anniversary of the effective date of this Act.

SECTION 8. (a) Not later than November 1, 2021, each appointing authority shall appoint the members of the broadband development office board of advisors as required by Section 490I.0110, Government Code, as added by this Act. The board of advisors may not take action until a majority of the members have taken office.

(b) Before the expiration of one year after the effective date of this Act, the broadband development office board of advisors established under Section 490I.0110, Government Code, as added by this Act, shall meet at least once every month with representatives from the broadband development office established by Section 490I.0102, Government Code, as added by this Act, for the purpose of advising the work of the office in implementing the provisions of Chapter 490I, Government Code, as added by this Act.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 5 - REMARKS

REPRESENTATIVE CASON: First of all, I want to thank Representative Ashby for his work in conference and his efforts to keep our amendment on the bill. The Texas House made it clear that this government-subsidized high speed Internet should, by default, block access to pornographic material unless otherwise requested by the customer—in other words, a default porn filter that can be voluntarily turned off. This policy is what the amendment that I presented on this bill did, and that this body, with bipartisan support, approved. I'm still completely amazed that the senate opposed this policy. Our amendment was fully constitutional and was focused on protecting children. Instead, the senate recommended a study of the effects of pornography exposure to Texas children. In other words, we're presented with a bill that we know will increase Texas children's access to porn, and then we'll study the negative effects of that exposure after the fact. This is simply wrong.

Members, exposing children to pornography does serious harm. We don't need more studies on this subject. Only three percent of pornographic websites require age verification—only three percent. The average age of a child's first exposure to pornography is 11 years old. That's the average, members, meaning many children encounter this destructive material at even younger ages. Research from the security technology company Bitdefender has reported that children under the age of 10 now account for 22 percent of online porn consumption for minors. I repeat, 22 percent of porn consumed by minors is by children under 10 years old. We should not expand children's ability to access pornography using taxpayer dollars. What the senate did by stripping out our amendment is exactly this, using tax dollars to give children easier access to pornography.

Members, did you know that most Internet service providers offer a porn filter that you can request? Most parents do not know that voluntary porn filters are already provided by most ISPs as an option. However, these filters are offered as an opt-in rather than an opt-out. Our amendment simply stated that ISPs who provide this porn filter by default would be prioritized for the funds, loans, and grants in this bill over the ISPs who don't provide such a filter or who provide the filter as an opt-in. It's that simple. Other countries already do this, and Texas had an opportunity to lead in this way. Members, the bottom line is that this bill will increase Texas children's pornography consumption—period. I know that our amendment won't fix the whole problem. However, it was our only opportunity this session to address this public health crisis.

Members, this is a public health crisis. Over the last two years, 16 states have declared pornography addiction to be a public health crisis. These states are Arkansas, Arizona, Florida, Idaho, Kansas, Kentucky, Louisiana, Missouri, Montana, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, and Virginia. Sadly, Texas lags behind all of these states. Over half of all divorce cases involve one person having an obsessive interest with Internet porn. Internet porn consumers are twice as likely to be diagnosed with severe clinical depression than non-porn consumers. As state legislators, it's incumbent upon us to protect our children from explicit material, especially if we are funding the increased access to this explicit material.

For these reasons and more, I ask that you join me in opposing the adoption of the Conference Committee Report on **HB 5**. Members, keep in mind that voting against this conference committee report will not kill this bill. Since the bill is a priority item of the governor's, Governor Abbott can simply add this issue to any future special session we have. At that time, we can force the senate to take the proper actions and readopt our amendment to protect children from pornography. So once again, I sincerely appreciate Representative Ashby working with me on this issue, and it's with a heavy heart that I urge you to vote against this conference committee report.

REPRESENTATIVE TINDERHOLT: So when we do these there's always discussions, at least on my side over here on the left—or if you're facing me, on the right—are we voting on the committee report? Are we voting on the amendments to it? Or are we voting on the bill? And I think we're voting on the amendments or changes as they come over, not the bill. Would you agree with that?

REPRESENTATIVE ASHBY: We are voting on the conference committee report in its final version. This will be sent to the governor.

TINDERHOLT: So my concern is that porn was stripped out, having to opt into it, especially after the speech that was just given. I think this is a good bill. And I'm disappointed that bills keep coming over here from the senate and they change and they cause a lot of us, especially conservatives who want to vote for these things, to not be able to vote for these because they do things—they either add things or they remove really good things from these bills. This is a super

important bill. But at the heart of it, I feel like now I'm voting for giving access to porn to 10-year-olds, and I really struggle with that. I want an honest dialogue. How do you feel about that? Because I struggle with it.

ASHBY: No, I completely understand, Representative Tinderholt. And as I said earlier, you know, from a moral standpoint, you and I are in complete agreement. And I've told Representative Cason that the most appropriate thing would be to be able to file a bill, and I would be glad to serve as a joint author to look at this issue that you and I and that he had discussed earlier. But yes, back to what we were saying earlier. This is the final version of the conference committee report. As you know, when you negotiate with the other body, you don't get everything you want. I was pleased to fight for and get what we have in the bill, which I believe over the next two years will allow for the broadband development council to study what we can, again, feasibly do to block access to pornographic and obscene material on the Internet.

TINDERHOLT: My fear is that we're going to go home and what this is going to turn into is you voted for or you voted against the porn filter. Honestly, that's what I think it's going to come down to. And so that's why I wanted to have this debate with you because it's the same debate we have on the floor every time we get to this part of session. Are you voting on the original bill? Are you voting on the final bill? Are you voting on the amendments? And so I wanted to have this dialogue with you because I'm really concerned about that being stripped out.

ASHBY: I understand. I just respectfully disagree on that point.

Representative Ashby moved to adopt the conference committee report on **HB 5**.

The motion to adopt the conference committee report on **HB 5** prevailed by (Record 1623): 133 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; 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.; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cason; Cook; Gates; Hefner; Krause; Middleton; Sanford; Schaefer; Shaheen; Swanson; Tinderholt; Wilson.

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

Absent, Excused — Coleman.

Absent — Leach.

REASON FOR VOTE

The following reason for vote was submitted to be printed in the journal:

Even though we voted in favor of **HB 5**, which expands much-needed broadband access to rural Texans, we are disappointed the senate removed the amendment by Representative Cason put on the bill during second reading in the house. This amendment would have helped protect children from accessing pornographic or obscene material on broadband services offered under this initiative.

We understand concerns were raised in the conference committee about whether the amendment would run afoul of current First Amendment precedent. While we are not certain if those concerns are valid, we do appreciate the need to carefully consider this issue and we are glad to see the senate has at least required the Governor's Broadband Development Council to study the harmful effects of pornographic material on children.

Suffice to say, we expect and call on the legislature to take action next session to prevent children from being exposed to pornographic or obscene material when using the Internet—including rural broadband services under this initiative—in a manner that complies with First Amendment precedent.

Buckley, Cain, Harris, and Vasut

REMARKS ORDERED PRINTED

Representative Slaton moved to print remarks by Representative Cason and between Representative Tinderholt and Representative Ashby on **HB 5**.

The motion prevailed.

HB 295 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 295, A bill to be entitled An Act relating to the provision of funding for indigent defense services.

Representative Murr moved to concur in the senate amendments to **HB 295**.

The motion to concur in the senate amendments to **HB 295** prevailed by (Record 1624): 148 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1624 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

Senate Committee Substitute

CSHB 295, A bill to be entitled An Act relating to the provision of funding for indigent defense services.

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

SECTION 1. Section 79.037(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) provide technical support to:

(A) assist counties in improving their systems for providing indigent defense services, including indigent defense support services [~~systems~~]; and

(B) promote compliance by counties with the requirements of state law relating to indigent defense;

(2) to assist a county in providing or improving the provision of indigent defense services in the county, distribute in the form of grants any funds appropriated for the purposes of this section to one or more of the following entities:

(A) the county;

(B) a law school's legal clinic or program that provides indigent defense services in the county; [~~and~~]

(C) a regional public defender that meets the requirements of Subsection (e) and provides indigent defense services in the county; [~~and~~]

(D) an entity described by Section 791.013 that provides to a county administrative services under an interlocal contract entered into for the purpose of providing or improving the provision of indigent defense services in the county; and

(E) a nonprofit corporation that provides indigent defense services or indigent defense support services in the county; and

(3) monitor each entity that receives a grant under Subdivision (2) and enforce compliance with the conditions of the grant, including enforcement by:

(A) withdrawing grant funds; or

(B) requiring reimbursement of grant funds by the entity.

SECTION 2. Section 79.037(b), Government Code, as amended by Chapters 56 (**SB 1353**) and 476 (**SB 1057**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) The commission shall determine for each county the entity or entities [~~within the county~~] that are eligible to receive funds for the provision of or improvement in the provision of indigent defense services under Subsection (a)(2). The determination must be made based on the entity's:

(1) compliance with standards adopted by the board; and

(2) demonstrated commitment to compliance with the requirements of state law relating to indigent defense.

SECTION 3. Section 79.037(c), Government Code, as amended by Chapters 56 (**SB 1353**) and 476 (**SB 1057**), Acts of the 84th Legislature, Regular Session, 2015, is reenacted to read as follows:

(c) The board shall adopt policies to ensure that funds under Subsection (a)(2) are allocated and distributed in a fair manner.

SECTION 4. Section 26.0442(a), Tax Code, is amended to read as follows:

(a) In this section, "indigent defense compensation expenditures" for a tax year means the difference between:

(1) the amount paid by a county in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted to:

(A) provide appointed counsel for indigent individuals in criminal or civil proceedings in accordance with the schedule of fees adopted under Article 26.05, Code of Criminal Procedure; and

(B) fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure; and

(2) [~~, in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted, less~~] the amount of any state grants received by the county during that period for those purposes [~~the same purpose~~].

SECTION 5. Section 79.037(e), Government Code, as added by Chapter 56 (**SB 1353**), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 6. Section 26.0442, Tax Code, as amended by this Act, applies to the calculation of the no-new-revenue maintenance and operations rate for a county only for a tax year beginning on or after January 1, 2022.

SECTION 7. This Act takes effect September 1, 2021.

HB 988 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 988, A bill to be entitled An Act relating to the system for appraising property for ad valorem tax purposes; creating a criminal offense.

Representative Shine moved to concur in the senate amendments to **HB 988**.

The motion to concur in the senate amendments to **HB 988** prevailed by (Record 1625): 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.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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Pacheco.

STATEMENT OF VOTE

When Record No. 1625 was taken, I was shown voting yes. I intended to vote no.

Meza

Senate Committee Substitute

CSHB 988, A bill to be entitled An Act relating to ad valorem taxation; creating a criminal offense.

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

SECTION 1. Section 5.103, Tax Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) An appraisal review board shall incorporate [~~follow~~] the model hearing procedures prepared by the comptroller when adopting the board's [~~establishing its~~] procedures for hearings as required by Section 41.01(c). An appraisal review board may adopt procedures that supplement the model hearing procedures, provided that the supplemental procedures do not contradict or circumvent the model hearing procedures.

(e) Each year the comptroller shall review the hearing procedures adopted by each appraisal review board to determine whether the hearing procedures incorporate the model hearing procedures prepared by the comptroller under this section [~~41.66(a)~~].

SECTION 2. Section 5.104(l), Tax Code, is amended to read as follows:

(l) The comptroller shall issue an annual report that summarizes the information included in the surveys submitted during the preceding tax year. The report must also include a summary of the comments, complaints, and suggestions forwarded to the comptroller during the preceding tax year by taxpayer liaison officers under Section 6.052(a), the results of the comptroller's review of appraisal review board hearing procedures during the preceding tax year under Section 5.103(e), and the results of requests for limited binding arbitration filed with the comptroller during the preceding tax year under Section 41A.015. The report may not disclose the identity of an individual who submitted a survey, comment, complaint, suggestion, or request for arbitration.

SECTION 3. Section 6.03, Tax Code, is amended by amending Subsection (k) and adding Subsection (k-1) to read as follows:

(k) Except as provided by Subsection (k-1), the [~~The~~] governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(k-1) This subsection applies only to an appraisal district established in a county with a population of 120,000 or more. The governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body. The governing body must submit its vote to the chief appraiser not later than the third day following the date the resolution is adopted.

SECTION 4. Section 6.052, Tax Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (g) to read as follows:

(a) The board of directors for an appraisal district created for a county with a population of more than 120,000 shall appoint a taxpayer liaison officer who shall serve at the pleasure of the board. The taxpayer liaison officer shall administer the public access functions required by Sections 6.04(d), (e), and (f), and is responsible for resolving disputes not involving matters that may be protested under Section 41.41. In addition, the taxpayer liaison officer is responsible for receiving, and compiling a list of, comments, complaints, and suggestions filed by the chief appraiser, a property owner, or a property owner's agent concerning the matters listed in Section 5.103(b) or any other matter related to the fairness and efficiency of the appraisal review board established for the appraisal district. The taxpayer liaison officer shall forward to the comptroller comments, complaints, and suggestions filed under this subsection in the form and manner prescribed by the comptroller not later than December 31 of each year.

(b) The taxpayer liaison officer shall provide to the public information and materials designed to assist property owners in understanding the appraisal process, protest procedures, the procedure for filing comments, complaints, and suggestions under Subsection (a) of this section or a complaint under Section 6.04(g), and other matters. Information concerning the process for submitting comments, complaints, and suggestions to the comptroller concerning an appraisal review board shall be provided at each protest hearing.

(c) The taxpayer liaison officer shall report to the board at each meeting on the status of all comments, complaints, and suggestions filed with the officer under Subsection (a) of this section and all complaints filed with the board under Section 6.04(g).

(g) Notwithstanding any other provision of this chapter, a taxpayer liaison officer does not commit an offense under this chapter if the officer communicates with the chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board established for the appraisal district, a member of the board of directors of the appraisal district, a property tax consultant, a property owner, an agent of a property owner, or another person if the communication is made in the good faith exercise of the officer's statutory duties.

SECTION 5. Subchapter A, Chapter 6, Tax Code, is amended by adding Section 6.155 to read as follows:

Sec. 6.155. CERTAIN COMMUNICATIONS BY TAXING UNITS PROHIBITED; PENALTY. (a) A member of the governing body, officer, or employee of a taxing unit commits an offense if the person directly or indirectly communicates with the chief appraiser or another employee of the appraisal district in which the taxing unit participates for the purpose of influencing the value at which property in the district is appraised unless the person owns or leases the property that is the subject of the communication.

(b) An offense under this section is a Class A misdemeanor.

SECTION 6. Section 11.252(d), Tax Code, is amended to read as follows:

(d) In connection with the requirements and procedures under Subsection (c), the comptroller by rule shall adopt a form to be completed by the lessee of a motor vehicle for which the owner of the vehicle may apply for an exemption under Subsection (a). The form shall require a lessee who is an individual to provide the lessee's name, address, and driver's license or personal identification certificate number. The form shall require a lessee that is an entity described by Subsection (b) to provide the lessee's name, address, and, if applicable, federal tax identification number. The form shall require a lessee who is an individual, or the authorized representative of a lessee that is an entity described by Subsection (b), to certify, either under oath or by written, unsworn declaration, that the lessee does not hold the vehicle for the production of income and that the vehicle is used primarily for activities that do not involve the production of income. The comptroller shall include on the form a notice of the penalties prescribed by Section 37.10, Penal Code, for making a false statement on the form.

SECTION 7. Section 11.253, Tax Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) This subsection applies only to a taxing unit any part of which is located in an area designated a disaster area by a disaster declaration issued under Section 418.014 or 418.108, Government Code, on or after January 1, 2020. Notwithstanding Subsections (a)(2)(C), (e), and (g), the governing body of a taxing unit, in the manner provided by law for official action, may extend the date by which goods-in-transit must be transported to another location in this state or outside this state to a date not later than the 270th day after the date the person acquired the property in or imported the property into this state. An extension adopted by official action under this subsection applies only to:

(1) the exemption from ad valorem taxation by the taxing unit adopting the extension; and

(2) the tax year in which the extension is adopted.

(m) This subsection and Subsection (l) expire December 31, 2025.

SECTION 8. Sections 21.021(a) and (b), Tax Code, are amended to read as follows:

(a) Except as otherwise provided by Section 21.031(b-2), a [~~A~~] vessel or other watercraft used as an instrumentality of commerce, [~~(~~]as defined by [~~in~~] Section 21.031, [~~21.031(b) of this code)~~] is taxable pursuant to Section 21.02 [~~of this code~~].

(b) A special-purpose vessel or other watercraft not used as an instrumentality of commerce, [~~(~~]as defined by [~~in~~] Section 21.031, [~~21.031(b) of this code)~~] is deemed to be located on January 1 for more than a temporary period for purposes of Section 21.02 [~~of this code~~] in the taxing unit in which it was physically located during the year preceding the tax year. If the vessel or watercraft was physically located in more than one taxing unit during the year preceding the tax year, it is deemed to be located for more than a temporary period for purposes of Section 21.02 [~~of this code~~] in the taxing unit in which it was physically located for the longest period during the year preceding the tax year or for 30 days, whichever is longer. If a vessel or other watercraft is not

deemed to be located in any taxing unit on January 1 for more than a temporary period pursuant to this subsection, the property is taxable as provided by Sections 21.02(a)(2) through (4) [~~Subdivisions (2) through (4) of Section 21.02 of this code~~].

SECTION 9. Section 21.031, Tax Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), and (i) to read as follows:

(b) The appraisal office shall make the allocation as provided by Subsections (b-1), (b-2), and (b-3).

(b-1) Except as provided by Subsection (b-2), the [~~follows:~~

[~~(1) The~~] allocable portion of the total fair market value of a vessel or other watercraft used as an instrumentality of commerce that is taxable in this state is determined by multiplying the total fair market value by a fraction, the numerator of which is the number of miles the vessel or watercraft was operated in this state during the year preceding the tax year and the denominator of which is the total number of miles the vessel or watercraft was operated during the year preceding the tax year. [~~For purposes of this section, "vessel or other watercraft used as an instrumentality of commerce" means a vessel or other watercraft that is primarily employed in the transportation of cargo, passengers, or equipment, and that is economically employed when it is moving from point to point as a means of transportation.~~]

(b-2) A property owner that operates a fleet of vessels or other watercraft that are used as instrumentalities of commerce may elect in writing submitted to the appraisal office to have the appraisal office make the allocation under this subsection. If the property owner makes the election, the allocable portion of the total fair market value of a vessel or other watercraft that is part of the property owner's fleet, is used as an instrumentality of commerce, is taxable in this state, and has taxable situs at a location in the appraisal district is determined by multiplying the total fair market value of the vessel or other watercraft by a fraction, the numerator of which is the number of miles that all the vessels or other watercraft of the property owner's fleet that are used as instrumentalities of commerce, are taxable in this state, and have taxable situs at a location in the same appraisal district as the vessel or other watercraft the value of which is allocated under this subsection were operated in this state during the year preceding the tax year and the denominator of which is the total number of miles that all the vessels or other watercraft of the property owner's fleet that are used as instrumentalities of commerce, are taxable in this state, and have taxable situs at a location in the same appraisal district as the vessel or other watercraft the value of which is allocated under this subsection were operated during the year preceding the tax year. Notwithstanding Sections 21.02 and 21.021, a property owner that elects to have the appraisal office make the allocation of the property owner's fleet under this subsection may designate the location of the property owner's principal place of business as the taxable situs of the fleet.

(b-3) [~~(2)~~] The allocable portion of the total fair market value of a special-purpose vessel or other watercraft not used as an instrumentality of commerce is determined by multiplying the total fair market value by a fraction,

the numerator of which is the number of days the vessel or watercraft was physically located in this state during the year preceding the tax year and the denominator of which is 365. [~~For purposes of this section, "special purpose vessel or other watercraft not used as an instrumentality of commerce" means a vessel or other watercraft that:~~

[~~(A) is designed to be transient and customarily is moved from location to location on a more or less regular basis;~~

[~~(B) is economically employed when operated in a localized area or in a fixed place; and~~

[~~(C) is not primarily employed to transport cargo, passengers, and equipment but rather to perform some specialized function or operation not requiring constant movement from point to point.~~]

(i) For purposes of this section:

(1) "Special-purpose vessel or other watercraft not used as an instrumentality of commerce" means a vessel or other watercraft that:

(A) is designed to be transient and customarily is moved from location to location on a more or less regular basis;

(B) is economically employed when operated in a localized area or in a fixed place; and

(C) is not primarily employed to transport cargo, passengers, and equipment but rather to perform some specialized function or operation not requiring constant movement from point to point.

(2) "Vessel or other watercraft used as an instrumentality of commerce" means a vessel or other watercraft that is primarily employed in the transportation of cargo, passengers, or equipment, and that is economically employed when it is moving from point to point as a means of transportation.

SECTION 10. Section 25.02, Tax Code, is amended by adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(c) Each appraisal record must have a unique account number. If an appraisal district changes the account number of an appraisal record, the appraisal district must provide written notice of the change to the property owner as soon as practicable after the change and provide notice of the change in the next notice of appraised value of the property included in the record that is delivered to the property owner under Section 25.19.

(d) This subsection does not apply to an appraisal record for a residential property, for an improvement only, or for a property on which a delinquent tax is due. On the written request of a property owner, the chief appraiser shall combine contiguous parcels or tracts of the owner's real property into a single appraisal record. On the written request of a property owner, the chief appraiser shall separate identifiable segments of the owner's parcel or tract of real property into individual appraisal records.

(e) A property owner must make a request under Subsection (d) before January 1 of the tax year for which the requested change to the appraisal records is to be made. The request must contain a legal description as contained in a deed sufficient to describe the property subject to the request.

(f) If a chief appraiser refuses to combine parcels or tracts, or separate a parcel or tract, on request of a property owner under Subsection (d), the appraisal review board may order the requested change on a motion filed by the property owner under Section 25.25 or a protest filed under Chapter 41.

(g) The combination of contiguous parcels or tracts of real property into a single appraisal record or the separation of identifiable segments of a parcel or tract of real property into individual appraisal records under this section does not affect the application of generally accepted appraisal methods and techniques to the appraisal of real property associated with those appraisal records, including real property that is part of the same economic unit as real property contained in the same or another appraisal record.

SECTION 11. 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;

(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) an explanation of the availability and purpose of an informal conference with the appraisal office before a hearing on a protest; and

(9) 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.

SECTION 12. Section 25.19, Tax Code, is amended by adding Subsections (m) and (n) to read as follows:

(m) The chief appraiser may not deliver a corrected or amended notice of appraised value later than June 1 for property for which a person files a rendition statement or property report as required by Chapter 22 unless the purpose of the notice is to:

(1) include omitted property; or

(2) correct a clerical error.

(n) As soon as practicable after delivering a notice required by this section to a property owner, the chief appraiser shall post the notice on the appraisal district's Internet website, if the appraisal district maintains a website, as part of the appraisal record pertaining to the property.

SECTION 13. Section 31.11(h), Tax Code, is amended to read as follows:

(h) This section does not apply to an overpayment caused by a change of exemption status or correction of a tax roll, including an overpayment received after a correction of a tax roll as a result of an appeal under Chapter 42. Such an overpayment is covered by Section 26.15 or 42.43, as applicable.

SECTION 14. Section 41.01, Tax Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The appraisal review board by rule shall adopt procedures for hearings the board conducts under this subchapter and Subchapter C. Before adopting the hearing procedures, the board shall hold a public hearing to consider the hearing procedures proposed for adoption by the board. Not later than May 15 of each year, the board shall hold the hearing, make any amendments to the proposed hearing procedures the board determines are necessary, and by resolution finally adopt the hearing procedures. The board must comply with Section 5.103(d) when adopting the hearing procedures. The chairman of the board is responsible for the administration of hearing procedures adopted by the board.

(d) The appraisal review board shall distribute copies of the hearing procedures adopted by the board to the board of directors of, and the taxpayer liaison officer for, the appraisal district for which the appraisal review board is established and to the comptroller not later than the 15th day after the date the board adopts the hearing procedures.

(e) The appraisal review board shall post a copy of the hearing procedures adopted by the board:

(1) in a prominent place in each room in which the board conducts hearings under this subchapter and Subchapter C; and

(2) if the appraisal district for which the board is established maintains an Internet website, on the appraisal district's website.

SECTION 15. Section 41.44(d), Tax Code, is amended to read as follows:

(d) A notice of protest is sufficient if it identifies the protesting property owner, including a person claiming an ownership interest in the property even if that person is not listed on the appraisal records as an owner of the property, identifies the property that is the subject of the protest, and indicates apparent dissatisfaction with some determination of the appraisal office. The notice need not be on an official form, but the comptroller shall prescribe a form that provides for more detail about the nature of the protest. The form must permit a property owner to include each property in the appraisal district that is the subject of a protest. The form must permit a property owner to request that the protest be heard by a special panel established under Section 6.425 if the protest will be determined by an appraisal review board to which that section applies and the property is included in a classification described by Section 6.425(b). The form must permit a property owner to request that the protest be heard by a

single-member panel authorized by Section 41.45(b-4). The comptroller, each appraisal office, and each appraisal review board shall make the forms readily available and deliver one to a property owner on request.

SECTION 16. Subchapter C, Chapter 41, Tax Code, is amended by adding Section 41.445 to read as follows:

Sec. 41.445. INFORMAL CONFERENCE BEFORE HEARING ON PROTEST. The appraisal office shall hold an informal conference with each property owner who files a notice of protest with the appraisal review board and requests an informal conference. An informal conference must be held before the hearing on the protest.

SECTION 17. Section 41.45, Tax Code, is amended by amending Subsections (b-1), (d), (d-2), and (d-3) and adding Subsections (b-4) and (b-5) to read as follows:

(b-1) An appraisal review board shall conduct a hearing on a protest by telephone conference call if[~~:~~

[~~(1)~~] the property owner notifies the board that the property owner intends to appear by telephone conference call in the owner's notice of protest or by written notice filed with the board not later than the 10th day before the date of the hearing [~~; or~~

[~~(2) the board proposes that the hearing be conducted by telephone conference call and the property owner agrees to the hearing being conducted in that manner~~].

(b-4) An appraisal review board shall sit in a single-member panel to conduct a protest hearing under this section if the property owner requests that the hearing be conducted by a single-member panel:

(1) in the notice of protest; or

(2) in writing submitted to the board not later than the 10th day before the date of the hearing.

(b-5) If the recommendation of a single-member panel that conducts a hearing under Subsection (b-4) is not accepted by the appraisal review board, the board may refer the matter for rehearing to a single-member panel composed of a member who did not hear the original protest or the board may determine the protest.

(d) This subsection does not apply to a single-member panel established under Subsection (b-4) of this section or a special panel established under Section 6.425. An appraisal review board consisting of more than three members may sit in panels of not fewer than three members to conduct protest hearings. If the recommendation of a panel is not accepted by the board, the board may refer the matter for rehearing to a panel composed of members who did not hear the original protest or, if there are not at least three members who did not hear the original protest, the board may determine the protest.

(d-2) The determination of a protest heard by a panel under Subsection (b-4), (d), or (d-1) must be made by the board.

(d-3) The board must deliver notice of a hearing or meeting to determine a protest heard by a panel, or to rehear a protest, under Subsection (b-4), (d), or (d-1) in accordance with the provisions of this subchapter.

SECTION 18. Section 41.461(a), Tax Code, is amended to read as follows:

(a) At least 14 days before a hearing on a protest, the chief appraiser shall:

(1) deliver a copy of the pamphlet prepared by the comptroller under Section 5.06 to the property owner initiating the protest, or to an agent representing the owner if requested by the agent;

(2) inform the property owner that the owner or the agent of the owner is entitled on request to a copy of the data, schedules, formulas, and all other information the chief appraiser will introduce at the hearing to establish any matter at issue; and

(3) deliver a copy of the hearing procedures adopted [~~established~~] by the appraisal review board under Section 41.01 [~~41.66~~] to the property owner.

SECTION 19. Section 41.47, Tax Code, is amended by amending Subsection (c) and adding Subsection (d-1) to read as follows:

(c) If the protest is of the determination of the appraised value of the owner's property, the appraisal review board must state in the order the appraised value of the property, listed separately in the case of real property as the appraised value of the land and the appraised value of any improvement to the land as allocated by the chief appraiser:

(1) as shown in the appraisal records submitted to the board by the chief appraiser under Section 25.22 or 25.23; and

(2) as finally determined by the board.

(d-1) This subsection applies only to an appraisal district established in a county with a population of 120,000 or more. The requirements of this subsection are in addition to the requirements of Subsection (d). On written request submitted to the chief appraiser, the chief appraiser shall deliver by e-mail, in the manner provided by this subsection, a copy of the notice of issuance of the order and a copy of the order required by Subsection (d) if the property subject to the order is not the subject of an agreement under Section 1.085. A request under this subsection may be submitted only by the property owner whose property is subject to the protest for which the order is issued, an attorney representing the property owner, or an individual designated by the property owner under Section 1.111. A person may include in a single request more than one property owned by the same property owner or multiple properties owned by multiple property owners. A person may submit more than one request. A person submitting a request must indicate in the request that the chief appraiser must make the delivery to the property owner, an attorney representing the property owner, an individual designated by the property owner under Section 1.111, or a combination of those persons. A person must submit a request before the protest hearing relating to each property included in the request. The chief appraiser shall deliver, as provided by this subsection, a copy of the notice of issuance of the order and a copy of the order required by Subsection (d) not later than the 21st day after the date the appraisal review board issues the order.

SECTION 20. Section 41.66, Tax Code, is amended by amending Subsection (a) and adding Subsection (q) to read as follows:

(a) The appraisal review board shall conduct hearings in accordance with the hearing procedures adopted by the appraisal review board under Section 41.01(c) [~~establish by rule the procedures for hearings it conducts as provided by Subchapters A and C of this chapter~~]. On request made by a property owner in the owner's notice of protest or in a separate writing delivered to the appraisal review board on or before the date the notice of protest is filed, the property owner is entitled to a copy of the hearing procedures. The copy of the hearing procedures shall be delivered to the property owner not later than the 10th day before the date the hearing on the protest begins and may be delivered with the notice of the protest hearing required under Section 41.46(a). The notice of protest form prescribed by the comptroller under Section 41.44(d) or any other notice of protest form made available to a property owner by the appraisal review board or the appraisal office shall provide the property owner an opportunity to make or decline to make a request under this subsection. [~~The appraisal review board shall post a copy of the hearing procedures in a prominent place in the room in which the hearing is held.~~]

(q) A person who owns property in an appraisal district or the chief appraiser of an appraisal district may file a complaint with the taxpayer liaison officer for the appraisal district alleging that the appraisal review board established for the appraisal district has adopted or is implementing hearing procedures that are not in compliance with the model hearing procedures prepared by the comptroller under Section 5.103 or is not complying with procedural requirements under this chapter. The taxpayer liaison officer shall investigate the complaint and report the findings of the investigation to the board of directors of the appraisal district. The board of directors shall direct the chairman of the appraisal review board to take remedial action if, after reviewing the taxpayer liaison officer's report, the board of directors determines that the allegations contained in the complaint are true. The board of directors may remove the member of the appraisal review board serving as chairman of the appraisal review board from that member's position as chairman if the board determines that the chairman has failed to take the actions necessary to bring the appraisal review board into compliance with Section 5.103(d) or this chapter, as applicable.

SECTION 21. Chapter 41A, Tax Code, is amended by adding Section 41A.015 to read as follows:

Sec. 41A.015. LIMITED BINDING ARBITRATION TO COMPEL COMPLIANCE WITH CERTAIN PROCEDURAL REQUIREMENTS RELATED TO PROTESTS. (a) A property owner who has filed a notice of protest under Chapter 41 may file a request for limited binding arbitration under this section to compel the appraisal review board or chief appraiser, as appropriate, to:

(1) rescind procedural rules adopted by the appraisal review board that are not in compliance with the model hearing procedures prepared by the comptroller under Section 5.103;

(2) schedule a hearing on a protest as required by Section 41.45;

(3) deliver information to the property owner in the manner required by Section 41.461;

(4) allow the property owner to offer evidence, examine or cross-examine witnesses or other parties, and present arguments as required by Section 41.66(b);

(5) set a hearing for a time and date certain and postpone a hearing that does not begin within two hours of the scheduled time as required by Section 41.66(i);

(6) schedule hearings on protests concerning multiple properties identified in the same notice of protest on the same day at the request of the property owner or the property owner's designated agent as required by Section 41.66(j); or

(7) refrain from using or offering as evidence information requested by the property owner under Section 41.461 that was not delivered to the property owner at least 14 days before the hearing as required by Section 41.67(d).

(b) A property owner may not file a request for limited binding arbitration under this section unless:

(1) the property owner has delivered written notice to the chairman of the appraisal review board, the chief appraiser, and the taxpayer liaison officer for the applicable appraisal district by certified mail, return receipt requested, of the procedural requirement with which the property owner alleges the appraisal review board or chief appraiser failed to comply on or before the fifth business day after the date the appraisal review board or chief appraiser was required to comply with the requirement; and

(2) the chairman of the appraisal review board or chief appraiser, as applicable, fails to deliver to the property owner on or before the 10th day after the date the notice is delivered a written statement confirming that the appraisal review board or chief appraiser, as applicable, will comply with the requirement or cure a failure to comply with the requirement.

(c) Except as otherwise provided by this subtitle, the failure to comply with a procedural requirement listed under Subsection (a) is not a ground for postponement of a hearing on a protest. An appraisal review board may cure an alleged failure to comply with a procedural requirement that occurred during a hearing by rescinding the order determining the protest for which the hearing was held and scheduling a new hearing on the protest.

(d) A property owner must request limited binding arbitration under this section by filing a request with the comptroller. The property owner may not file the request earlier than the 11th day or later than the 30th day after the date the property owner delivers the notice required by Subsection (b)(1) to the chairman of the appraisal review board, the chief appraiser, and the taxpayer liaison officer for the applicable appraisal district.

(e) A request for limited binding arbitration under this section must be in a form prescribed by the comptroller and be accompanied by an arbitration deposit payable to the comptroller in the amount of:

(1) $450, if the property that is the subject of the protest to which the arbitration relates qualifies as the property owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is $500,000 or less, as determined by the appraisal district for the most recent tax year; or

(2) $550, for property other than property described by Subdivision (1).

(f) The comptroller shall prescribe the form to be used for submitting a request for limited binding arbitration under this section. The form must require the property owner to provide:

(1) a statement that the property owner has provided the written notice required by Subsection (b);

(2) a statement that the property owner has made the arbitration deposit required by this section;

(3) a brief statement identifying the procedural requirement with which the property owner alleges the appraisal review board or chief appraiser, as applicable, has failed to comply;

(4) a description of the action taken or not taken by the appraisal review board or chief appraiser regarding the procedural requirement identified under Subdivision (3);

(5) a description of the property to which the award will apply; and

(6) any other information reasonably necessary for the comptroller to appoint an arbitrator.

(g) On receipt of the request and deposit under this section, the comptroller shall appoint an arbitrator from the registry maintained under Section 41A.06 who is eligible to serve as an arbitrator under Subsection (p) of this section. Section 41A.07(h) does not apply to the appointment of an arbitrator under this section.

(h) The appraisal review board, the chief appraiser, and the property owner are parties to a limited binding arbitration conducted under this section. The appraisal review board may appear by counsel, by the chairman, or by a person designated by the chairman. The chief appraiser may appear by counsel, in person, or by a designated employee. The property owner may appear in the manner provided by Section 41A.08(b)(2), (3), (4), or (5).

(i) The arbitrator shall make an arbitration award and deliver an electronic copy of the award to:

(1) the property owner;

(2) the chairman of the appraisal review board;

(3) the chief appraiser; and

(4) the comptroller.

(j) An award under this section:

(1) shall include a determination of whether the appraisal review board or chief appraiser failed to comply with a procedural requirement as alleged in the request for limited binding arbitration;

(2) if the arbitrator determines that the appraisal review board or chief appraiser failed to comply with a procedural requirement as alleged in the request, shall direct the appraisal review board or chief appraiser, as applicable, to:

(A) comply with the procedural requirement; or

(B) if the hearing on the protest has been held and the appraisal review board has issued an order determining the protest, rescind the order and hold a new hearing on the protest that complies with the procedural requirement;

(3) shall specify the arbitrator's fee;

(4) is final and may not be appealed; and

(5) is enforceable as provided by Section 41A.09.

(k) If the arbitrator determines that the appraisal review board or chief appraiser failed to comply with the procedural requirement that was the subject of the limited binding arbitration:

(1) the comptroller, on receipt of a copy of the award, shall refund the property owner's arbitration deposit, less the amount retained by the comptroller under Section 41A.05(b); and

(2) the appraisal district shall pay the arbitrator's fee.

(l) If the arbitrator determines that the appraisal review board or chief appraiser complied with the procedural requirement that was the subject of the limited binding arbitration, the comptroller shall:

(1) pay the arbitrator's fee out of the owner's arbitration deposit; and

(2) refund to the owner the owner's arbitration deposit, less the arbitrator's fee and the amount retained by the comptroller under Section 41A.05(b).

(m) As soon as practicable after receiving notice of an award, the appraisal review board or the chief appraiser shall:

(1) take any action required to comply with the requirements of the award; and

(2) if the award requires the appraisal review board to conduct a new hearing under Chapter 41, schedule and conduct the hearing.

(n) An award under this section does not affect the property owner's right to:

(1) appeal the final determination of a protest by the appraisal review board under Chapter 42; or

(2) pursue any other legal or statutory remedy available to the property owner.

(o) A property owner may request a single limited binding arbitration under this section that covers more than one property, more than one protest hearing, or an allegation of the failure by the appraisal review board or chief appraiser to comply with more than one procedural requirement so long as the requirements of Subsection (b) are met with regard to each alleged failure to comply. The amount of the arbitration deposit and the amount of the arbitrator's fee are computed as if a single property were the subject of the arbitration. If the arbitration involves property described by Subsection (e)(1) and property described by Subsection (e)(2), the amount of the arbitration deposit and the

amount of the arbitrator's fee are computed as if only the property described by Subsection (e)(2) were the subject of the arbitration. If the arbitration involves an allegation of the failure by the appraisal review board or chief appraiser to comply with more than one procedural requirement, Subsection (k) applies if the arbitrator determines that the appraisal review board or chief appraiser failed to comply with one or more of the procedural requirements that were the subject of the arbitration and Subsection (l) applies if the arbitrator determines that the appraisal review board or chief appraiser complied with all of the procedural requirements that were the subject of the arbitration.

(p) Section 41A.06 applies to the registration and qualification of an arbitrator under this section except that an arbitrator under this section must:

(1) be a licensed attorney; and

(2) agree to conduct an arbitration for a fee that is not more than:

(A) $400 if the property is described by Subsection (e)(1); or

(B) $500 if the property is described by Subsection (e)(2).

(q) Except as otherwise provided by this section, the provisions of this chapter apply to a limited binding arbitration under this section. In the event of a conflict between this section and another provision of this chapter, this section controls.

SECTION 22. Section 41A.10, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The pendency of an appeal under this chapter does not affect the delinquency date for the taxes on the property subject to the appeal. Except for a property owner who has elected to defer the collection of taxes under Section 33.06 or 33.065 on the property subject to the appeal and for which the deferral is still in effect, a [~~A~~] property owner who appeals an appraisal review board order under this chapter shall pay taxes on the property subject to the appeal in an amount equal to the amount of taxes due on the portion of the taxable value of the property that is not in dispute. If the final determination of an appeal under this chapter decreases the property owner's tax liability to less than the amount of taxes paid, the taxing unit shall refund to the property owner the difference between the amount of taxes paid and the amount of taxes for which the property owner is liable.

(c) For the purposes of Subsection (b) of this section, taxes are not considered delinquent on property subject to an appeal if the property owner has elected to defer the collection of taxes on the property under Section 33.06 or 33.065 and the deferral is still in effect.

SECTION 23. Section 42.015(a), Tax Code, is amended to read as follows:

(a) A person leasing property who is contractually obligated to reimburse the property owner for taxes imposed on the property is entitled to appeal an order of the appraisal review board determining a protest relating to the property:

(1) brought by the person under Section 41.413; or

(2) brought by the property owner if the property owner does not appeal the order.

SECTION 24. Section 42.23(e), Tax Code, is amended to read as follows:

(e) For purposes of Subsection (d), a property owner may designate a cause of action under Section 42.25 or 42.26 as the basis for an appeal, but may not designate a cause of action under both sections as the basis for the appeal. Discovery regarding a cause of action that is not specifically designated by the property owner under Subsection (d) shall be conducted as provided by the Texas Rules of Civil Procedure. A [~~The~~] court may not enter an order, including a protective order [~~to modify the provisions of this subsection~~] under Rule 192.6 of the Texas Rules of Civil Procedure, that conflicts with Subsection (d).

SECTION 25. Section 6.03, Tax Code, as amended by this Act, applies only to the selection of members of the board of directors of an appraisal district who are appointed for a term that begins on or after January 1, 2022.

SECTION 26. Section 11.253, Tax Code, as amended by this Act, applies only to a tax year beginning on or after January 1, 2022.

SECTION 27. Sections 21.021 and 21.031, Tax Code, as amended by this Act, apply only to the allocation of the value and the determination of the situs of vessels and other watercraft for ad valorem tax purposes beginning on or after January 1, 2022.

SECTION 28. Section 25.19, Tax Code, as amended by this Act, applies only to a notice of appraised value for a tax year beginning on or after January 1, 2022.

SECTION 29. Section 41.445, Tax Code, as added by this Act, and Sections 41.45 and 41.47, Tax Code, as amended by this Act, apply only to a protest under Chapter 41, Tax Code, for which a notice of protest is filed by a property owner on or after January 1, 2022. A protest under Chapter 41, Tax Code, for which a notice of protest is filed by a property owner before January 1, 2022, is governed by the law in effect on the date the notice of protest is filed, and the former law is continued in effect for that purpose.

SECTION 30. Section 41A.10, Tax Code, as amended by this Act, applies only to a request for binding arbitration under Chapter 41A, Tax Code, that is filed on or after the effective date of this Act. A request for binding arbitration under Chapter 41A, Tax Code, that is filed before the effective date of this Act is governed by the law in effect on the date the request is filed, and the former law is continued in effect for that purpose.

SECTION 31. Sections 42.015 and 42.23, Tax Code, as amended by this Act, apply to an appeal under Chapter 42, Tax Code, that is pending on the date the amendments to those sections take effect under this Act or that is filed on or after that date.

SECTION 32. The comptroller of public accounts is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the comptroller may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 33. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2022.

(b) Sections 5.103, 5.104, 6.052, 41.01, 41.461, 41.66, 42.015, and 42.23, Tax Code, as amended by this Act, and Section 41A.015, Tax Code, as added by this Act, take 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, those sections of this Act take effect September 1, 2021.

HB 999 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 999, A bill to be entitled An Act relating to the use of individual graduation committees for certain high school students.

Representative Bernal moved to concur in the senate amendments to **HB 999**.

The motion to concur in the senate amendments to **HB 999** prevailed by (Record 1626): 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.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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Pacheco.

Senate Committee Substitute

CSHB 999, A bill to be entitled An Act relating to the use of individual graduation committees for certain high school students.

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

SECTION 1. Section 28.0258, Education Code, is amended by adding Subsections (a-1) and (h-1) to read as follows:

(a-1) Notwithstanding Subsection (a), this section applies to any student in grade 12 during the 2020-2021 school year regardless of whether the student meets the criteria described by Subsection (a). The commissioner may by rule apply this section to students in grade 12 during the 2021-2022 school year in the same manner under this subsection, if the commissioner determines the application of this section to those students is appropriate. This subsection expires September 1, 2022.

(h-1) Notwithstanding Subsection (h), in determining whether a student described by Subsection (a-1) is qualified to graduate, an individual graduation committee is not required to consider criteria under Subsection (h) relating to the student's performance on an end-of-course assessment instrument administered under Section 39.023. This subsection expires September 1, 2022.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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

Amend **CSHB 999** (senate committee printing) in SECTION 1 of the bill, in added Section 28.0258(a-1), Education Code (page 1, lines 32 through 35), by striking "The commissioner may by rule apply this section to students in grade 12 during the 2021-2022 school year in the same manner under this subsection, if the commissioner determines the application of this section to those students is appropriate."

HB 1164 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1164, A bill to be entitled An Act relating to patient safety practices regarding placenta accreta spectrum disorder.

Representative Oliverson moved to concur in the senate amendments to **HB 1164**.

The motion to concur in the senate amendments to **HB 1164** prevailed by (Record 1627): 139 Yeas, 5 Nays, 1 Present, not voting.

Yeas — 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; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; 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 — Cain; Cason; Middleton; Slaton; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Allen; Johnson, J.D.; Pacheco; Shine.

STATEMENTS OF VOTE

When Record No. 1627 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1627 was taken, I was shown voting yes. I intended to vote no.

Toth

Senate Committee Substitute

CSHB 1164, A bill to be entitled An Act relating to patient safety practices regarding placenta accreta spectrum disorder.

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

SECTION 1. Subchapter H, Chapter 241, Health and Safety Code, is amended by adding Section 241.1837 to read as follows:

Sec. 241.1837. PATIENT SAFETY PRACTICES REGARDING PLACENTA ACCRETA SPECTRUM DISORDER. (a) In this section:

(1) "Placenta accreta spectrum disorder" includes placenta accreta, placenta increta, and placenta percreta.

(2) "Telemedicine medical service" has the meaning assigned by Section 111.001, Occupations Code.

(b) The executive commissioner, in consultation with the department, the Perinatal Advisory Council established under Section 241.187, and other interested persons described by Subsection (c), shall by rule develop patient safety practices for the evaluation, diagnosis, treatment, and management of placenta accreta spectrum disorder.

(c) In adopting the patient safety practices under Subsection (b), the executive commissioner must consult with:

(1) physicians and other health professionals who practice in the evaluation, diagnosis, treatment, and management of placenta accreta spectrum disorder;

(2) health researchers with expertise in placenta accreta spectrum disorder;

(3) representatives of patient advocacy organizations; and

(4) other interested persons.

(d) The patient safety practices developed under Subsection (b) must, at a minimum, require a hospital assigned a maternal level of care designation under Section 241.182 to:

(1) screen patients for placenta accreta spectrum disorder, if appropriate;

(2) manage patients with placenta accreta spectrum disorder, including referring and transporting patients to a higher level of care when clinically indicated;

(3) foster telemedicine medical services, referral, and transport relationships with other hospitals assigned a maternal level of care designation under Section 241.182 for the treatment and management of placenta accreta spectrum disorder;

(4) address inpatient postpartum care for patients diagnosed with placenta accreta spectrum disorder; and

(5) develop a written hospital preparedness and management plan for patients with placenta accreta spectrum disorder who are undiagnosed until delivery, including educating hospital and medical staff who may be involved in the treatment and management of placenta accreta spectrum disorder.

(e) In addition to implementing the patient safety practices required by Subsection (d), a hospital assigned a level IV maternal designation shall have available a multidisciplinary team of health professionals who participate in continuing staff and team-based education and training to care for patients with placenta accreta spectrum disorder.

(f) The team of health professionals described by Subsection (e) may include anesthesiologists, obstetricians/gynecologists, urologists, surgical specialists, interventional radiologists, and other health professionals who are timely available on urgent request to assist in attending to a patient with placenta accreta spectrum disorder.

(g) The Perinatal Advisory Council, using data collected by the department from available sources related to placenta accreta spectrum disorder, shall recommend rules on patient safety practices for the evaluation, diagnosis, treatment, management, and reporting of placenta accreta spectrum disorder. The rules adopted under this subsection from the council's recommendations must be included in the patient safety practices a hospital assigned a maternal level of care designation under Section 241.182 is required to adopt under Subsection (d).

(h) Notwithstanding any other law, this section, including the use of or failure to use any patient safety practices, information, or materials developed or disseminated under this section, does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action, and may not be referred to or used as evidence in a health care liability claim under Chapter 74, Civil Practice and Remedies Code.

SECTION 2. Section 241.187(h), Health and Safety Code, is amended to read as follows:

(h) In developing the criteria for the levels of neonatal and maternal care, the advisory council shall consider:

(1) any recommendations or publications of the American Academy of Pediatrics and the American College [~~Congress~~] of Obstetricians and Gynecologists, including "Guidelines for Perinatal Care";

(2) any guidelines developed by the Society of Maternal-Fetal Medicine; [~~and~~]

(3) the geographic and varied needs of citizens of this state; and

(4) the patient safety practices adopted under Section 241.1837.

SECTION 3. (a) Not later than December 1, 2021:

(1) the Department of State Health Services, in collaboration with the Perinatal Advisory Council established under Section 241.187, Health and Safety Code, shall consult with interested persons as required by Section 241.1837(c), Health and Safety Code, as added by this Act; and

(2) the Department of State Health Services shall collect and provide to the Perinatal Advisory Council the data required by Section 241.1837(g), Health and Safety Code, as added by this Act.

(b) Not later than August 1, 2022, the executive commissioner of the Health and Human Services Commission shall adopt rules regarding patient safety practices for the treatment of placenta accreta spectrum disorder as required by Section 241.1837, Health and Safety Code, as added by this Act, based on the Perinatal Advisory Council's recommendations as required by Section 241.1837(g), Health and Safety Code, as added by this Act.

(c) Not later than October 1, 2022, a hospital with a maternal level of care designation as described by Section 241.182, Health and Safety Code, shall adopt patient safety practices for the treatment of placenta accreta spectrum disorder as required by Section 241.1837, Health and Safety Code, as added by this Act.

(d) Notwithstanding Section 241.1837, Health and Safety Code, as added by this Act, a hospital assigned a maternal level of care designation under Section 241.182, Health and Safety Code, is not required to comply with Section 241.1837 before January 1, 2023.

SECTION 4. This Act takes effect September 1, 2021.

HB 3452 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3452, A bill to be entitled An Act relating to granting limited state law enforcement authority to certain federal special agents.

Representative White moved to concur in the senate amendments to **HB 3452**.

The motion to concur in the senate amendments to **HB 3452** prevailed by (Record 1628): 131 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; 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; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Ellzey; Hefner; Holland; Krause; Leach; Sanford; Schaefer; Slaton; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Pacheco.

STATEMENT OF VOTE

When Record No. 1628 was taken, I was shown voting yes. I intended to vote no.

C. Bell

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

Amend **HB 3452** (senate committee report) in SECTION 1 of the bill, in amended Article 2.122(a), Code of Criminal Procedure, by striking Subdivisions 16 and 17 (page 1, lines 55 through 59) and substituting the following:

(16) Special Agents of the Criminal Investigation Command of the United States Army;

(17) Special Agents of the Office of Special Investigations of the United States Air Force; and

(18) a police officer with the Office of Security and Law Enforcement of the United States Department of Veterans Affairs.

HB 1818 - WITH SENATE AMENDMENTS

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

HB 1818, A bill to be entitled An Act relating to the source of dogs and cats sold by pet stores; providing a civil penalty.

HB 1818 - POINT OF ORDER

Representative Tinderholt raised a point of order against further consideration of the senate amendments to **HB 1818** under Rule 11, Section 2, of the House Rules on the grounds that senate amendments are not germane.

(Harris in the chair)

The point of order was withdrawn.

HB 1818 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Patterson 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 1818**.

The motion prevailed.

(Speaker in the chair)

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1818**: Patterson, chair; Jetton, Ordaz Perez, Shaheen, and C. Turner.

HB 2211 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2211, A bill to be entitled An Act relating to in-person visitation with hospital patients during certain periods of disaster.

Representative Klick moved to concur in the senate amendments to **HB 2211**.

The motion to concur in the senate amendments to **HB 2211** prevailed by (Record 1629): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; 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; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schaefer; Schofield;

Shaheen; Sherman; Shine; Slaton; Slawson; Smith; 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 — Sanford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bonnen; Darby; Pacheco; Smithee.

STATEMENT OF VOTE

When Record No. 1629 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

Senate Committee Substitute

CSHB 2211, A bill to be entitled An Act relating to in-person visitation with hospital patients during certain periods of disaster.

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

SECTION 1. Subchapter A, Chapter 241, Health and Safety Code, is amended by adding Section 241.012 to read as follows:

Sec. 241.012. IN-PERSON HOSPITAL VISITATION DURING PERIOD OF DISASTER. (a) In this section:

(1) "Hospital" means a hospital licensed under this chapter.

(2) "Qualifying official disaster order" means an order, proclamation, or other instrument issued by the governor, another official of this state, or the governing body or an official of a political subdivision of this state declaring a disaster that has infectious disease as the basis for the declared disaster.

(3) "Qualifying period of disaster" means the period of time the area in which a hospital is located is declared to be a disaster area by a qualifying official disaster order.

(4) "Religious counselor" means an individual acting substantially in a pastoral or religious capacity to provide spiritual counsel to other individuals.

(b) A hospital may not during a qualifying period of disaster prohibit in-person visitation with a patient receiving care or treatment at the hospital unless federal law or a federal agency requires the hospital to prohibit in-person visitation during that period.

(c) Notwithstanding Subsection (b), a hospital may during a qualifying period of disaster:

(1) restrict the number of visitors a patient receiving care or treatment at the hospital may receive to not fewer than one;

(2) require a visitor to the hospital to:

(A) complete a health screening before entering the hospital; and

(B) wear personal protective equipment at all times while visiting a patient at the hospital; and

(3) deny entry to or remove from the hospital's premises a visitor who fails or refuses to:

(A) submit to or meet the requirements of a health screening administered by the hospital; or

(B) wear personal protective equipment that meets the hospital's infection control and safety requirements in the manner prescribed by the hospital.

(d) A health screening administered by a hospital under this section must be conducted in a manner that, at a minimum, complies with:

(1) hospital policy; and

(2) if applicable, guidance or directives issued by the commission, the Centers for Medicare and Medicaid Services, or another agency with regulatory authority over the hospital.

(e) Notwithstanding any other law, neither a hospital nor a physician providing health care services on the hospital's premises is subject to civil or criminal liability or an administrative penalty if a visitor contracts an infectious disease while on the hospital's premises during a qualifying period of disaster or, in connection with a visit to the hospital, spreads an infectious disease to any other individual, except where intentional misconduct or gross negligence by the hospital or the physician is shown. A physician who in good faith takes, or fails to take, an action under this section is not subject to civil or criminal liability or disciplinary action for the physician's action or failure to act under this section.

(f) This section may not be construed as requiring a hospital to:

(1) provide a specific type of personal protective equipment to a visitor to the hospital; or

(2) allow in-person visitation with a patient receiving care or treatment at the hospital if an attending physician determines that in-person visitation with that patient may lead to the transmission of an infectious agent that poses a serious community health risk.

(g) A determination made by an attending physician under Subsection (f)(2) is valid for not more than five days after the date the determination is made unless renewed by an attending physician.

(h) If a visitor to a hospital is denied in-person visitation with a patient receiving care or treatment at a hospital because of a determination made by an attending physician under Subsection (f)(2), the hospital shall:

(1) provide each day a written or oral update of the patient's condition to the visitor if the visitor:

(A) is authorized by the patient to receive relevant health information regarding the patient;

(B) has authority to receive the patient's health information under an advance directive or medical power of attorney; or

(C) is otherwise the patient's surrogate decision-maker regarding the patient's health care needs under hospital policy and other applicable law; and

(2) notify the person who receives the daily update required under Subdivision (1) of the estimated date and time at which the patient will be discharged from the hospital.

(i) Notwithstanding any other provision of this section, a hospital may not prohibit in-person visitation by a religious counselor with a patient who is receiving care or treatment at the hospital and who is seriously ill or dying for a reason other than the religious counselor's failure to comply with a requirement described by Subsection (c)(2).

(j) In the event of a conflict between this section and any provision of a qualifying official disaster order, this section prevails.

(k) This section does not create a cause of action against a hospital or physician.

SECTION 2. This Act takes effect September 1, 2021.

HB 1869 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

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

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

Representative Burrows moved 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 1869**.

The motion prevailed.

HB 1869 - CONFERENCE COMMITTEE INSTRUCTED

Representative Martinez Fischer moved to instruct the Conference Committee on **HB 1869** to maintain all second and third reading house floor amendments, including the following amendments signed by all members of the respective regional delegations:

(1) FA 3 by Martinez Fischer, et al. (Bexar County delegation);
(2) FA 3 by Rodriguez, et al. (Travis County delegation);
(3) FA 4 by Ordaz Perez, et al. (El Paso County delegation);
(4) FA 6 by Lozano (Bee, Jim Wells, Kleberg, San Patricio Counties);
(5) FA 7 by Herrero, et al. (Nueces County); and
(6) FA 9 by Turner (City of Grand Prairie).

The motion to instruct conferees prevailed.

HB 1869 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1869**: Burrows, chair; Cyrier, Meyer, Middleton, and Rodriguez.

HB 3203 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3203, A bill to be entitled An Act relating to alternative times of possession under a standard possession order in a suit affecting the parent-child relationship.

Representative Dutton moved to concur in the senate amendments to **HB 3203**.

The motion to concur in the senate amendments to **HB 3203** prevailed by (Record 1630): 120 Yeas, 22 Nays, 1 Present, not voting.

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

Nays — Bell, C.; Biedermann; Cain; Harris; Hefner; Holland; Hull; Krause; Noble; Patterson; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Dean; Geren; Jetton; Meza; Pacheco; Smithee.

STATEMENTS OF VOTE

When Record No. 1630 was taken, I was in the house but away from my desk. I would have voted no.

Dean

When Record No. 1630 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1630 was taken, I was shown voting no. I intended to vote yes.

Swanson

Senate Committee Substitute

CSHB 3203, A bill to be entitled An Act relating to the standard possession order and alternative possession times in a suit affecting the parent-child relationship.

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

SECTION 1. Section 153.317(a), Family Code, is amended to read as follows:

(a) If elected by a conservator, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide for one or more of the following alternative beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) during the regular school term:

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes after the weekend; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(2) for Thursday periods of possession under Section 153.312(a)(2):

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes on Friday; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(3) for spring vacation periods of possession under Section 153.312(b)(1), beginning at the time the child's school is dismissed for those vacations;

(4) for Christmas school vacation periods of possession under Section 153.314(1), beginning at the time the child's school is dismissed for the vacation;

(5) for Thanksgiving holiday periods of possession under Section 153.314(3), beginning at the time the child's school is dismissed for the holiday;

(6) for Father's Day periods of possession under Section 153.314(5), ending at 8 a.m. on the Monday after Father's Day weekend;

(7) for Mother's Day periods of possession under Section 153.314(6):

(A) beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day;

(B) ending at the time the child's school resumes after Mother's Day; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B); [~~or~~]

(8) for weekend periods of possession that are extended under Section 153.315(b) by a student holiday or teacher in-service day that falls on a Friday, beginning at the time the child's school is regularly dismissed on Thursday; or

(9) for weekend periods of possession that are extended under Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

SECTION 2. Subchapter F, Chapter 153, Family Code, is amended by adding Section 153.3171 to read as follows:

Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Except as provided by Subsection (b), if the possessory conservator resides not more than 50 miles from the primary residence of the child, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide that the conservator has the right to possession of the child as if the conservator had made the elections for alternative beginning and ending possession times under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6), (7)(C), and (8).

(b) Subsection (a) does not apply if:

(1) the possessory conservator declines one or more of the alternative beginning and ending possession times under Subsection (a) in a written document filed with the court or through an oral statement made in open court on the record;

(2) the court is denying, restricting, or limiting the possessory conservator's possession of or access to the child in the best interest of the child under Section 153.004; or

(3) the court finds that one or more of the alternative beginning and ending possession times under Subsection (a) are not in the best interest of the child, including:

(A) because the distances between residences make the possession schedule described by Subsection (a) unworkable or inappropriate considering the circumstances of the parties or the area in which the parties reside;

(B) because before the filing of the suit, the possessory conservator did not frequently and continuously exercise the rights and duties of a parent with respect to the child; or

(C) for any other reason the court considers relevant.

(c) On the request of a party, the court shall make findings of fact and conclusions of law regarding the order under this section.

SECTION 3. Subchapter B, Chapter 231, Family Code, is amended by adding Section 231.1211 to read as follows:

Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD POSSESSION ORDER. (a) The Title IV-D agency shall create informational materials that describe the possession schedule under the standard possession order under Subchapter F, Chapter 153, including any alternate schedules or elections available to conservators.

(b) The Title IV-D agency shall make the informational materials described by Subsection (a) available on the agency's Internet website and distribute printed copies of those materials on request.

SECTION 4. The enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 5. The change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2021.

HB 3807 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3807, A bill to be entitled An Act relating to the use of lifeguards and informational signs to improve safety on public beaches.

Representative Hunter moved to concur in the senate amendments to **HB 3807**.

The motion to concur in the senate amendments to **HB 3807** prevailed by (Record 1631): 137 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; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Cason; Hefner; Krause; Schaefer; Slaton; Swanson; Tinderholt; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco.

Senate Committee Substitute

CSHB 3807, A bill to be entitled An Act relating to the use of lifeguards and informational signs to improve safety on public beaches.

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

SECTION 1. This Act shall be known as the Je'Sani Smith Act.

SECTION 2. Section 61.065, Natural Resources Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) As part of the duty under this section to clean and maintain the condition of public beaches, a municipality shall:

(1) during reasonable daylight hours, as established and posted by the municipality, from Memorial Day to Labor Day, provide:

(A) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries; or

(B) a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries if the single tower provides an unobstructed view of both sides of the structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

(d) A municipality may suspend or alter the duties imposed under Subsection (c) during dangerous weather conditions or emergency operations.

SECTION 3. Section 61.066, Natural Resources Code, is amended to read as follows:

Sec. 61.066. DUTY OF COUNTY. (a) It is the duty and responsibility of the commissioners court of any county located or bordering on the Gulf of Mexico to clean and maintain the condition of all public beaches located inside the county but outside the boundaries of any incorporated city located or bordering on the Gulf of Mexico and all public beaches owned by the county and located inside the boundaries of an incorporated city, town, or village.

(b) As part of the duty under this section to clean and maintain the condition of public beaches, a county shall:

(1) during reasonable daylight hours, as established and posted by the county, from Memorial Day to Labor Day, provide:

(A) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located on a public beach described by Subsection (a); or

(B) a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located on a public beach described by Subsection (a) if the single tower provides an unobstructed view of both sides of the structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

(c) A county may suspend or alter the duties imposed under Subsection (b) during dangerous weather conditions or emergency operations.

SECTION 4. Section 61.067, Natural Resources Code, is amended by adding Subsections (a-2) and (a-3) to read as follows:

(a-2) As part of the duty under this section to clean and maintain the condition of public beaches located within state parks, the department shall:

(1) during reasonable daylight hours, as established and posted by the department, from Memorial Day to Labor Day, provide:

(A) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park; or

(B) a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park if the single tower provides an unobstructed view of both sides of the structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

(a-3) The department may suspend or alter the duties imposed under Subsection (a-2) during dangerous weather conditions or emergency operations.

SECTION 5. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.023 to read as follows:

Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. (a) The department shall:

(1) during reasonable daylight hours, as established and posted by the department, from Memorial Day to Labor Day, provide:

(A) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park; or

(B) a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park if the single tower provides an unobstructed view of both sides of each structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

(b) The department may suspend or alter the duties imposed under Subsection (a) during dangerous weather conditions or emergency operations.

SECTION 6. The Parks and Wildlife Department is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, that agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 7. This Act takes effect September 1, 2021.

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

Amend **CSHB 3807** (senate committee report) in SECTION 2 of the bill, in added Section 61.065(c), Natural Resources Code (page 1, line 32), between "provide" and the underlined colon, by inserting ", or ensure that a park board created by the municipality under Chapter 306, Local Government Code, provides".

HB 2025 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

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

Representative Hunter moved to concur in the senate amendments to **HB 2025**.

The motion to concur in the senate amendments to **HB 2025** prevailed by (Record 1632): 142 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; Canales; Capriglione; Cason; 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; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Clardy; Geren; Hernandez; King, T.; Pacheco.

Senate Committee Substitute

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

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

SECTION 1. Section 2058.001(b), Government Code, is amended to read as follows:

(b) A governmental entity shall recognize and act on a published report or count relating to a federal decennial census and released by the director of the Bureau of the Census of the United States Department of Commerce on the later of:

(1) [~~on~~] September 1 of the year after the calendar year during which the census was taken [~~if the report or count is published on or before that date~~]; or

(2) [~~on~~] the first day of the first calendar month occurring after the 150th day after the date of the [~~its~~] publication of the report or count [~~if the report or count is published after September 1 of the year after the calendar year during which the census was taken~~].

SECTION 2. Section 2058.002, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Nothing in this chapter prohibits the legislature from acting on published reports and counts described by Section 2058.001(b) and relating to the 2020 federal decennial census, regardless of the date the reports or counts are published.

(d) Notwithstanding any other law, the commissioners court of a county may act on published reports or counts described by Section 2058.001(b) and relating to the 2020 federal decennial census, and any information provided by the state relating to redistricting based on those reports or counts, in carrying out the commissioners court's duties under Chapter 42, Election Code, with respect to establishing or changing election precincts, regardless of the date the reports or counts are published or the information is provided or any required period for those duties as provided by law.

(e) This subsection and Subsections (c) and (d) expire September 1, 2023.

SECTION 3. Chapter 2058, Government Code, is amended by adding Section 2058.0021 to read as follows:

Sec. 2058.0021. APPLICABILITY OF 2010 FEDERAL CENSUS; TEMPORARY PROVISION. (a) Except as expressly provided by other law and notwithstanding the definition of "population" in Sections 311.005 and 312.011, a statute that applies to a political subdivision having a certain population according to the most recent federal census:

(1) continues to apply to the same political subdivisions to which the statute applied under the 2010 federal census, regardless of whether the political subdivisions continue to have the population prescribed by the statute according to the 2020 federal census; and

(2) does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census.

(b) This section expires September 1, 2023.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2283 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative P. King called up with senate amendments for consideration at this time,

HB 2283, A bill to be entitled An Act relating to the prohibition of certain contributions and donations for the administration of elections.

Representative P. King moved to concur in the senate amendments to **HB 2283**.

The motion to concur in the senate amendments to **HB 2283** prevailed by (Record 1633): 96 Yeas, 50 Nays, 1 Present, not voting.

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

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Cole; Cortez; Crockett; Davis; Deshotel; Dutton; Fierro; Gervin-Hawkins; Goodwin; Guerra; Guillen; Hernandez; Herrero; Howard; Israel; Johnson, A.; Johnson, J.D.; Longoria; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Talarico; Thierry; Thompson, S.; Turner, C.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Pacheco.

Senate Committee Substitute

CSHB 2283, A bill to be entitled An Act relating to the prohibition of certain contributions and donations for the administration of elections.

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

SECTION 1. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.126 to read as follows:

Sec. 31.126. PROHIBITED CONTRIBUTIONS. (a) Without the written consent of the secretary of state, the joint elections commission, county election commission, and county election board may not:

(1) accept a contribution of $1,000 or more, including the value of in-kind donations, offered by:

(A) a private individual;

(B) a business entity, including a:

(i) corporation;

(ii) partnership; or

(iii) trust; or

(C) another third party; or

(2) use a contribution described by Subdivision (1) to perform a function of administering elections.

(b) The secretary of state may grant consent under Subsection (a) only if:

(1) the secretary consults with the governor, the lieutenant governor, and the speaker of the house of representatives on the proposed donation; and

(2) the governor, the lieutenant governor, and the speaker of the house of representatives unanimously agree to the secretary's grant of consent.

(c) The joint elections commission, county election commission, and county election board may accept a contribution of less than $1,000 only with written consent from the relevant political subdivision.

(d) This section does not prohibit the acceptance of:

(1) an in-kind contribution of food or beverage for election workers during the administration of an election;

(2) any state or federal funds administered or distributed by the secretary of state, including funds administered and distributed under Section 31.009, or other state or federal funds made available to political subdivisions to perform a function related to elections; or

(3) an offer for use, without charge or for a reduced fee, of a public or private building or a portion of a building for the purposes of conducting an election, including for use as a polling place designated under Chapter 43.

SECTION 2. Section 81.032, Local Government Code, is amended to read as follows:

Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) The commissioners court may accept a donation of labor or services, gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 38, Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

(b) The commissioners court may not accept a donation described in Subsection (a) of over $1,000 for use in administering elections without the written consent of the secretary of state.

(c) The secretary of state may grant consent under Subsection (b) only if:

(1) the secretary consults with the governor, the lieutenant governor, and the speaker of the house of representatives on the proposed donation; and

(2) the governor, the lieutenant governor, and the speaker of the house of representatives unanimously agree to the secretary's grant of consent.

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.

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

Amend **CSHB 2283** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION ____. Section 405.005, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The secretary of state shall ensure that any gift, grant, or donation accepted under Subsection (a) to perform a function of administering elections is equitably distributed throughout the state based on a percentage of the population of each county or another method determined by the secretary.

(d) Not later than January 1 of each odd-numbered year, the secretary shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives that includes a detailed summary of any gifts, grants, or donations described by Subsection (a) and the manner in which those amounts were expended in the administration of an election.

HB 492 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 492, A bill to be entitled An Act relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.

Representative Wu 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 492**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 492**: Wu, chair; Collier, A. Johnson, P. King, and White.

HB 2607 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2607, A bill to be entitled An Act relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care and the subsidized child care program.

Representative Talarico moved to concur in the senate amendments to **HB 2607**.

The motion to concur in the senate amendments to **HB 2607** prevailed by (Record 1634): 88 Yeas, 58 Nays, 1 Present, not voting.

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

Nays — Anderson; Ashby; Bailes; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Cason; Cook; Craddick; Cyrier; Dean; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Paul; Price; 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.

Absent — Jetton; Pacheco.

STATEMENT OF VOTE

When Record No. 1634 was taken, my vote failed to register. I would have voted yes.

Jetton

Senate Committee Substitute

CSHB 2607, A bill to be entitled An Act relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care and the subsidized child care program.

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

SECTION 1. Section 2308.3155, Government Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) The Texas Rising Star Program is a [~~voluntary,~~] quality-based child care rating system of child care providers participating in the commission's subsidized child care program.

(b-1) The rating system adopted under Subsection (b) must include an entry level rating for child care providers and a maximum length of time a provider may participate at the entry level rating. To qualify for the entry level rating a child care provider must meet the minimum quality standards that qualify the provider to receive technical assistance and support under the Texas Rising Star Program. A provider participating at the entry level rating is not eligible for increased reimbursement rates.

(b-2) The commission shall develop a process to allow a child care provider to request a waiver to extend the length of time the provider may participate at the entry level rating described by Subsection (b-1). The waiver authorized by this subsection may not exceed 36 months.

SECTION 2. Sections 302.0042(b) and (c), Labor Code, are amended to read as follows:

(b) The commission's evaluation must assess:

(1) the use of current federal child care funds by each local workforce development board;

(2) the ability of each local workforce development board to meet child care performance measures;

(3) the average cost of child care in each local workforce development area;

(4) the average monthly price charged by child care providers for full-day child care in each local workforce development area as stated in the market rate survey conducted under 45 C.F.R. Section 98.45(c);

(5) the average monthly price charged by quality child care providers for full-day child care in each local workforce development area;

(6) the poverty rate of each local workforce development area compared to the state's poverty rate;

(7) the number of children on waiting lists for child care in each local workforce development area;

(8) the number of places that are reserved by each local workforce development board in contracts authorized under Section 302.0461 for participants in the child-care subsidy program out of the total number of children enrolled with a provider on a full-time basis categorized by age of the child for each provider in each local workforce development area that is certified as a 2-star, 3-star, or 4-star provider in the Texas Rising Star Program or that does not participate in the Texas Rising Star Program;

(9) the total number of child care providers participating in the Texas Rising Star Program in each local workforce development area and the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area;

(10) the number of child care providers participating in the Texas Rising Star Program in each local workforce development area as a percentage of the total number of both subsidized child care providers and all child care providers in the local workforce development area;

(11) the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of both subsidized child care providers and all child care providers in the local workforce development area;

(12) the total number of children enrolled in subsidized child care providers participating in the Texas Rising Star Program in each local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area; [~~and~~]

(13) the number of subsidized children enrolled in child care providers participating in the Texas Rising Star Program in each local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care

providers in the local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area; and

(14) the number of 3-star and 4-star rated child care providers participating in partnerships with public school districts and public charter schools based on data provided by the Texas Education Agency, as necessary.

(c) For the purposes of evaluation under this section, the commission shall annually update the information described by Subsections (b)(7)-(14) [~~(b)(7)-(13)~~].

SECTION 3. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.00436 to read as follows:

Sec. 302.00436. SUBSIDIZED CHILD CARE PROGRAM: INFORMATION FOR PUBLIC SCHOOLS. Each local workforce development board shall inform the local school districts and open-enrollment charter schools in the workforce development area regarding opportunities to partner with child-care providers in the board's area to expand access to and provide facilities for prekindergarten programs.

SECTION 4. Section 302.0461(d), Labor Code, is amended to read as follows:

(d) The commission shall determine the information that must be included in the report required by Subsection (c). A local workforce development board shall update the report required by Subsection (c) every 12 [~~six~~] months from the date the board submits its initial report to the commission.

SECTION 5. The Texas Workforce Commission and local workforce development boards are required to implement a provision of this Act only if federal money is available for that purpose and using the federal money for that purpose would not result in supplanting or decreasing existing funding for programs currently funded by the Texas Workforce Commission using available federal money under the Child Care Development Block Grant. If the state does not receive sufficient additional federal money under the Child Care Development Block Grant or other federal money to implement a provision of this Act, the commission and the boards may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. This Act takes effect September 1, 2021.

HB 769 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 769, A bill to be entitled An Act relating to the administration of the Texas Windstorm Insurance Association.

Representative Middleton 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 769**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 769**: Middleton, chair; Canales, Dominguez, Hunter, and Lozano.

HB 246 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 246, A bill to be entitled An Act relating to the prosecution of the criminal offense of improper relationship between educator and student.

Representative Murr moved to concur in the senate amendments to **HB 246**.

The motion to concur in the senate amendments to **HB 246** prevailed by (Record 1635): 146 Yeas, 0 Nays, 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; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Murphy; Pacheco.

Senate Committee Substitute

CSHB 246, A bill to be entitled An Act relating to the prosecution of the criminal offense of improper relationship between educator and student.

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

SECTION 1. Section 21.01(2), Penal Code, is amended to read as follows:

(2) "Sexual contact" means, except as provided by Section 21.1or 21.12, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.

SECTION 2. Section 21.12, Penal Code, is amended by adding Subsections (d-1) and (e) to read as follows:

(d-1) Except as otherwise provided by this subsection, a public or private primary or secondary school, or a person or entity that operates a public or private primary or secondary school, may not release externally to the general public the name of an employee of the school who is accused of committing an offense under this section until the employee is indicted for the offense. The school, or the person or entity that operates the school, may release the name of the accused employee regardless of whether the employee has been indicted for the offense as necessary for the school to:

(1) report the accusation:

(A) to the Texas Education Agency, another state agency, or local law enforcement or as otherwise required by law; or

(B) to the school's members or community in accordance with the school's policies or procedures or with the religious law observed by the school; or

(2) conduct an investigation of the accusation.

(e) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

(1) any touching by an employee of a public or private primary or secondary school of the anus, breast, or any part of the genitals of:

(A) an enrolled person described by Subsection (a)(1) or (a)(2)(A); or

(B) a student participant described by Subsection (a)(2)(B); or

(2) any touching of any part of the body of the enrolled person or student participant with the anus, breast, or any part of the genitals of the employee.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. This Act takes effect September 1, 2021.

HB 1681 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1681, A bill to be entitled An Act relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.

Representative Harless moved to concur in the senate amendments to **HB 1681**.

The motion to concur in the senate amendments to **HB 1681** prevailed by (Record 1636): 114 Yeas, 33 Nays, Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; 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.; 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; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Smithee; Stephenson; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Bailes; Beckley; Biedermann; Buckley; Cain; Capriglione; Cason; Cook; Cyrier; Dean; Gates; Harris; Hefner; Holland; Krause; Lambert; Landgraf; Leach; Middleton; Murr; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Spiller; Stucky; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco.

STATEMENT OF VOTE

When Record No. 1636 was taken, I was shown voting no. I intended to vote yes.

Beckley

Senate Committee Substitute

CSHB 1681, A bill to be entitled An Act relating to the construction of certain assisted living facilities located within a floodplain in certain counties and to a seller's disclosure of the location of certain real property within a floodplain.

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

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.0251 to read as follows:

Sec. 247.0251. CONSTRUCTION IN 100-YEAR FLOODPLAIN IN CERTAIN COUNTIES PROHIBITED. (a) In this section, "100-year floodplain" means an area that is subject to inundation by a 100-year flood, which is a flood that has a one percent or greater chance of occurring in any given year, as determined from maps or other data from the Federal Emergency Management Agency, or, if not mapped by the Federal Emergency Management Agency, from the United States Department of Agriculture soil maps.

(b) In a county with a population of 3.3 million or more, the executive commissioner by rule shall prohibit the construction of a new assisted living facility licensed under this chapter within a 100-year floodplain.

(c) The prohibition on new construction under this section does not apply to expansions or renovations of existing assisted living facilities.

SECTION 2. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.020 to read as follows:

Sec. 5.020. SELLER'S DISCLOSURE OF LOCATION OF CERTAIN REAL PROPERTY IN FLOODPLAIN. (a) In this section:

(1) "100-year floodplain" means any area of land that:

(A) is identified on the flood insurance rate map as a special flood hazard area, which is designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map;

(B) has a one percent annual chance of flooding; and

(C) may include a regulatory floodway, flood pool, or reservoir.

(2) "Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 400et seq.).

(b) A seller of a tract of real property that measures less than 15 acres and that does not have a residence located or being constructed on the property at the time of the sale shall provide to the purchaser of the property a written notice disclosing whether any part of the property is located in a 100-year floodplain. If any part of the property is located in a 100-year floodplain, the notice must include a copy of a current flood insurance rate map that indicates the part of the property that is located in the floodplain.

(c) The notice must be delivered by the seller on or before the effective date of an executory contract binding the purchaser to purchase the property.

(d) The purchaser is entitled to recover from the seller damages caused by flooding on any part of the purchased real property that is located in a 100-year floodplain if:

(1) the seller fails to provide the purchaser the notice required by this section; and

(2) the flooding occurs before the fifth anniversary of the date of the purchase.

SECTION 3. Section 247.0251, Health and Safety Code, as added by this Act, applies only to the construction of a new assisted living facility that begins on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2021.

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

Amend **CSHB 1681** (senate committee printing) by striking SECTION 2 of the bill, adding Section 5.020, Property Code (page 1, line 43, through page 2, line 17), and renumbering subsequent SECTIONS of the bill accordingly.

HB 4628 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative P. King called up with senate amendments for consideration at this time,

HB 4628, A bill to be entitled An Act relating to the creation of the Veale Ranch Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting the power of eminent domain.

Representative P. King moved to concur in the senate amendments to **HB 4628**.

The motion to concur in the senate amendments to **HB 4628** prevailed by (Record 1637): 104 Yeas, 42 Nays, Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burns; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; 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; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burrows; Cain; Capriglione; Cook; Cyrier; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco; Smithee.

STATEMENTS OF VOTE

When Record No. 1637 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1637 was taken, I was shown voting no. I intended to vote yes.

Lambert

Senate Committee Substitute

CSHB 4628, A bill to be entitled An Act relating to the creation of the Veale Ranch Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3994 to read as follows:

CHAPTER 3994. VEALE RANCH MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3994.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means any municipality in the corporate limits or extraterritorial jurisdiction of which the district is located.

(3) "County" means Parker County or Tarrant County.

(4) "Director" means a board member.

(5) "District" means the Veale Ranch Municipal Management District No. 1.

Sec. 3994.0102. NATURE OF DISTRICT. The Veale Ranch Municipal Management District No. is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3994.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing a county, a city, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve a county or city from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant county or city services provided in the district.

Sec. 3994.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3994.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3994.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

(b) If a city or county creates a tax increment reinvestment zone described by Subsection (a), the city or county and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Subchapter E.

(c) If a city or county creates a tax increment reinvestment zone described by Subsection (a), the city or county may determine the percentage of the property in the zone that may be used for residential purposes and is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3994.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3994.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3994.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors who serve staggered terms of four years.

(b) Directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

Sec. 3994.0202. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed $150 for each board meeting. The total amount of compensation for each director in one year may not exceed $7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3994.0203. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

Pos. No.	Name of Director
1	Aaron Murff
2	Colin Neblett
3	Cole Evans
4	Tim Roberts
5	David Rambie

(b) Of the initial directors, the terms of directors appointed for positions one through three expire June 1, 2022, and the terms of directors appointed for positions four and five expire June 1, 2024.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3994.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3994.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3994.0303. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3994.0304. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a county or city to provide additional law enforcement services in the district for a fee.

Sec. 3994.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3994.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3994.0307. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3994.0308. ADDING OR EXCLUDING LAND. The district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 3994.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3994.0310. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Sec. 3994.0311. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) An order dividing the district must:

(1) name each new district;

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

(3) appoint initial directors for each new district; and

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

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

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

(h) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 3994.0506 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. ASSESSMENTS

Sec. 3994.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3994.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3994.0501. TAX ELECTION REQUIRED. (a) The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

(b) Section 375.243, Local Government Code, does not apply to the district.

Sec. 3994.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3994.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3994.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, or other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3994.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues; or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3994.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3994.0501, the district may issue bonds payable from ad valorem taxes.

(b) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(c) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3994.0506. CONSENT OF MUNICIPALITY AND DEVELOPMENT AGREEMENT REQUIRED. (a) The board may not hold an election to authorize the issuance of bonds until:

(1) the governing body of a city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district; and

(2) the district, the governing body of the city that consents to the creation of the district as described by Subdivision (1), and the owner or owners of a majority of the assessed value of real property in the district negotiate and execute a mutually approved and accepted development and operating agreement, including any limitations imposed by the city.

(b) A city's consent under Subsection (a) must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

SUBCHAPTER I. DISSOLUTION

Sec. 3994.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls; or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION 2. The Veale Ranch Municipal Management District No. initially includes all territory contained in the following area:

All that certain 3790.36 acre tract or parcel of land situated in Tarrant and Parker Counties of the State of Texas and being part of the H. T. & B. RR Co. Survey, Section Number 3, Abstract Number 648, the N. Underwood Survey, Abstract Number 1579, the I. & G. N. RR Co. Survey, Abstract Number 2002, the W. Robinson Survey, Abstract Number 1107, the I. & G. N. RR Co. Survey, Abstract Number 2224, the I & G. N. RR Co. Survey, Abstract Number 1991, in said Parker County; and being part of the I. & G. N. RR Co. Survey, Abstract Number not yet assigned this date, the I & G. N. RR Co. Survey, Abstract Number not yet assigned this date, the W. Robinson Survey, Abstract Number 1274, the H. Lane Survey, Abstract Number 928, the T. & N. O. RR Survey, Abstract Number 1567, the S. A. & M. G. RR Co. Survey, Abstract Number 1479, the Socorro Farming Co. Survey, Abstract Number 1844, the G. H. & H. RR Survey, Abstract Number 623, the D. Dixon Survey, Abstract Number 442, the D. T. Finley Survey, Abstract Number 1900, the D. T. Finley Survey, Abstract Number 1903, and all of the W. Atkins Survey, Abstract Number 1961 in said Tarrant County, said tract being part of a called 3893.555 acre tract as described in a deed to Iona L.L.C., filed 24 April 2003, and recorded in volume 2096 page 106 of the Official Property Records of said

Parker County, Texas, (hereinafter referred to as OPRPC), and recorded in instrument D203145633 of the Official Records of said Tarrant County (hereinafter referred to as ORTC), and said tract being all of a called 11.000 acre tract as described in deed to Iona Land, L.P., filed 03 May 2005, and recorded in instrument number D205124001, and said tract being all of the remainder of a called 62.050 acre tract of land and all of a called 0.847 acre tract of land as described in a deed to Iona East L.L.C., filed 21 April 2015, recorded in Document Number 21508124 of said ORTC, said tract also being all of a called 25.00 acre tract as described in a deed to Iona East L.L.C., filed 21 April 2015, recorded in Document Number 215081239 of said ORTC, and being more particularly described as follows;

BEGINNING at a nail found at the base of a pipe fence corner post for the most southerly southeast corner of the tract being described, said nail having NAD83 Grid coordinates of N-6918724.96, E-2268232.52, and said nail being the most southerly southeast corner of said Iona 3893.555 acre tract, same being the northeast corner of a called 584.049 acre tract of land to Aledo Real Estate Landholdings Group LLC, filed 30 May 2007, recorded in Document Number 207185948 of said ORTC, said nail also being on the west line of a called 1214.617 acre tract of land as described in a deed to Johnny Hampton (Bud) Vinson II and Cheryl R. Vinson, filed 24 May 2004, recorded in Document Number 204159103 of said ORTC;

THENCE: South 89 degrees 26 minutes 17 seconds West, with the south line of said Iona 3893.555 acre tract and the north line of said Aledo tract, and along and near a barbed wire fence, a distance of 5820.74 feet to a found 1/2 inch iron rod for the most southerly southwest corner of said Iona 3893.555 acre tract, same being the northwest corner of the Bella Flora, an Addition to said Tarrant County, according to plat of the same authorized 12 November 2013, and recorded in document number D213294652 of the Plat Records of said Tarrant County, and said rod being in the east line of a called 231-522/100 acre tract of land as described in a deed to Forest C. Barber, Jr., filed 12 November 2004, recorded in Document Number 204353915 of said ORTC;

THENCE: North 00 degrees 33 minutes 10 seconds West, with the west line of said Iona 3893.555 acre tract and the east line of said Barber tract, and along and near a barbed wire fence, a distance of 2870.96 feet to a found 1 inch pipe for an inner ell corner of said Iona 3893.555 acre tract, same being the northeast corner of said Barber tract;

THENCE: North 89 degrees 46 minutes 26 seconds West, with a south line of said Iona 3893.55 acre tract and the north line of said Barber tract and along and near a barbed wire fence, a distance of 1327.34 feet to a set 1/2 inch rebar for a southwest corner of said Iona 3893.555 acre tract, same being the southeast corner of Tract 36, of the Creeks of Aledo Subdivision, filed 09 April 2003, recorded in volume 2095 page 1608, of said OPRPC, and said rebar being North 89 degrees 48 minutes 04 seconds East, a distance of 367.85 feet from a found 1 inch rod by a Set Stone being the northeast corner of the J.F. Gomer Survey, Abstract Number 496;

THENCE: North 34 degrees 15 minutes 21 seconds West, with the northeast line of said Tract 36, a distance of 569.06 feet to a set 1/2 inch rebar for an angle point in said northeast line;
THENCE: North 34 degrees 02 minutes 46 seconds West, with the northeast line of said Tract 36, a distance of 420.94 feet to a found capped iron rod at the base of a pipe fence corner post on the northeast corner of said Tract 36, same being the southeast corner of Tract 37, of the Creeks of Aledo Subdivision, filed 28 March 2001, recorded in volume 1919 page 1365 of said OPRPC;
THENCE: North 34 degrees 04 minutes 37 seconds West, with the northeast line of said Tract 37, a distance of 483.85 feet to a set 1/2 inch rebar for an angle point in said northeast line;
THENCE: North 34 degrees 03 minutes 53 seconds West, with the northeast line of said Tract 37, a distance of 418.88 feet to a set 1/2 inch rebar at the north corner of said Tract 37, same being the east corner of Tract 38, of the Creeks of Aledo Subdivision, filed 22 May 2002, recorded in volume 2012 page 926 of said OPRPC;
THENCE: North 34 degrees 01 minutes 19 seconds West, with the northeast line of said Tract 38, a distance of 289.75 feet to a pipe fence corner post at the north corner of said Tract 38, same being the east corner of Tract 39, of the Creeks of Aledo Subdivision, filed 22 May 2002, recorded in volume 2012 page 926 of said OPRPC;
THENCE: North 34 degrees 06 minutes 35 seconds West, with the northeast line of said Tract 39, a distance of 379.38 feet to a found 1/2 inch iron rod at the base of a fence corner post, said post being at the north corner of Tract 39, same being the east corner of Tract 40, of the Creeks of Aledo Subdivision, filed 10 April 2002, recorded in volume 2002 page 1945 of said OPRPC;
THENCE: North 34 degrees 08 minutes 47 seconds West, with the northeast line of said Tract 40, a distance of 709.67 feet to a set 1/2 inch rebar for the north corner of said Tract 40, same being the most easterly east corner of Tract 25 of the Creeks of Aledo Subdivision, filed 10 April 2002, recorded in volume 2002 page 1945 of said OPRPC;
THENCE: North 34 degrees 06 minutes 45 seconds West, with the northeast line of said Tract 25, a distance of 607.13 feet to a set 1/2 inch rebar for the north corner of said Tract 25, same being the east corner of Tract 27 of the Creeks of Aledo Subdivision, filed 28 March 2001, recorded in volume 1919 page 1364 of said OPRPC;
THENCE: North 33 degrees 58 minutes 11 seconds West, with the northeast line of said Tract 27, passing at 5.03 feet a found iron pipe on the northeast line of said Tract 27 and continuing a total a distance of 316.12 feet to a set 1/2 inch rebar for an angle point in said northeast line;
THENCE: North 34 degrees 08 minutes 10 seconds West, with the northeast line of said Tract 27, a distance of 79.78 feet to a found iron rod for the north corner of said Tract 27, same being the east corner of Tract 29 of the Creeks of Aledo Subdivision, filed 28 March 2001, recorded in volume 1919 page 1364 of said OPRPC;

THENCE: North 34 degrees 15 minutes 17 seconds West, with the northeast line of said Tract 29, a distance of 322.40 feet to a set 1/2 inch rebar at the base of a pipe fence corner post for an ell corner of said Iona 3893.555 acre tract, same being a corner of said Tract 29;
THENCE: North 81 degrees 29 minutes 34 West, with the north line of said Tract 29, passing at 95.36 feet a found iron rod at the northwest corner of said Tract 29, same being the northeast corner of said Tract 30 and passing at 744.18 feet a found iron rod at the northwest corner of said Tract 30, same being the northeast corner of Tract 28 and continuing a total distance of 1026.64 feet to a set 1/2 inch rebar on the northwest corner of said Tract 28, same being the northeast corner of Tract 43 of the Creeks of Aledo Subdivision, filed 26 April 2000, in said OPRPC;
THENCE: North 83 degrees 10 minutes 18 seconds West, with the north line of Tract 43, passing at 250.45 feet at a set 1/2 inch rebar on the northwest corner of said Tract 43, same being the northeast corner of Tract 44 of said Creeks of Aledo Subdivision, filed 26 April 2000, in said OPRPC, and continuing with the north line of said Tract 44, a total distance of 458.63 feet to a set 1/2 inch rebar for a corner of this tract;
THENCE: North, a distance of 1969.64 feet to a set 1/2 inch rebar for a corner of this tract;
THENCE: North 34 degrees 04 minutes 42 seconds West, a distance of 606.04 feet to a set 1/2 inch rebar for a corner of this tract;
THENCE: North 89 degrees 58 minutes 37 seconds West, and passing at 327.98 feet a found iron rod being the northeast corner of a called 5.00 acre tract as described in deed to Robert Leland Ekstrom, filed 04 May 2010, and recorded in volume 2776 page 1198 of the official public records of said Parker County, and continuing on said course with the north line of said Ekstrom 5 acre tract and passing at 1080.38 feet a found iron rod being the northwest corner of said Esktrom 5 acre tract, and continuing on said course a total distance of 1239.90 feet to a set 1/2 inch rebar for a corner of this tract;
THENCE: South 24 degrees 30 minutes 06 seconds West, a distance of 1362.24 feet to a set 1/2 inch rebar for a corner of this tract;
THENCE: West, a distance of 635.99 feet to a set 1/2 inch rebar for the most westerly southwest corner of this tract, said rebar being on the east line of Farm to Market Road Number 1187, same being the west line of said Iona Tract said rebar being North 00 degrees 48 minutes 31 seconds East, a distance of 1000.26 feet from a found 1\2 inch rebar being the southwest corner of a 120.88 acre tract;
THENCE: North 00 degrees 48 minutes 31 seconds East, with the east line of said road 1187, a distance of 2051.06 feet to a set 1/2 inch rebar for a corner of this tract, and said rebar being on the southeast line of Aledo Iona Road;
THENCE: With the south line of said Aledo Iona Road the following seventeen (17) calls:

1. North 33 degrees 11 minutes 47 seconds East, a distance of 1752.65 feet to a set 1\2" rebar;
2. North 36 degrees 53 minutes 00 seconds East, a distance of 813.13 feet to a pipe fence corner post;

3. North 57 degrees 20 minutes 59 seconds East, a distance of 970.84 feet to a pipe fence corner post;
4. North 77 degrees 47 minutes 00 seconds East, a distance of 434.81 feet to a pipe fence corner post;
5. North 85 degrees 44 minutes 03 seconds East, a distance of 448.55 feet to a pipe fence corner post;
6. North 77 degrees 08 minutes 49 seconds East, a distance of 622.41 feet to a pipe fence corner post;
7. North 84 degrees 37 minutes 50 seconds East, a distance of 850.19 feet to a set 1\2" rebar;
8. South 86 degrees 35 minutes 40 seconds East, a distance of 58.49 feet to a set 1\2" rebar;
9. North 84 degrees 17 minutes 28 seconds East, a distance of 1593.30 feet to a fence corner post;
10. North 84 degrees 12 minutes 06 seconds East, a distance of 1463.59 feet to a fence corner post;
11. North 84 degrees 26 minutes 03 seconds East, a distance of 377.37 feet to a fence corner post;
12. North 84 degrees 18 minutes 18 seconds East, a distance of 378.43 feet to a set 1\2" rebar;
13. North 86 degrees 52 minutes 33 seconds East, a distance of 261.06 feet to a set 1\2" rebar;
14. South 88 degrees 14 minutes 59 seconds East, a distance of 212.79 feet to a set 1\2" rebar;
15. South 84 degrees 02 minutes 19 seconds East, a distance of 189.05 feet to a set 1\2" rebar;
16. South 80 degrees 23 minutes 48 seconds East, a distance of 724.30 feet to a set 1\2" rebar;
17. North 09 degrees 38 minutes 43 seconds East, a distance of 41.36 feet to a set 1\2" rebar for a corner of this tract, said rebar being on the south line of the Union Pacific Railroad, formerly known as the Texas & Pacific Railway;

THENCE: With the south line of said Railroad the following eighteen (18) calls:

1. South 80 degrees 21 minutes 17 seconds East, a distance of 549.51 feet to a set 1\2" rebar for an angle point, said rebar being on the west line of said Lane Survey, same being the east line of said Robinson Survey;
2. South 00 degrees 31 minutes 22 seconds East, with the west line of said Lane Survey, and the east line of said Robinson Survey, a distance of 25.40 feet to a set 1\2" rebar for a corner;
3. South 80 degrees 21 minutes 17 seconds East, a distance of 1999.95 feet to a set 1\2" rebar for a start of a curve to the right;
4. With said curve to the right, an arc length of 766.60 feet, with a central angle of 25 degrees 35 minutes 43 seconds, and a radius of 1716.07 feet, and a chord bearing and distance of South 67 degrees 33 minutes 26 seconds East, 760.25 feet to a set 1\2 inch rebar for the end of said curve to the right;
5. South 54 degrees 45 minutes 35 seconds East, a distance of 411.67 feet to a set 1\2 inch rebar for the start of a curve to the left;

6. With said curve to the left, an arc length of 1133.46 feet, with a central angle of 31 degrees 40 minutes 10 seconds, and a radius of 2050.63 feet, with a chord bearing and distance of South 70 degrees 35 minutes 40 seconds East, 1119.09 feet to a set 1\2 inch rebar for the end of said curve to the left;
7. South 86 degrees 25 minutes 45 seconds East, a distance of 2213.78 feet to a set 1\2 inch rebar for the start of a curve to the left;
8. With said curve to the left, an arc length of 192.54 feet, with a central angle of 05 degrees 24 minutes 18 seconds, and a radius of 2041.02 feet, with a chord bearing and distance of South 89 degrees 07 minutes 54 seconds East, 192.47 feet to a set 1\2 inch rebar for the end of said curve to the left, said rebar being on the west line of said Socorro Survey, same being the east line of said S.A.&M.G. RR Co Survey, A-1479;
9. North 00 degrees 33 minutes 35 seconds West, with the west line of said Socorro Survey, and with the east line of said S.A.&M.G. RR Survey, a distance of 25.01 feet to a set 1\2 inch rebar for the start of a curve to the left;
10. With said curve to the left, an arc length of 576.88 feet, with a central angle of 16 degrees 23 minutes 43 seconds, and a radius of 2016.02 feet, with a chord bearing and distance of North 79 degrees 57 minutes 09 seconds East, 574.92 feet to a set 1\2 inch rebar for the end of said curve to the left;
11. South 18 degrees 14 minutes 42 seconds East, a distance of 50.01 feet to a set 1\2 inch rebar for the start of a curve to the left;
12. With said curve to the left, an arc length of 238.39 feet, with a central angle of 06 degrees 36 minutes 40 seconds, and a radius of 2066.03 feet, with a chord bearing and distance of North 68 degrees 26 minutes 58 seconds East, 238.26 feet to a set 1\2 inch rebar for the end of said curve to the left;
13. North 65 degrees 08 minutes 20 seconds East, a distance of 460.91 feet to a set 1\2 inch rebar for the start of a curve to the right;
14. With said curve to the right, an arc length of 789.93 feet, with a central angle of 11 degrees 17 minutes 02 seconds, and a radius of 4011.02 feet, with a chord bearing and distance of North 72 degrees 14 minutes 04 seconds East, 788.66 feet to a set 1\2 inch rebar for the end of said curve to the right;
15. North 12 degrees 07 minutes 25 seconds West, a distance of 50.01 feet to a set 1\2 inch rebar for the start of a curve to the right;
16. With said curve to the right, an arc length of 83.77 feet, with a central angle of 01 degrees 10 minutes 55 seconds, and a radius of 4061.03 feet, with a chord bearing and distance of North 78 degrees 28 minutes 03 seconds East, 83.77 feet to a set 1\2 inch rebar for the end of said curve to the right, same being the start of a compound curve to the right;
17. With said compound curve to the right, an arc length of 1607.42 feet, with a central angle of 17 degrees 33 minutes 43 seconds, and a radius of 5244.19 feet, with a chord bearing and distance of North 88 degrees 43 minutes 51 seconds East, 1601.13 feet to a set 1\2 inch rebar for the end of said compound curve to the right;
18. South 82 degrees 08 minutes 49 seconds East, and passing at 280.72 feet a found inch pipe by a fence corner post on the east line of said G.H.&H. RR Survey, same being the west line of said Dixon Survey, and being the

northeast corner of said Iona 3893.555 acre tract, same being the northwest corner of said Iona East 25.00 acre tract, and continuing on said course, a total distance of 1633.04 feet to a set 1/2 inch rebar for the most northerly northeast corner of this tract, same being the northeast corner of said Iona East 25.00 acre tract, said rebar being on the west line of Farm to Market Road 2871 and said rebar being the start of a curve to the left, having a central angle of 22 degrees 31 minutes 58 seconds, a radius of 2417.57 feet, and a chord bearing and distance of South 11 degrees 35 minutes 48 seconds East, 944.64 feet;

THENCE: With the west line of said FM Road 2871, and with said curve to the left, an arc length of 950.76 feet to a found capped iron rod for the most easterly southeast corner of this tract, said rod being the southeast corner of said Iona East 0.847 acre tract and said rod being the remainder northeast corner of a called 3.429 acre tract as described in deed to Benbrook Christian Fellowship, filed 16 June 2005, and recorded in county clerks number D205170789 of said ORTC;

THENCE: South 64 degrees 26 minutes 52 seconds West, with the south line of said Iona East 0.847 acre tract part of the way, a distance of 475.37 feet to a found 1/2 inch iron rod for a corner of this tract, said rod being a corner of a called 11.350 acre tract as described in deed to Benbrook Christian Fellowship, filed 11 November 2003, and recorded in county clerks number D203422046 of said ORTC;

THENCE: South 47 degrees 54 minutes 42 seconds West, with the north line of said 11.350 acre tract, a distance of 222.02 feet to a set 1/2 inch iron rod for a corner of this tract, same being a corner of said 11.350 acre tract;

THENCE: South 31 degrees 23 minutes 01 seconds West, with the north line of said 11.350 acre tract, and with a barbed wire fence, a distance of 625.02 feet to a set 1/2 inch rebar for the most southerly southeast corner of said Iona East 62.050 Acre tract, same being the southwest corner of said 11.350 acre tract;

THENCE: South 89 degrees 36 minutes 36 seconds West, with the south line of said Iona East 62.050 acre tract, a distance of 597.88 feet to a set 1/2 inch rebar for the southwest corner of said Iona East 62.050 Acre tract, same being the northwest corner of Lot 1, Block 1, of the Benbrook Water and Sewer Authority Tank Site, filed in cabinet A, slide 4324, of the plat records of said Tarrant County, said rebar also being on the east line of said Iona 3893.555 acre tract;

THENCE: South 00 degrees 21 minutes 32 seconds East, with the east line of said Iona 3893.555 acre tract, and with the west line of said Benbrook Water and Sewer Authority Tank Site, a distance of 8.83 feet to a found capped iron rod for the most southerly southeast corner of said Iona 3893.555 acre tract, same being the northeast corner of a called 117.198 acres tract of land as described in a deed to PB Ventana LLC, filed 17 June 2015, recorded in Document Number 215129625, of said ORTC;

THENCE: South 89 degrees 26 minutes 37 seconds West, with the south line of said Iona tract and the north line of said PB Ventana tract, and with a barbed wire fence, a distance of 3712.74 feet to a found inch iron rod for an inner ell corner of

said Iona 3893.555 acre tract, same being the northwest corner of a called 162.310 acre tract as described in a deed to PB Long Term Hold 1, LP, filed 17 June 2015, recorded in Document Number 215129626 of said ORTC;
THENCE: South 00 degrees 32 minutes 18 seconds East, with the east line of said Iona 3893.555 acre tract and the west line of said PB Long Term tract, and along and near a barbed wire fence part of the way, a distance of 6921.26 feet to a found 1 inch iron rod for a southeast corner of said Iona 3893.555 acre tract, same being an inner ell corner of said Vinson tract;
THENCE: South 89 degrees 27 minutes 33 Seconds West, with the south line of said Iona 3893.555 acre tract and the north line of said Vinson tract, a distance of 3180.16 feet to a found inch iron rod for an ell corner of said Iona 3893.555 acre tract, same being the most westerly northwest corner of said Vinson tract;
THENCE: South 00 degrees 32 minutes 52 seconds East, with the east line of said Iona 3893.555 acre tract and the west line of said Vinson tract, a distance of 3556.23 feet to the POINT OF BEGINNING and containing 3790.36 acres of land.
NAD 83 Grid Bearings and Distances reflect Surface Measurements.
Parts of the G.H. & H. Railroad Company Survey, Abstract No. 623, the D.H. Dickson Survey, Abstract NO. 442, the Heirs of N. Proctor Survey, Abstract No. 1229, the James F. Elliott Survey, Abstract No. 495, the Mckinney & Williams Survey, Abstract NO. 117, and the J.R. Elliott Survey, Abstract No. 494, all situated in the west part of Tarrant County, Texas; and Embracing A Portion of the 2342-908/1000 acres tract described in the deed to Harold V. Johnson III and Deborah Johnson Ryan recorded in volume 6053, Page 268 of the Tarrant County, Deed Records.
Beginning at the most southwest corner of said Johnson tract in the north line of the Texas and Pacific Railroad right of way and the south line of Aledo Road.
Thence north no degrees- 11 minutes-15 seconds west, along the west line of said Johnson tract, 50-44/100 feet to the north line of said Road.
Thence north 41 degrees- 06 minutes- 15 seconds west 151-20/100 feet to another southwest corner of said Johnson tract in the east line of R.N. Highway No. 2871 (Longvue Road),
Thence north no degrees 11 minutes- 15 seconds west, along the west line of said Johnson tract and the said east line of R.M. Highway, 4594-07/100 feet to the south right of way line of Interstate Highway No. 20.
Thence along the said south right of way line of Interstate Highway No. 20:
north 37 degrees-59 minutes-45 seconds east 190-28/100 feet;
north 84 degrees-28 minutes-45 seconds east 479-07/100 feet;
north 79 degrees-47 minutes-45 seconds east 484-23/100 feet;
north 78 degrees-45 minutes-45 seconds east 564-70/100 feet;
north 76 degrees-30 minutes-45 seconds east 650-74/100 feet;
north 76 degrees-07 minutes-45 seconds east 1515-57/100 feet;
south 84 degrees-35 minutes-15 seconds east 105-95/100 feet;
north 76 degrees-07 minutes-45 seconds east 579-74/100 feet;
south 28 degrees-25 minutes-15 seconds east 160-38/100 feet;

north 6degrees-34 minutes-45 seconds east 40 feet to the center of Team Ranch Road.
Field notes for the partition of the LUDIE TEAM PAUL RANCH for: PARCEL NO. 5
Thence south 28 degrees -25 minutes-15 seconds east 656-71/100 feet.
Thence south 6degrees-34 minutes-45 seconds west 1600 feet.
Thence south 28 degrees-25 minutes-15 seconds east 3043-28/100 feet.
Thence south 61 degrees- - 34 minutes 45 seconds west 1250 feet.
Thence south 28 degrees- 25 minutes-15 seconds east 1583/03/100 feet to the said north line of the T & P Railroad right of way and the south line of Aledo Road for the south line of said Johnson tract.
Thence westerly along the said north line of Railroad right of way, the south line of Aledo Road for the said south line of Johnson-tract;
south 81 degrees-22 minutes-44 seconds west 166-59/100 feet;
south 83 degrees-22 minutes-44 seconds west 200 feet;
South 85 degrees-22 minutes-44 seconds west 200 feet;
south 87 degrees-37 minutes-44 seconds west 200 feet;
south 89 degrees-22 minutes-44 seconds west 200 feet;
north 88 degrees-22 minutes-16 seconds west 200 feet;
north 86 degrees- 22 minutes-16 seconds west 200 feet;
north 84 degrees-22 minutes-16 seconds west 200 feet;
north 82 degrees-52 minutes-16 seconds west 200 feet;
north 82 degrees-37 minutes-16 seconds west 2664-25/100 feet to the place of beginning and containing 532-514/1000 acres.
SAVE AND EXCEPT that certain property conveyed to the Fort Worth Independent School District, filed December 20, 2019, recorded under Clerk's File No(s). D219293163, Real Property Records, Tarrant County, Texas.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

SB 155 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Klick, the house granted the request of the senate for the appointment of a Conference Committee on **SB 155**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 155**: Klick, chair; Bucy, Cain, Canales, and Jetton.

HOUSE AT EASE

At 4:46 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 5:29 p.m.

HB 4472 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4472, A bill to be entitled An Act relating to the Texas emissions reduction plan.

Representative Landgraf moved to concur in the senate amendments to **HB 4472**.

The motion to concur in the senate amendments to **HB 4472** prevailed by (Record 1638): 103 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Herrero; Holland; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Kacal; King, K.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lozano; Martinez Fischer; Metcalf; Meyer; Minjarez; Morales, C.; Morales, E.; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Romero; Rose; Sanford; Schofield; Shaheen; Sherman; Shine; Slaton; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson.

Nays — Allen; Anchia; Beckley; Bell, K.; Biedermann; Bowers; Cain; Cason; Crockett; Goodwin; Hinojosa; Howard; Johnson, J.D.; Johnson, J.E.; Leman; Lopez; Meza; Morales Shaw; Ortega; Patterson; Ramos; Reynolds; Rosenthal; Schaefer; Smith; Spiller; Swanson; Thompson, S.; Tinderholt; Toth; Vasut; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Ellzey; Gates; Hernandez; King, P.; Lucio; Martinez; Middleton; Moody; Morrison; Pacheco; Slawson; Turner, C.; Wu.

STATEMENTS OF VOTE

When Record No. 1638 was taken, I was shown voting no. I intended to vote yes.

Bowers

When Record No. 1638 was taken, I was in the house but away from my desk. I would have voted yes.

Ellzey

When Record No. 1638 was taken, my vote failed to register. I would have voted yes.

P. King

When Record No. 1638 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 1638 was taken, I was shown voting no. I intended to vote yes.

Leman

When Record No. 1638 was taken, I was in the house but away from my desk. I would have voted no.

Middleton

When Record No. 1638 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

CSHB 4472, A bill to be entitled An Act relating to the Texas emissions reduction plan.

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

SECTION 1. Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

(2) the motor vehicle purchase or lease incentive program established under Subchapter D;

(3) the air quality research support program established under Chapter 387;

(4) the clean school bus program established under Chapter 390;

(5) the new technology implementation grant program established under Chapter 391;

(6) the regional air monitoring program established under Section 386.252(a);

(7) a health effects study as provided by Section 386.252(a);

(8) air quality planning activities as provided by Section 386.252(d);

(9) a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a);

(10) the Texas clean fleet program established under Chapter 392;

(11) the Texas alternative fueling facilities program established under Chapter 393;

(12) the Texas natural gas vehicle grant program established under Chapter 394;

(13) other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;

(14) other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions;

(15) the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(16) conducting research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event;

(17) studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a); [~~and~~]

(18) the governmental alternative fuel fleet grant program established under Chapter 395; and

(19) remittance of funds to the state highway fund for use by the Texas Department of Transportation for congestion mitigation and air quality improvement projects in nonattainment areas and affected counties.

SECTION 2. Section 386.057, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) Not later than October 1 of each year, the Texas Department of Transportation shall report to the commission the following information for all congestion mitigation and air quality improvement projects in nonattainment areas and affected counties that are planned to be funded, or received initial funding during the preceding 10 years, from money received by the department under this chapter:

(1) projects to mitigate congestion and improve air quality that are currently planned;

(2) projects to mitigate congestion and improve air quality that have been completed;

(3) estimated emissions reductions for all planned and completed congestion mitigation projects; and

(4) estimated cost per ton analysis of reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds for each congestion mitigation project planned or completed.

SECTION 3. Sections 386.104(c) and (c-1), Health and Safety Code, are amended to read as follows:

(c) Except as otherwise provided by this subsection, for a proposed project as described by Section 386.102(b), [~~other than a project involving a marine vessel or engine,~~] not less than 75 percent of vehicle miles traveled or hours of operation projected for the five years immediately following the award of a grant must be projected to take place in a nonattainment area or affected county of this state. The commission may set the minimum percentage of vehicle miles traveled or hours of operation required to take place in a nonattainment area or affected county at a percentage and for a period that is different from the percentage and period specified by this subsection, provided that the commission may not set the minimum percentage at a level that is less than 55 percent. The commission may allow vehicle travel on highways and roadways, or portions of a highway or roadway, designated by the commission and located outside a nonattainment area or affected county to count towards the percentage of use requirement in this subsection.

(c-1) For a proposed project involving a marine vessel or engine, the vessel or engine must be operated in the intercoastal waterways or bays adjacent to a nonattainment area or affected county of this state for a sufficient percentage [~~amount~~] of time over the lifetime of the project, as determined by the commission, to meet the cost-effectiveness requirements of Section 386.105. The percentage determined by the commission under this subsection may not be less than 55 percent.

SECTION 4. Section 386.250(c), Health and Safety Code, as effective September 1, 2021, is amended to read as follows:

(c) Not later than the 30th day after the last day of each state fiscal biennium, the commission shall transfer the unencumbered balance of the fund remaining on the last day of the state fiscal biennium to the credit of the state highway fund for use by the Texas Department of Transportation for projects described by Section 386.051(b)(19) [~~Texas emissions reduction plan account~~].

SECTION 5. Section 386.251(c), Health and Safety Code, as effective September 1, 2021, is amended to read as follows:

(c) The account consists of its accumulated balance [~~and the amount of money transferred to the account under Section 386.250(c)~~].

SECTION 6. Section 386.252, Health and Safety Code, as effective September 1, 2021, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Money in the fund and account may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h) and after remittance to the state

highway fund under Subsection (a-1), money from the fund and account to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1) four percent may be used for the clean school bus program under Chapter 390;

(2) three percent may be used for the new technology implementation grant program under Chapter 391, from which at least $1 million will be set aside for electricity storage projects related to renewable energy;

(3) five percent may be used for the Texas clean fleet program under Chapter 392;

(4) not more than $3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5) 10 percent may be used for the Texas natural gas vehicle grant program under Chapter 394;

(6) not more than $6 million may be used for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7) not more than $750,000 may be used each year to support research related to air quality as provided by Chapter 387;

(8) not more than $200,000 may be used for a health effects study;

(9) at least $6 million but not more than $16 million may be used by the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10) six percent may be used by the commission for the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(11) five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12) not more than $216,000 may be used by the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(13) not more than $500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; and

(14) the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

(a-1) The commission shall remit not less than 35 percent of the amount deposited to the credit of the fund to the state highway fund for use by the Texas Department of Transportation for projects described by Section 386.051(b)(19).

SECTION 7. Section 391.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) advanced clean energy projects, as defined by Section 382.003;

(2) new technology projects that reduce emissions of regulated pollutants from stationary sources;

(3) new technology projects that reduce emissions from upstream and midstream oil and gas production, completions, gathering, storage, processing, and transmission activities through:

(A) the replacement, repower, or retrofit of stationary compressor engines;

(B) the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or

(C) the installation of systems that reduce flaring emissions and other site emissions [~~by capturing waste heat to generate electricity solely for on-site service~~]; and

(4) electricity storage projects related to renewable energy, including projects to store electricity produced from wind and solar generation that provide efficient means of making the stored energy available during periods of peak energy use.

SECTION 8. Section 391.205(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsection (c), in awarding grants under this chapter the commission shall give preference to projects that:

(1) involve the transport, use, recovery for use, or prevention of the loss of natural resources originating or produced in this state;

(2) contain an energy efficiency component;

(3) include the use of solar, wind, or other renewable energy sources; [~~or~~]

(4) recover waste heat from the combustion of natural resources and use the heat to generate electricity; or

(5) reduce flaring emissions and other site emissions.

SECTION 9. Section 391.301, Health and Safety Code, is amended to read as follows:

Sec. 391.301. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter must use the grant to pay the incremental costs of the purchase, lease, or [~~and~~] installation of the project for which the grant is made, which may include reasonable and necessary expenses for the labor needed to install emissions-reducing equipment. The recipient may [~~not~~] use the grant for the costs of operating and maintaining the emissions-reducing equipment.

SECTION 10. Section 501.138, Transportation Code, is amended by amending Subsections (b-1), (b-2), and (b-3) and adding Subsection (b-4) to read as follows:

(b-1) Except as provided by Subsection (b-4), fees [~~Fees~~] collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas [~~Mobility Fund, except that $5 of each fee imposed under Subsection (a)(1) and deposited on or after September 1, 2008, and before September 1, 2015, shall be deposited to the credit of the Texas~~] emissions reduction plan fund.

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas emissions reduction plan fund [~~Mobility Fund~~] under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation shall remit to the comptroller for deposit to the credit of the Texas Mobility Fund [~~emissions reduction plan fund~~] an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas emissions reduction plan fund [~~Mobility Fund~~] under Subsection (b-1) in the preceding month. The Texas Department of Transportation shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

(b-3) This subsection and Subsections (b-1) and [~~Subsection~~] (b-2) expire on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

(b-4) Fees collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas Mobility Fund if the fees are collected on or after the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

SECTION 11. The changes in law made by this Act apply only to a Texas emissions reduction plan grant awarded on or after the effective date of this Act. A grant awarded before the effective date of this Act is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

SECTION 12. The change in law made by this Act to Section 501.138, Transportation Code, applies only to a fee collected on or after the effective date of this Act. A fee collected before the effective date of this Act is governed by the law in effect when the fee was collected, and the former law is continued in effect for that purpose.

SECTION 13. This Act takes effect September 1, 2021.

HB 1987 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1987, A bill to be entitled An Act relating to eligibility requirements to hold a political party office.

Representative Vasut 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 1987**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1987**: Vasut, chair; Burrows, Geren, Goldman, and Paddie.

HB 79 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 79, A bill to be entitled An Act relating to associate judges for guardianship proceedings and protective services proceedings in certain courts.

Representative Burns moved to concur in the senate amendments to **HB 79**.

The motion to concur in the senate amendments to **HB 79** prevailed by (Record 1639): 143 Yeas, 0 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.; 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; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; 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.

Absent — Bell, C.; González, M.; Hinojosa; Lopez; Slawson.

STATEMENTS OF VOTE

When Record No. 1639 was taken, my vote failed to register. I would have voted yes.

C. Bell

When Record No. 1639 was taken, my vote failed to register. I would have voted yes.

Slawson

Senate Committee Substitute

CSHB 79, A bill to be entitled An Act relating to associate judges for guardianship proceedings and protective services proceedings in certain courts.

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

SECTION 1. Chapter 54A, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. ASSOCIATE JUDGE FOR GUARDIANSHIP PROCEEDINGS AND PROTECTIVE SERVICES PROCEEDINGS IN CERTAIN COURTS

Sec. 54A.301. DEFINITIONS. In this subchapter:

(1) "Guardianship proceeding" has the meaning assigned by Section 1002.015, Estates Code.

(2) "Office of court administration" means the Office of Court Administration of the Texas Judicial System.

(3) "Protective services proceeding" means a proceeding commenced under Chapter 48, Human Resources Code.

(4) "Ward" has the meaning assigned by Section 1002.030, Estates Code.

Sec. 54A.302. APPLICABILITY. This subchapter applies only with respect to:

(1) a county court with jurisdiction over guardianship proceedings or protective services proceedings; and

(2) a statutory county court with jurisdiction over:

(A) guardianship proceedings, other than a court created by statute and designated as a statutory probate court under Chapter 25; or

(B) protective services proceedings.

Sec. 54A.303. APPLICABILITY OF OTHER LAW; CONSTRUCTION OF SUBCHAPTER. (a) Subchapter C applies to an associate judge appointed under this subchapter except to the extent of a conflict with this subchapter.

(b) Nothing in this subchapter limits the authority of a court to which this subchapter applies to issue an order under Title 3, Estates Code, or Chapter 48, Human Resources Code.

Sec. 54A.304. APPOINTMENT. (a) The presiding judge of each administrative judicial region, after conferring with the judges of courts to which this subchapter applies in the region, shall determine whether those courts require the appointment of a full-time or part-time associate judge to assist the courts with conducting:

(1) guardianship proceedings, including with conducting annual reviews of guardianships; or

(2) protective services proceedings.

(b) If the presiding judge of an administrative judicial region determines the courts described by Subsection (a) require the appointment of an associate judge, the presiding judge shall appoint an associate judge from a list of applicants who submit an application to the office of court administration and meet the qualifications prescribed by Section 54A.305. Before making the appointment, the presiding judge must provide the list to each judge of a court from which guardianship proceedings or protective services proceedings will be referred to the associate judge. Each of those judges and the presiding judge of the statutory probate courts may recommend to the presiding judge of the administrative judicial region one or more of the listed applicants for appointment.

(c) Before reappointing an associate judge appointed under Subsection (b), a presiding judge of an administrative judicial region must notify each judge of a court from which guardianship proceedings or protective services proceedings will be referred to the associate judge of the presiding judge's intent to reappoint the associate judge for another term. Each of those judges and the presiding judge of the statutory probate courts may submit to the presiding judge of the administrative judicial region a recommendation on whether the associate judge should be reappointed.

(d) An associate judge appointed under this subchapter serves the courts to which this subchapter applies in the administrative judicial region that are specified by the appointing presiding judge. Two or more presiding judges of administrative judicial regions may jointly appoint one or more associate judges under this subchapter to serve specified courts to which this subchapter applies in the presiding judges' regions.

Sec. 54A.305. QUALIFICATIONS. (a) To be eligible for appointment as an associate judge under this subchapter, a person must:

(1) be a citizen of the United States;

(2) be a resident of this state for the two years preceding the date of appointment; and

(3) be:

(A) eligible for assignment under Section 74.054 because the person is named on the list of retired and former judges maintained by the presiding judge of the administrative judicial region under Section 74.055;

(B) eligible for assignment under Section 25.0022 by the presiding judge of the statutory probate courts; or

(C) licensed to practice law in this state and have at least four years of experience in guardianship proceedings or protective services proceedings before the date of appointment as a practicing attorney in this state or a judge of a court in this state.

(b) An associate judge appointed under this subchapter to serve in one administrative judicial region shall, during the term of appointment, reside in that region or in a county adjacent to that region. An associate judge appointed to serve in two or more administrative judicial regions may reside anywhere in the regions.

Sec. 54A.306. TERM OF APPOINTMENT; TERMINATION. (a) An associate judge appointed under this subchapter serves for a term of four years from the date the associate judge is appointed and qualifies for office.

(b) The appointment of an associate judge for a term does not affect the at-will employment status of the associate judge. An appointing presiding judge of an administrative judicial region or the successor presiding judge of the region may terminate the associate judge's appointment at any time.

Sec. 54A.307. COMPENSATION OF ASSOCIATE JUDGE. (a) An associate judge appointed under this subchapter is entitled to a salary in an amount equal to 90 percent of the salary paid to a district judge as set by the General Appropriations Act.

(b) The associate judge's salary shall be paid from:

(1) money available from the federal government;

(2) county money available for payment of officers' salaries, subject to the approval of the commissioners courts of the counties in which the associate judge serves; or

(3) a combination of money specified by Subdivisions (1) and (2).

Sec. 54A.308. DESIGNATION AND RESPONSIBILITIES OF HOST COUNTY. (a) Subject to the approval of the commissioners court of the proposed host county:

(1) the appointing presiding judge of the administrative judicial region shall determine the host county of an associate judge appointed to serve in one administrative judicial region; and

(2) the appointing presiding judges of the administrative judicial regions shall by majority vote determine the host county of an associate judge appointed to serve in more than one administrative judicial region.

(b) The host county shall provide an adequate courtroom and quarters, including furniture, necessary utilities, and telephone equipment and service, for the associate judge and other personnel assisting the associate judge.

(c) Except as provided by Section 54A.305(b), an associate judge is not required to reside in the host county.

Sec. 54A.309. METHODS OF REFERRAL. (a) Guardianship proceedings or protective services proceedings shall be referred to an associate judge appointed under this subchapter by a general order issued by the judge of each court the associate judge is appointed to serve.

(b) A general order issued under this section may be amended or withdrawn at any time by the judge of the court issuing the order.

(c) In lieu of a general order, the judge of a court the associate judge is appointed to serve by order may refer a specific guardianship proceeding or a specific protective services proceeding to the associate judge.

Sec. 54A.310. GENERAL POWERS OF ASSOCIATE JUDGE. (a) On the motion of a party or the associate judge, an associate judge may return a complex guardianship proceeding to the referring court for final disposition after recommending temporary orders for the protection of a ward.

(b) An associate judge may:

(1) render and sign any pretrial order; and

(2) recommend to the referring court any order after a trial on the merits.

Sec. 54A.311. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. If a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge for the guardianship proceeding or protective services proceeding becomes the order or judgment of the referring court by operation of law without ratification by the referring court.

Sec. 54A.312. PERSONNEL. (a) The appointing presiding judge of an administrative judicial region or appointing presiding judges of the administrative judicial regions, by majority vote, as applicable, may appoint the personnel needed to assist an associate judge in implementing and administering this subchapter.

(b) The salaries of the personnel shall be paid from:

(1) money available from the federal government;

(2) county money available for payment of officers' salaries, subject to the approval of the commissioners courts of the counties in which the associate judge serves; or

(3) a combination of money specified by Subdivisions (1) and (2).

Sec. 54A.313. SUPERVISION, TRAINING, AND EVALUATION OF ASSOCIATE JUDGES. (a) The office of court administration shall assist the presiding judges of the administrative judicial regions in:

(1) monitoring associate judges' compliance with job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies;

(2) addressing the training needs and resource requirements of associate judges;

(3) conducting annual performance evaluations for associate judges and other personnel appointed under this subchapter based on written personnel performance standards adopted by the presiding judges and performance information solicited from the referring courts and other relevant persons; and

(4) receiving, investigating, and resolving complaints about an individual associate judge or the associate judge program under this subchapter based on a uniform process adopted by the presiding judges.

(b) The office of court administration shall develop procedures and a written evaluation form to be used by the presiding judges in conducting the annual performance evaluations under Subsection (a)(3).

(c) The office of court administration shall develop caseload standards for associate judges to ensure adequate staffing.

(d) Each judge of a court that refers guardianship proceedings or protective services proceedings to an associate judge under this subchapter may submit to the appropriate presiding judges or the office of court administration information on the associate judge's performance during the preceding year based on a uniform process adopted by the presiding judges.

Sec. 54A.314. FUNDING AND PERSONNEL. (a) The office of court administration may:

(1) contract for available county and federal money from any available source; and

(2) employ personnel, including investigators, auditors, court coordinators, and other judicial staff, necessary to implement and administer this subchapter.

(b) The presiding judges of the administrative judicial regions and counties may contract for federal money available from any source to reimburse the costs and salaries of the associate judges and personnel appointed under this subchapter and may also use public or private grants.

(c) The presiding judges of the administrative judicial regions and the office of court administration in cooperation with other agencies shall take action necessary to maximize the amount of federal money available to fund the use of associate judges under this subchapter.

Sec. 54A.315. ASSIGNMENT OF JUDGES AND APPOINTMENT OF VISITING ASSOCIATE JUDGES. (a) This subchapter does not limit the authority of a presiding judge of an administrative judicial region to assign a judge eligible for assignment under Chapter 74 to assist in processing guardianship proceedings or protective services proceedings in a reasonable time.

(b) If an associate judge appointed under this subchapter is temporarily unable to perform the associate judge's official duties because of absence resulting from family circumstances, illness, injury, disability, or military service, or if a vacancy occurs in the position of associate judge, the presiding judge of the administrative judicial region, or the presiding judges of the administrative judicial regions by majority vote, as applicable, in which the associate judge serves or the vacancy occurs may appoint a visiting associate judge to perform the duties of the associate judge during the period the associate judge is unable to perform the associate judge's duties or until another associate judge is appointed to fill the vacancy.

(c) A person is not eligible for appointment under this section unless the person has served for at least two years before the date of appointment as an associate judge under this subchapter, a district judge, a statutory county court judge, or a statutory probate judge.

(d) A visiting associate judge appointed under this section:

(1) is subject to each provision of this subchapter that applies to an associate judge appointed under this subchapter;

(2) is entitled to compensation in the amount determined by a majority vote of the presiding judges of the administrative judicial regions using money available under this subchapter; and

(3) is not considered a state employee for any purpose.

(e) Section 2252.901 does not apply to the appointment of a visiting associate judge under this section.

Sec. 54A.316. LIMITATION ON LAW PRACTICE. An associate judge appointed under this subchapter may not engage in the private practice of law.

Sec. 54A.317. IMMUNITY. An associate judge appointed under this subchapter has the judicial immunity of a district judge. All existing immunity granted an associate judge by law, express or implied, continues in full force and effect.

SECTION 2. This Act takes effect September 1, 2021.

HB 2168 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2168, A bill to be entitled An Act relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.

Representative Krause moved to concur in the senate amendments to **HB 2168**.

The motion to concur in the senate amendments to **HB 2168** prevailed by (Record 1640): 104 Yeas, 44 Nays, 1 Present, not voting.

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

Nays — Ashby; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Craddick; Cyrier; Dean; Frank; Frullo; Goldman; Harris; Hefner; Holland; Hull; Jetton; Klick; Landgraf; Leach; Leman;

Middleton; Noble; Oliverson; Parker; Patterson; Schaefer; Schofield; Shaheen; Shine; Slaton; Smith; Spiller; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1640 was taken, I was shown voting no. I intended to vote yes.

Capriglione

Senate Committee Substitute

CSHB 2168, A bill to be entitled An Act relating to the repeal of a criminal offense for certain charitable raffle ticket sales by professional sports team charitable foundations.

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

SECTION 1. Sections 2004.002(1-a) and 2004.009(a), Occupations Code, are repealed.

SECTION 2. The repeal by this Act of Section 2004.009(a), Occupations Code, does not apply to an offense committed under that section before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

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 3578 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3578, A bill to be entitled An Act relating to the payment methods for cigarette and tobacco products permit fees.

Representative Guerra 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 3578**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3578**: Guerra, chair; Meyer, Noble, Sanford, and Thierry.

HB 4103 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4103, A bill to be entitled An Act relating to the authority of certain municipalities to receive certain tax revenue derived from certain establishments related to a hotel and convention center project and to pledge certain tax revenue for the payment of obligations related to the project.

Representative Burrows moved to concur in the senate amendments to **HB 4103**.

The motion to concur in the senate amendments to **HB 4103** prevailed by (Record 1641): 103 Yeas, 45 Nays, 1 Present, not voting.

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

Nays — Anderson; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Cason; Cook; Cyrier; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Hinojosa; Holland; Hull; Krause; Landgraf; Leman; Lopez; Middleton; Murr; Noble; Oliverson; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENTS OF VOTE

When Record No. 1641 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 1641 was taken, I was shown voting yes. I intended to vote no.

Leach

Senate Committee Substitute

CSHB 4103, A bill to be entitled An Act relating to the use of certain tax revenue by certain municipalities and to the entitlement of certain municipalities to certain tax revenue related to a hotel and convention center project.

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

SECTION 1. Section 351.101(n), Tax Code, is amended to read as follows:

(n) In addition to other authorized uses, a municipality that has a population of not more than 1,500 and is located in a county that borders Arkansas and Louisiana may use revenue from the municipal hotel occupancy tax for the promotion of tourism by the enhancement and upgrading of an existing sports facility or field as specified by Subsection (a)(7), provided that the requirements of Subsection [~~Subsections~~] (a)(7)(A) [~~and (C)~~] and Section 351.1076 are met.

SECTION 2. Section 351.10712(a), Tax Code, is amended to read as follows:

(a) This section applies only to:

(1) a municipality with a population of at least 95,000 that is located in a county that is bisected by United States Highway 385 and has a population of not more than 140,000; and

(2) a municipality located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located.

SECTION 3. Section 351.152, Tax Code, is amended to read as follows:

Sec. 351.152. APPLICABILITY. This subchapter applies only to:

(1) a municipality described by Section 351.001(7)(B);

(2) a municipality described by Section 351.001(7)(D);

(3) a municipality described by Section 351.001(7)(E);

(4) a municipality described by Section 351.102(e)(3);

(5) a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more;

(6) a municipality with a population of 150,000 or more but less than 200,000 that is partially located in at least one county with a population of 125,000 or more;

(7) a municipality with a population of 150,000 or more but less than one million that is located in one county with a population of 2.3 million or more;

(8) a municipality with a population of 180,000 or more that:

(A) is located in two counties, each with a population of 100,000 or more; and

(B) contains an American Quarter Horse Hall of Fame and Museum;

(9) a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine;

(10) a municipality with a population of 96,000 or more that is located in a county that contains the headwaters of the San Gabriel River;

(11) a municipality with a population of 99,900 or more but less than 111,000 that is located in a county with a population of 135,000 or more;

(12) a municipality with a population of 110,000 or more but less than 135,000 at least part of which is located in a county with a population of less than 135,000;

(13) a municipality with a population of 9,000 or more but less than 10,000 that is located in two counties, each of which has a population of 662,000 or more and a southern border with a county with a population of 2.3 million or more;

(14) a municipality with a population of 200,000 or more but less than 300,000 that contains a component institution of the Texas Tech University System;

(15) a municipality with a population of 95,000 or more that:

(A) is located in more than one county; and

(B) borders Lake Lewisville;

(16) a municipality with a population of 45,000 or more that:

(A) contains a portion of Cedar Hill State Park;

(B) is located in two counties, one of which has a population of two million or more and one of which has a population of 149,000 or more; and

(C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(17) a municipality with a population of less than 6,000 that:

(A) is almost wholly located in a county with a population of 600,000 or more that is adjacent to a county with a population of two million or more;

(B) is partially located in a county with a population of 1.8 million or more that is adjacent to a county with a population of two million or more;

(C) has a visitor center and museum located in a 19th-century rock building in the municipality's downtown; and

(D) has a waterpark open to the public;

(18) a municipality with a population of 56,000 or more that:

(A) borders Lake Ray Hubbard; and

(B) is located in two counties, one of which has a population of less than 80,000;

(19) a municipality with a population of 83,000 or more that:

(A) borders Clear Lake; and

(B) is primarily located in a county with a population of less than 300,000;

(20) a municipality with a population of less than 2,000 that:

(A) is located adjacent to a bay connected to the Gulf of Mexico;

(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and

(C) has a boardwalk on the bay;

(21) a municipality with a population of 75,000 or more that:

(A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and

(B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(22) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of four million or more;

(23) an eligible coastal municipality with a population of 3,000 or more but less than 5,000;

(24) a municipality with a population of 90,000 or more but less than 150,000 that:

(A) is located in three counties; and

(B) contains a branch campus of a component institution of the University of Houston System;

(25) a municipality that is:

(A) primarily located in a county with a population of four million or more; and

(B) connected by a bridge to a municipality described by Subdivision (20);

(26) a municipality with a population of 20,000 or more but less than 25,000 that:

(A) contains a portion of Mustang Bayou; and

(B) is wholly located in a county with a population of less than 500,000;

(27) a municipality with a population of 70,000 or more but less than 90,000 that is located in two counties, one of which has a population of four million or more and the other of which has a population of less than 50,000;

(28) a municipality with a population of 10,000 or more that:

(A) is wholly located in a county with a population of four million or more; and

(B) has a city hall located less than three miles from a space center operated by an agency of the federal government;

(29) a municipality that is the county seat of a county:

(A) through which the Pedernales River flows; and

(B) in which the birthplace of a president of the United States is located;

(30) a municipality that contains a portion of U.S. Highway 79 and State Highway 130;

(31) a municipality with a population of 48,000 or more but less than 95,000 that is located in two counties, one of which has a population of 900,000 or more but less than 1.7 million;

(32) a municipality with a population of less than 25,000 that contains a museum of Western American art;

(33) a municipality with a population of 50,000 or more that is the county seat of a county that contains a portion of the Sam Houston National Forest;

(34) a municipality with a population of less than 25,000 that:

(A) contains a cultural heritage museum; and

(B) is located in a county that borders the United Mexican States and the Gulf of Mexico;

(35) a municipality that is the county seat of a county that:

(A) has a population of 115,000 or more;

(B) is adjacent to a county with a population of 1.8 million or more; and

(C) hosts an annual peach festival;

(36) a municipality that is the county seat of a county that:

(A) has a population of 585,000 or more; and

(B) is adjacent to a county with a population of four million or more;

(37) a municipality with a population of less than 10,000 that:

(A) contains a component university of The Texas A&M University System; and

(B) is located in a county adjacent to a county that borders Oklahoma;

(38) a municipality with a population of less than 6,100 that:

(A) is located in two counties, each of which has a population of 600,000 or more but less than two million; and

(B) hosts an annual Cajun Festival;

(39) a municipality with a population of 13,000 or more that:

(A) is located on an international border; and

(B) is located in a county:

(i) with a population of less than 400,000; and

(ii) in which at least one World Birding Center site is located;

(40) a municipality with a population of 4,000 or more that:

(A) is located on an international border; and

(B) is located not more than five miles from a state historic site that serves as a visitor center for a state park that contains 300,000 or more acres of land;

(41) a municipality with a population of 36,000 or more that is adjacent to at least two municipalities described by Subdivision (15); [~~and~~]

(42) a municipality with a population of 28,000 or more in which is located a historic railroad depot and heritage center;

(43) a municipality located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located;

(44) a municipality with a population of less than 500,000 that is:

(A) located in two counties; and

(B) adjacent to a municipality described by Subdivision (31); and

(45) a municipality that:

(A) has a population of more than 67,000; and

(B) is located in two counties with 90 percent of the municipality's territory located in a county with a population of at least 580,000, and the remaining territory located in a county with a population of at least four million.

SECTION 4. Sections 351.157(a), (b), (c), and (e), Tax Code, are amended to read as follows:

(a) In this section, "qualified establishment" means an establishment:

(1) that is located on land:

(A) owned by a municipality; or

(B) owned by any person if the establishment is located in a municipality described by Section 351.152(3) or owned by the federal government if the establishment is located in a municipality described by Section 351.152(6);

(2) the nearest exterior wall of which is located not more than 1,000 feet from the nearest exterior wall of a qualified hotel or qualified convention center facility;

(3) that is constructed:

(A) on or after the date the municipality commences a qualified project under this subchapter; or

(B) at any time if the establishment is located in a municipality described by Section 351.152(3);

(4) that is not a sports stadium; and

(5) that is the type of establishment described by Subsection (c) from which the municipality is entitled to receive revenue under Subsection (d).

(b) This section applies only to:

(1) a municipality described by Section 351.152(3);

(2) a municipality described by Section 351.152(6);

(3) a municipality described by Section 351.152(7);

(4) a municipality described by Section 351.152(10);

(4-a) a municipality described by Section 351.152(14);

(5) a municipality described by Section 351.152(16);

(6) a municipality described by Section 351.152(22);

(7) a municipality described by Section 351.152(25);

(8) a municipality described by Section 351.152(34);

(9) a municipality described by Section 351.152(35);

(10) a municipality described by Section 351.152(36); [~~and~~]

(11) a municipality described by Section 351.152(38); and

(12) a municipality described by Section 351.152(43).

(c) A municipality is entitled to receive revenue under Subsection (d) derived from the following types of establishments that meet the requirements of Subsections (a)(1), (2), (3), and (4):

(1) for a municipality described by Subsection (b)(1):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(2) for a municipality described by Subsection (b)(2), swimming pools and swimming facilities, restaurants, bars, and retail establishments;

(3) for a municipality described by Subsection (b)(3), restaurants, bars, and retail establishments;

(4) for a municipality described by Subsection (b)(4):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(4-a) for a municipality described by Subsection (b)(4-a):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(5) for a municipality described by Subsection (b)(5), restaurants, bars, and retail establishments;

(6) for a municipality described by Subsection (b)(6), restaurants, bars, and retail establishments;

(7) for a municipality described by Subsection (b)(7), restaurants, bars, and retail establishments;

(8) for a municipality described by Subsection (b)(8), restaurants, bars, and retail establishments;

(9) for a municipality described by Subsection (b)(9), restaurants, bars, and retail establishments;

(10) for a municipality described by Subsection (b)(10):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel; [~~and~~]

(11) for a municipality described by Subsection (b)(11):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel; and

(12) for a municipality described by Subsection (b)(12):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel.

(e) A municipality to which this section applies is not entitled to receive revenue under Subsection (d) unless the municipality commences a qualified project under this subchapter before September 1, 2027 [~~2023~~].

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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. 31).

SB 2185 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Canales, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2185**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2185**: Canales, chair; Bowers, Harris, T. King, and Larson.

HB 4110 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4110, A bill to be entitled An Act relating to the regulation of metal recycling; increasing a criminal penalty.

Representative Leach moved to concur in the senate amendments to **HB 4110**.

The motion to concur in the senate amendments to **HB 4110** prevailed by (Record 1642): 118 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; 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.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Slawson; Smith; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Cain; Cason; Dean; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leman; Middleton; Murr; Oliverson; Paul; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bonnen; Darby; Smithee.

STATEMENTS OF VOTE

When Record No. 1642 was taken, I was shown voting yes. I intended to vote no.

Frullo

When Record No. 1642 was taken, I was shown voting yes. I intended to vote no.

Kuempel

Senate Committee Substitute

CSHB 4110, A bill to be entitled An Act relating to the regulation of metal recycling; increasing a criminal penalty.

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

SECTION 1. Section 1956.001, Occupations Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Catalytic converter" includes any material removed from a catalytic converter.

SECTION 2. Subchapter A-3, Chapter 1956, Occupations Code, is amended by adding Section 1956.0321 to read as follows:

Sec. 1956.0321. ADDITIONAL REQUIREMENTS REGARDING PURCHASE OF CATALYTIC CONVERTER. (a) In addition to the requirements of Section 1956.032, a person attempting to sell a catalytic converter to a metal recycling entity shall provide to the metal recycling entity:

(1) the year, make, model, and vehicle identification number for the vehicle from which the catalytic converter was removed; and

(2) a copy of the certificate of title or other documentation indicating that the person has an ownership interest in the vehicle described by Subdivision (1).

(b) A metal recycling entity may not purchase a catalytic converter from a seller who does not comply with the requirements of Subsection (a).

(c) A metal recycling entity may not purchase a catalytic converter unless the entity determines that the catalytic converter is consistent with the manufacturer's specifications for a catalytic converter from the vehicle for which the seller provided information under Subsection (a)(1).

(d) A metal recycling entity shall mark, in the manner prescribed by the commission by rule, each catalytic converter purchased by the entity with a unique number.

(e) A metal recycling entity shall keep an accurate electronic record or an accurate and legible written record of each purchase of a catalytic converter made in the course of the entity's business. The record must be in English and include:

(1) the information required by Section 1956.033;

(2) the vehicle information provided under Subsection (a)(1);

(3) a copy of the documentation described by Subsection (a)(2); and

(4) the unique number marked on the catalytic converter under Subsection (d).

SECTION 3. Section 1956.033(b), Occupations Code, is amended to read as follows:

(b) The record must be in English and include:

(1) the place, date, and amount of the purchase;

(2) the name and address of the seller in possession of the regulated material purchased;

(3) the identifying number of the seller's personal identification document;

(4) a description made in accordance with the custom of the trade of the commodity type and quantity of regulated material purchased;

(5) the information required by Sections 1956.032(a)(2) and (3);

(6) as applicable:

(A) the identifying number of the seller's air conditioning and refrigeration contractor license displayed under Section 1956.032(a)(4)(A);

(B) a copy of the seller's air conditioning and refrigeration technician registration displayed under Section 1956.032(a)(4)(B);

(C) a copy of the documentation described by Section 1956.032(a)(4)(C); or

(D) a copy of the documentation described by Section 1956.032(a)(4)(D);

(7) if applicable, a copy of the documentation described by Section 1956.032(a)(5);

(8) a copy of the documentation described by Section 1956.032(g); [~~and~~]

(9) a copy of the documentation described by Section 1956.0381(b); and

(10) if the regulated material purchased is a catalytic converter, a clear and legible thumbprint of the seller unless the seller presents to the metal recycling entity a valid cash transaction card issued under Section 1956.0382.

SECTION 4. Section 1956.034, Occupations Code, is amended to read as follows:

Sec. 1956.034. PRESERVATION OF RECORDS. A metal recycling entity shall preserve each record required by Sections 1956.032, 1956.0321, and 1956.033 until the second anniversary of the date the record was made. The records must be kept in an easily retrievable format and must be available for inspection as provided by Section 1956.035 not later than 72 hours after the time of purchase.

SECTION 5. Section 1956.035(a), Occupations Code, is amended to read as follows:

(a) On request, a metal recycling entity shall permit a peace officer of this state, a representative of the department, or a representative of a county, municipality, or other political subdivision that issues a license or permit under Section 1956.003(b) to inspect, during the entity's usual business hours:

(1) a record required by Section 1956.0321 or 1956.033;

(2) a digital photograph or video recording required by Section 1956.0331;

(3) regulated material in the entity's possession; or

(4) an application for a cash transaction card submitted to the entity.

SECTION 6. Section 1956.036(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsections (b) and (d), not later than the close of business on a metal recycling entity's second working day after the date of the purchase or other acquisition of material for which a record is required under Section 1956.0321 or 1956.033, the entity shall send an electronic transaction report to the department via the department's Internet website. Except as provided by Subsection (d-1), the report must contain the information required to be recorded under Sections 1956.0321 and [~~Section~~] 1956.033.

SECTION 7. Section 1956.037(a), Occupations Code, is amended to read as follows:

(a) A metal recycling entity may not dispose of, process, sell, or remove from the premises an item of regulated metal unless:

(1) the entity acquired the item more than:

(A) eight days, excluding weekends and holidays, before the disposal, processing, sale, or removal, if the item is a cemetery vase, receptacle, or memorial made from a regulated material other than aluminum material;

(B) five days, excluding weekends and holidays, before the disposal, processing, sale, or removal, if the item is a catalytic converter; or

(C) [~~(B)~~] 72 hours, excluding weekends and holidays, before the disposal, processing, sale, or removal, if the item is not an item described by Paragraph (A) or (B); or

(2) the entity purchased the item from a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of its business.

SECTION 8. Section 1956.040, Occupations Code, is amended by amending Subsections (a) and (b-1) and adding Subsection (b-2) to read as follows:

(a) A person commits an offense if the person knowingly violates Section 1956.038. Except as otherwise provided by this subsection, an [~~An~~] offense under this subsection is a Class A misdemeanor unless it is shown on trial of the offense that the person has previously been convicted of a violation of this subchapter, in which event the offense is a state jail felony. An offense under this subsection involving a catalytic converter is a state jail felony unless it is shown on trial of the offense that the person has previously been convicted of a violation of this subchapter involving a catalytic converter, in which event the offense is a felony of the third degree.

(b-1) Except as otherwise provided by Subsection (b-2), an [~~An~~] offense under Subsection (b) is a Class A misdemeanor unless it is shown on trial of the offense that the person has previously been convicted under Subsection (b), in which event the offense is a state jail felony.

(b-2) An offense under Subsection (b)(1) in which the regulated material purchased was a catalytic converter is a state jail felony unless it is shown on trial of the offense that the person has previously been convicted of an offense under Subsection (b)(1) in which the regulated material purchased was a catalytic converter, in which event the offense is a felony of the third degree.

SECTION 9. Subchapter A, Chapter 2305, Occupations Code, is amended by adding Section 2305.0051 to read as follows:

Sec. 2305.0051. RECORDS RELATED TO CATALYTIC CONVERTERS. (a) The owner of a garage or repair shop that sells to a metal recycling entity registered under Chapter 1956 a catalytic converter that the person removed in connection with a motor vehicle repair shall maintain a record of all repairs for the vehicle that includes:

(1) the name and address of the vehicle's owner; and

(2) copies of all related invoices.

(b) Notwithstanding Section 2305.006(a), a record required by this section shall be kept until at least the second anniversary of the date of the repair.

SECTION 10. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 11. This Act takes effect September 1, 2021.

HB 4555 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4555, A bill to be entitled An Act relating to an application for a place on a ballot filed by a person convicted of a felony.

Representative Guillen moved to concur in the senate amendments to **HB 4555**.

The motion to concur in the senate amendments to **HB 4555** prevailed by (Record 1643): 147 Yeas, 1 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; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Beckley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1643 was taken, I was shown voting yes. I intended to vote no.

Israel

Senate Committee Substitute

CSHB 4555, A bill to be entitled An Act relating to an application for a place on a ballot filed by a person convicted of a felony and to the general requirements of an application for a place on a ballot; decreasing a criminal penalty.

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

SECTION 1. Section 141.031, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A candidate's application for a place on the ballot that is required by this code must:

(1) be in writing;

(2) be signed and sworn to before a person authorized to administer oaths in this state by the candidate and indicate the date that the candidate swears to the application;

(3) be timely filed with the appropriate authority; and

(4) include:

(A) the candidate's name;

(B) the candidate's occupation;

(C) the office sought, including any place number or other distinguishing number;

(D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

(E) a statement that the candidate is a United States citizen;

(F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(i) totally mentally incapacitated; or

(ii) partially mentally incapacitated without the right to vote;

(G) an indication [~~a statement~~] that the candidate has either not been finally convicted of a felony or if so convicted [~~from which the candidate~~] has [~~not~~] been pardoned or otherwise released from the resulting disabilities;

(H) the candidate's date of birth;

(I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;

(J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;

(K) the statement: "I, _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the constitution and laws of the United States and of the State of Texas";

(L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code; and

(M) a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, if available, and an electronic mail address at which the candidate receives correspondence relating to the candidate's campaign, if available.

(a-1) A person who has been convicted of a felony shall include in the application proof that the person is eligible for public office under Section 141.001(a)(4).

SECTION 2. Section 141.039, Election Code, is amended to read as follows:

Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to the other statements and spaces for entering information that appear on an officially prescribed form for an application for a place on the ballot, each official form for an application that a candidate is required to file under this code must include:

(1) a space for indicating the form in which the candidate's name is to appear on the ballot;

(2) a space for the candidate's public mailing address;

(3) spaces for the candidate's home and office telephone numbers and e-mail address at which the candidate receives correspondence relating to the candidate's campaign; [~~and~~]

(4) a statement informing candidates that the furnishing of the telephone numbers is optional;

(5) a statement informing candidates that knowingly providing false information on the application under Section 141.031(a)(4)(G) constitutes a Class B misdemeanor; and

(6) a statement informing candidates that a candidate who indicates under Section 141.031(a)(4)(G) that the candidate has been convicted of a felony must comply with the requirements of Section 141.031(a-1).

SECTION 3. Section 37.10(c), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (5) to read as follows:

(c)(1) Except as provided by Subdivisions (2), (3), [~~and~~] (4), and (5), and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(5) An offense under this section is a Class B misdemeanor if the governmental record is an application for a place on the ballot under Section 141.031, Election Code, and the actor knowingly provides false information under Subsection (a)(4)(G) of that section.

SECTION 4. The change in law made by this Act applies to an application for a place on the ballot filed on or after the effective date of this Act. An application for a place on the ballot filed before the effective date of this Act is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2021.

HB 3 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3, A bill to be entitled An Act relating to state and local government responses to a pandemic disaster, including the establishment of the Pandemic Disaster Legislative Oversight Committee, and to in-person hospital visitation during a disaster.

Representative Burrows 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 3**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3**: Burrows, chair; Bonnen, Lucio, Paddie, and Tinderholt.

HB 2667 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2667, A bill to be entitled An Act relating to universal service fund assistance to high cost rural areas and the uniform charge that funds the universal service fund.

Representative Smithee moved to concur in the senate amendments to **HB 2667**.

The motion to concur in the senate amendments to **HB 2667** prevailed by (Record 1644): 129 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Dean; 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; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez;

Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Cook; Cyrier; Hefner; Krause; Middleton; Noble; Patterson; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Tinderholt; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Deshotel.

STATEMENTS OF VOTE

When Record No. 1644 was taken, I was shown voting no. I intended to vote yes.

Cyrier

When Record No. 1644 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1644 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

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

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

SECTION 1. Section 56.001, Utilities Code, is amended by adding Subdivision (3) to read as follows:

(3) "High cost rural area" means:

(A) an area:

(i) receiving support under Section 56.021(1) on December 31, 2020; and

(ii) served by a telecommunications provider that is subject to rate regulation under Chapter 53; and

(B) any other exchange:

(i) receiving support under the Texas High Cost Universal Service Plan (16 T.A.C. Section 26.403) or the Small and Rural Incumbent Local Exchange Company Universal Service Plan (16 T.A.C. Section 26.404); and

(ii) not excluded by commission rule based on the number of telecommunications providers serving the exchange, the population density in the exchange, and the number of customers served per route mile of plant in service used to provide basic local telecommunications service.

SECTION 2. Section 56.022, Utilities Code, is amended to read as follows:

Sec. 56.022. UNIFORM CHARGE. (a) The universal service fund is funded by a statewide uniform charge payable by each telecommunications provider and each provider of Voice over Internet Protocol service that has access to the customer base.

(b) A telecommunications provider or provider of Voice over Internet Protocol service shall pay the charge in accordance with procedures approved by the commission.

(c) The uniform charge is on services and at rates the commission determines. In establishing the charge and the services to which the charge will apply, the commission may not:

(1) grant an unreasonable preference or advantage to a telecommunications provider or a provider of Voice over Internet Protocol service;

(2) assess the charge on pay telephone service; [~~or~~]

(3) subject a telecommunications provider or a provider of Voice over Internet Protocol service to unreasonable prejudice or disadvantage; or

(4) assess the charge in a manner that is not technology-neutral or that grants an unreasonable preference based on technology.

SECTION 3. Sections 56.024(a) and (b), Utilities Code, are amended to read as follows:

(a) The commission may require a telecommunications provider or a provider of Voice over Internet Protocol service to provide a report or information necessary to assess contributions and disbursements to the universal service fund.

(b) A report or information the commission requires a telecommunications provider or a provider of Voice over Internet Protocol service to provide under Subsection (a) is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 4. Not later than December 31, 2021, the Public Utility Commission of Texas shall initiate the rulemaking to adopt the rules required by Section 56.001, Utilities Code, as amended by this Act.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3938 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative K. Bell called up with senate amendments for consideration at this time,

HB 3938, A bill to be entitled An Act relating to the establishment of the industry-based certification advisory council and the transfer of certain duties to that advisory council.

Representative K. Bell moved to concur in the senate amendments to **HB 3938**.

The motion to concur in the senate amendments to **HB 3938** prevailed by (Record 1645): 148 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Senate Committee Substitute

CSHB 3938, A bill to be entitled An Act relating to the establishment of the industry-based certification advisory council and the transfer of certain duties to that advisory council.

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

SECTION 1. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 312 to read as follows:

CHAPTER 312. INDUSTRY-BASED CERTIFICATION ADVISORY COUNCIL

Sec. 312.001. DEFINITION. In this chapter, "advisory council" means the industry-based certification advisory council established under this chapter.

Sec. 312.002. ADVISORY COUNCIL. (a) The industry-based certification advisory council is established to advise the commission regarding the alignment of public high school career and technology education programs with current and future workforce needs in communities, regions, and the state.

(b) The advisory council is composed of the following nine members:

(1) three members representing industry in this state, one each appointed by the governor, the lieutenant governor, and the speaker of the house of representatives;

(2) three members representing public school teachers who teach career and technology education courses or public school administrators, one each appointed by the governor, the lieutenant governor, and the speaker of the house of representatives; and

(3) three members representing a public junior college, public state college, or public technical institute, as those terms are defined by Section 61.003, Education Code, one each appointed by the governor, the lieutenant governor, and the speaker of the house of representatives.

(c) The members of the advisory council serve staggered four-year terms, with the terms of either four or five members expiring February 1 of each odd-numbered year.

(c-1) Notwithstanding Subsection (c), the initial members appointed shall determine by lot which four of the nine initial members will serve terms that expire February 1, 2023, and which five of the nine initial members will serve terms that expire February 1, 2025. This subsection expires January 1, 2026.

(d) A vacancy on the advisory council shall be filled in the same manner as the original appointment for that position.

(e) A member of the advisory council is not entitled to compensation for service as a member of the advisory council but is entitled to reimbursement for actual and necessary travel expenses incurred in performing functions as a member of the advisory council, as provided in the General Appropriations Act.

(f) Using existing resources, the commission shall provide administrative and staff support for the advisory council.

SECTION 2. Section 29.189, Education Code, is transferred to Chapter 312, Labor Code, as added by this Act, redesignated as Section 312.003, Labor Code, and amended to read as follows:

Sec. 312.003. [~~Sec. 29.189.~~] INVENTORY OF CREDENTIALS AND CERTIFICATES. (a) The advisory council [~~In this section:~~

[~~(1) "Commission" means the Texas Workforce Commission.~~

[~~(2) "Coordinating board" means the Texas Higher Education Coordinating Board.~~

[~~(b) The agency, the coordinating board, and the commission~~] shall [~~jointly~~] develop [~~and post on their respective Internet websites~~] an inventory of industry-recognized credentials and certificates that may be earned by a public high school student through a career and technology education program and that:

(1) are aligned to state and regional workforce needs; and

(2) serve as an entry point to middle- and high-wage jobs.

(b) [~~(c)~~] The inventory must include for each credential or certificate:

(1) the associated career cluster;

(2) the awarding entity;

(3) the level of education required and any additional requirements for the credential or certificate;

(4) any fees for obtaining the credential or certificate; and

(5) the average wage or salary for jobs that require or prefer the credential or certificate.

(c) In developing the inventory, the advisory council may consult with local workforce boards, the Texas Workforce Investment Council, the Texas Economic Development and Tourism Office, and the Texas Higher Education Coordinating Board.

(d) The advisory council shall establish a process for developing the inventory, including the criteria for the inclusion of a credential or certificate in the inventory.

(e) The advisory council shall annually review and revise the inventory.

(f) Each year, [~~the agency, the coordinating board, and~~] the commission [~~jointly~~] shall:

(1) adopt [~~review~~] and, if necessary, review [~~update~~] the inventory; and

(2) provide a copy of the inventory to the Texas Education Agency and to each school district and public institution of higher education that offers a career and technology education program to public high school students.

SECTION 3. As soon as practicable after the effective date of this Act but not later than January 1, 2022, the industry-based certification advisory council established under Chapter 312, Labor Code, as added by this Act, shall develop the initial inventory required under that chapter.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2911 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2911, A bill to be entitled An Act relating to next generation 9-1-1 service; increasing a fee.

Representative White moved to concur in the senate amendments to **HB 2911**.

The motion to concur in the senate amendments to **HB 2911** prevailed by (Record 1646): 117 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Gates; Geren; Gervin-Hawkins; 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.; Kuempel; Lambert; Landgraf; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble;

Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Shaheen; Sherman; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Cain; Capriglione; Cason; Craddick; Dean; Frullo; Goldman; Harris; Hefner; Hull; Krause; Leach; Middleton; Oliverson; Patterson; Rogers; Sanford; Schaefer; Schofield; Shine; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Klick.

Senate Committee Substitute

CSHB 2911, A bill to be entitled An Act relating to next generation 9-1-1 service and the establishment of a next generation 9-1-1 service fund.

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

SECTION 1. Section 771.001, Health and Safety Code, is amended by adding Subdivisions (5-a) and (5-b) and amending Subdivision (6) to read as follows:

(5-a) "Next generation 9-1-1 service" has the meaning assigned by 47 U.S.C. Section 942.

(5-b) "Next generation 9-1-1 service fund" means the next generation 9-1-1 service fund established under Section 771.0713.

(6) "9-1-1 service" means a communications service that connects users to a public safety answering point through a 9-1-1 system. The term includes next generation 9-1-1 service.

SECTION 2. Section 771.059, Health and Safety Code, is amended to read as follows:

Sec. 771.059. TARGET DATE [~~DEADLINE~~] FOR STATEWIDE NEXT GENERATION 9-1-1 SERVICE. Before September 1, 2025 [~~1995~~], all parts of the state must be covered by next generation 9-1-1 service.

SECTION 3. Subchapter D, Chapter 771, Health and Safety Code, is amended by adding Section 771.0713 to read as follows:

Sec. 771.0713. NEXT GENERATION 9-1-1 SERVICE FUND. (a) The next generation 9-1-1 service fund is created as a fund in the state treasury outside the general revenue fund.

(b) Notwithstanding any other law and except as provided by federal law, the comptroller shall transfer to the credit of the next generation 9-1-1 service fund any amount available from federal money provided to this state from the Coronavirus State and Local Fiscal Recovery Funds under Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) or from any other federal governmental source for purposes of this chapter. The comptroller shall transfer the money as soon as practicable following the receipt by this state of a sufficient amount of federal money for the transfer.

(c) Money deposited to the credit of the next generation 9-1-1 service fund may be used only for the purpose of supporting the deployment and reliable operation of next generation 9-1-1 service, including the costs of equipment, operations, and administration. Money in the fund may be distributed to only the commission and emergency communication districts and must be used in a manner that complies with federal law.

(d) Interest earned on money deposited to the credit of the next generation 9-1-1 service fund is exempt from Section 404.071, Government Code. Interest on money in the fund shall be retained in the fund.

(e) The comptroller may issue guidelines for use by the commission and emergency communication districts in implementing this section.

(f) All money in the fund shall be distributed in accordance with this section not later than December 31, 2022, and all money distributed under this section shall be spent not later than December 31, 2024, for the deployment and reliable operation of next generation 9-1-1 service.

(g) This section expires September 1, 2025.

SECTION 4. Sections 771.0711(g) and (j), Health and Safety Code, are repealed.

SECTION 5. Not later than December 1, 2021, the comptroller of public accounts shall adopt rules necessary to establish and administer the next generation 9-1-1 service fund established under Section 771.0713, Health and Safety Code, as added by this Act.

SECTION 6. This Act takes effect September 1, 2021.

HB 4344 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4344, A bill to be entitled An Act relating to the dismissal of a complaint filed with the State Commission on Judicial Conduct.

Representative Metcalf moved to concur in the senate amendments to **HB 4344**.

The motion to concur in the senate amendments to **HB 4344** prevailed by (Record 1647): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; 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.

Absent — Schofield.

Senate Committee Substitute

CSHB 4344, A bill to be entitled An Act relating to a complaint filed with the State Commission on Judicial Conduct.

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

SECTION 1. Section 33.0211, Government Code, is amended by adding Subsection (c) to read as follows:

(c) For each complaint filed with the commission under this chapter, each member of the commission must be:

(1) notified of the complaint; and

(2) briefed and provided detailed information about the complaint.

SECTION 2. Subchapter B, Chapter 33, Government Code, is amended by adding Sections 33.0212, 33.0213, 33.040, and 33.041 to read as follows:

Sec. 33.0212. REPORT AND RECOMMENDATIONS ON FILED COMPLAINTS. (a) Not later than the 120th day after the date a complaint is filed with the commission, commission staff shall prepare and file with each member of the commission a report detailing the investigation of the complaint and recommendations for commission action regarding the complaint.

(b) Not later than the 90th day following the date commission staff files with the commission the report required by Subsection (a), the commission shall determine any action to be taken regarding the complaint, including:

(1) a public sanction;

(2) a private sanction;

(3) a suspension;

(4) an order of education;

(5) an acceptance of resignation in lieu of discipline;

(6) a dismissal; or

(7) an initiation of formal proceedings.

(c) If, because of extenuating circumstances, commission staff is unable to provide an investigation report and recommendation to the commission before the 120th day following the date the complaint was filed with the commission, the staff shall notify the commission and propose the number of days required for the commission and commission staff to complete the investigation report and recommendations and finalize the complaint. The staff may request an extension

of not more than 270 days from the date the complaint was filed with the commission. The commission shall finalize the complaint not later than the 270th day following the date the complaint was filed with the commission.

(d) The executive director may request that the chairperson grant an additional 120 days to the time provided under Subsection (c) for the commission and commission staff to complete the investigation report and recommendations and finalize the complaint.

(e) If the chairperson grants additional time under Subsection (d), the commission must timely inform the legislature of the extension. The commission may not disclose to the legislature any confidential information regarding the complaint.

Sec. 33.0213. NOTIFICATION OF LAW ENFORCEMENT AGENCY INVESTIGATION. On notice by any law enforcement agency investigating an action for which a complaint has been filed with the commission, the commission may place the commission's complaint file on hold and decline any further investigation that would jeopardize the law enforcement agency's investigation. The commission may continue an investigation that would not jeopardize a law enforcement investigation.

Sec. 33.040. ANNUAL REPORT. Not later than September 1 of each year, the commission shall prepare and submit to the legislature a report of:

(1) the total number of complaints the commission failed to finalize not later than the 270th day following the date the complaint was filed with the commission; and

(2) the total number of complaints included in Subdivision (1) that the commission declined to further investigate because of a law enforcement agency investigation.

Sec. 33.041. LEGISLATIVE REPORT. (a) The commission shall prepare a report for the 88th Legislature regarding any statutory changes that would improve the commission's effectiveness, efficiency, and transparency in filing, investigating, and processing any complaint filed with the commission.

(b) This section expires September 1, 2023.

SECTION 3. Section 33.0212, Government Code, as added by this Act, applies only to a complaint filed with the State Commission on Judicial Conduct on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2022.

HB 3597 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3597, A bill to be entitled An Act relating to policies, procedures, and measures for school safety in public schools.

Representative Metcalf moved to concur in the senate amendments to **HB 3597**.

The motion to concur in the senate amendments to **HB 3597** prevailed by (Record 1648): 139 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; 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; 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; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; 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; Wu; Zwiener.

Nays — Biedermann; Cain; Hefner; Schaefer; Schofield; Slaton; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1648 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

Senate Committee Substitute

CSHB 3597, A bill to be entitled An Act relating to policies, procedures, and measures for school safety in public schools.

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

SECTION 1. Sections 37.108(c-2) and (d), Education Code, are amended to read as follows:

(c-2) A document relating to a school district's or public junior college district's multihazard emergency operations plan is subject to disclosure if the document enables a person to:

(1) verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;

(2) verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;

(3) verify that the plan addresses the five [~~four~~] phases of emergency management under Subsection (a);

(4) verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

(5) verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

(6) if the district is a school district, verify that the district has established a plan for responding to a train derailment if required under Subsection (d);

(7) verify that the district has completed a safety and security audit under Subsection (b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees;

(8) verify that the district has addressed any recommendations by the district's board of trustees for improvement of the plan and determine the district's progress within the last 12 months; and

(9) if the district is a school district, verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

(d) A school district shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a district school. A school district is only required to adopt the policy described by this subsection if a [~~district~~] school district facility is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. The school district may use any available community resources in developing the policy described by this subsection.

SECTION 2. Section 37.114, Education Code, is amended to read as follows:

Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL DRILLS. The commissioner, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules:

(1) providing procedures for evacuating and securing school property during an emergency; and

(2) designating the number and type of mandatory school drills to be conducted each semester of the school year, not to exceed a total of eight drills[~~, including designating the number of:~~

[~~(A) evacuation fire exit drills; and~~

[~~(B) lockdown, lockout, shelter in place, and evacuation drills~~].

SECTION 3. Section 37.115(d), Education Code, is amended to read as follows:

(d) The superintendent of the district shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom

instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a school district, provided that each district campus is assigned a team.

SECTION 4. Section 37.207(e), Education Code, is amended to read as follows:

(e) If three [~~six~~] months after the date of the initial notification required by Subsection (d) the district has still not reported the results of its audit to the center, the center shall notify the agency and the district of the district's requirement to conduct a public hearing under Section 37.1081. This subsection applies only to a school district.

SECTION 5. Section 37.2121, Education Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Each school district that enters into a memorandum of understanding or mutual aid agreement addressing issues that affect school safety and security shall, at the center's request, provide a copy of the memorandum or agreement [~~following information~~] to the center[~~:~~

[~~(1) the name of each entity with which the school district has entered into a memorandum of understanding or mutual aid agreement;~~

[~~(2) the effective date of each memorandum or agreement; and~~

[~~(3) a summary of each memorandum or agreement~~].

(d-1) A copy of a memorandum of understanding or mutual aid agreement provided to the center under Subsection (d) is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 6. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14055 to read as follows:

Sec. 411.14055. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL SAFETY CENTER. The Texas School Safety Center at Texas State University is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is registering with the Texas School Safety Center to provide school safety or security consulting services under Section 37.2091, Education Code.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3752 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3752, A bill to be entitled An Act relating to the offering of health benefits by subsidiaries of the Texas Mutual Insurance Company.

Representative Frank 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 3752**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3752**: Frank, chair; Buckley, Klick, Oliverson, and Raymond.

HB 721 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 721, A bill to be entitled An Act relating to the release to mandatory supervision of certain inmates confined in a county jail.

Representative Wilson moved to concur in the senate amendments to **HB 721**.

The motion to concur in the senate amendments to **HB 721** prevailed by (Record 1649): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bernal.

Senate Committee Substitute

CSHB 721, A bill to be entitled An Act relating to the release to mandatory supervision of certain inmates confined in a county jail.

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

SECTION 1. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1471 to read as follows:

Sec. 508.1471. RELEASE TO MANDATORY SUPERVISION OF CERTAIN INMATES CONFINED IN COUNTY JAIL. (a) This section applies only to an inmate who, at the time the inmate is sentenced to a term of imprisonment in the department, is:

(1) confined in a county jail; and

(2) eligible for immediate release to mandatory supervision.

(b) Before an inmate is released from a county jail to mandatory supervision, the department shall provide notice to a victim, guardian of a victim, or close relative of a deceased victim that the inmate is eligible for release to mandatory supervision. The notice must be sent to the address provided in the victim impact statement or submitted under Section 508.117(b) and must state that the victim, guardian, or close relative may submit, not later than the 14th day after the date of the notice, a written statement to the parole panel considering the inmate's release regarding:

(1) the offense;

(2) the inmate; and

(3) the effect of the offense on the victim, guardian, or close relative.

(c) Notwithstanding any other law, the parole panel may interview a victim, guardian of a victim, or close relative of a deceased victim regarding the release of the inmate to mandatory supervision.

(d) In this section, "victim," "guardian of a victim," and "close relative of a deceased victim" have the meanings assigned by Section 508.117.

SECTION 2. The change in law made by this Act applies to a defendant who is sentenced for an offense on or after the effective date of this Act, regardless of whether the offense is committed before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2021.

SB 14 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative P. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 14**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 14**: P. King, chair; Bowers, Lucio, Metcalf, and Walle.

SB 185 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative White, the house granted the request of the senate for the appointment of a Conference Committee on **SB 185**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 185**: White, chair; Cook, Frank, Neave, and Wu.

SB 1281 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative P. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1281**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1281**: P. King, chair; Darby, Harless, Howard, and Zwiener.

HB 2497 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2497, A bill to be entitled An Act relating to the establishment and duties of the Texas 1836 Project.

Representative Parker moved to concur in the senate amendments to **HB 2497**.

The motion to concur in the senate amendments to **HB 2497** prevailed by (Record 1650): 133 Yeas, 13 Nays, 1 Present, not voting.

Yeas — 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; 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; 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; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Allen; Beckley; Crockett; Goodwin; Hernandez; Johnson, J.D.; Minjarez; Morales Shaw; Neave; Ramos; Romero; Rose; Thompson, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco; Talarico.

STATEMENTS OF VOTE

When Record No. 1650 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1650 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1650 was taken, I was shown voting yes. I intended to vote no.

Zwiener

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

Amend **HB 2497** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION ____. The Texas Education Agency and the Department of Public Safety of the State of Texas are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, those agencies may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

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

Amend **HB 2497** (senate committee report) by amending Sec. 451.002 by deleting 451.002 (b) (page 1, lines 45-49) and replacing with a new 451.002 (b):

(b) The 1836 Project is composed of nine members reflective of the diversity of the state. The governor, lieutenant governor, and speaker of the house of representatives shall each appoint three members. The appointees may include persons in the private sector with relevant experience or subject matter expertise.

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

Amend **HB 2497** (senate committee report) by deleting Sec. 451.003 (a) (1) (A) (page 2, lines 1-6) and replacing with new Sec. 451.003 (a) (1) (A):

(A) Texas history, including the indigenous peoples of this state, the Spanish and Mexican heritage of this state, Tejanos, the African-American heritage of this state, the Texas War for Independence, Juneteenth, annexation of Texas by the United States, the Christian heritage of this state, and this state's heritage of keeping and bearing firearms in defense of life and liberty and for use in hunting [~~, and Juneteenth~~];

HB 72 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 72, A bill to be entitled An Act relating to the power of certain counties to enact certain park use rules.

Representative Reynolds moved to concur in the senate amendments to **HB 72**.

The motion to concur in the senate amendments to **HB 72** prevailed by (Record 1651): 104 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Lambert; 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; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu.

Nays — Ashby; Bell, C.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Cyrier; Dean; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Kuempel; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Oliverson; Parker; Patterson; Paul; Sanford; Schaefer; Schofield; Shaheen; Shine; Slawson; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco; Slaton; Zwiener.

STATEMENTS OF VOTE

When Record No. 1651 was taken, I was shown voting no. I intended to vote yes.

Jetton

When Record No. 1651 was taken, I was shown voting yes. I intended to vote no.

Rogers

When Record No. 1651 was taken, my vote failed to register. I would have voted no.

Slaton

Senate Committee Substitute

CSHB 72, A bill to be entitled An Act relating to the power of certain counties to enact certain park use rules; changing a criminal penalty.

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

SECTION 1. The heading to Section 320.0455, Local Government Code, is amended to read as follows:

Sec. 320.0455. RULES IN CERTAIN COUNTIES [~~A POPULOUS COUNTY~~]; PENALTY FOR VIOLATIONS.

SECTION 2. Section 320.0455, Local Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (b-1) to read as follows:

(a) This section applies only to a county with a population of:

(1) [~~a county with a population of~~] 2.8 million or more; [~~and~~]

(2) 580,000 or more that is adjacent to a county with a population of 2.8 million or more; or

(3) [~~a county with a population of~~] more than 410,000 and less than 455,000.

(b) Except as provided by Subsection (b-1), and subject [~~Subject~~] to the approval of the commissioners court, the board may adopt reasonable rules concerning the use of any park administered by the board.

(b-1) A board created for a county described by Subsection (a)(2) may not adopt rules relating to the use of fireworks.

(c) A person who [~~commits an offense if the person~~] violates a rule approved by the commissioners court under Subsection (b) is liable to the county for a civil penalty of not more than $100 per violation. A county may bring suit in a district court or county court to recover a civil penalty authorized by this subsection [~~An offense under this subsection is a Class C misdemeanor~~].

SECTION 3. The changes in law made by this Act do not affect the pending prosecution of an offense under Section 320.0455, Local Government Code, as that section existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. This Act takes effect September 1, 2021.

HB 2519 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2519, A bill to be entitled An Act relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and a public school teacher's notification of resignation from employment.

Representative Darby moved to concur in the senate amendments to **HB 2519**.

The motion to concur in the senate amendments to **HB 2519** prevailed by (Record 1652): 133 Yeas, 11 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; 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; 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; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Hefner; Krause; Patterson; Sanford; Schaefer; Shaheen; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cain; Lopez; Middleton; Pacheco.

STATEMENT OF VOTE

When Record No. 1652 was taken, I was shown voting yes. I intended to vote no.

White

Senate Committee Substitute

CSHB 2519, A bill to be entitled An Act relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and requiring a school district to notify a teacher regarding the submission of certain complaints to the board.

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

SECTION 1. Section 21.033, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) At least two of the members appointed under Subsection (a)(1), (2), or (3) must be from a school district eligible for an allotment under Section 48.101.

SECTION 2. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.065 to read as follows:

Sec. 21.065. NOTICE TO TEACHER REGARDING SUSPENSION OF CERTIFICATE OR PERMIT. (a) In this section, "teacher" means a superintendent, principal, supervisor, classroom teacher, school counselor, paraprofessional, or other full-time professional employee who is required to hold a certificate issued under this subchapter.

(b) Except as provided by Subsection (c), on the suspension of a teacher's certificate or permit issued under this subchapter, the board shall promptly notify the teacher of the suspension by certified mail. The notice must include:

(1) the basis for the suspension; and

(2) information regarding the method in which the teacher may respond to the suspension.

(c) Subsection (b) does not apply to the suspension of a teacher's certificate or permit by an agreed order.

SECTION 3. Section 21.105, Education Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Subject to Subsections (e) and (f), on [~~On~~] written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher employed under a probationary contract who:

(1) resigns;

(2) fails without good cause to comply with Subsection (a) or (b); and

(3) fails to perform the contract.

(d) If a school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

(1) the basis of the complaint;

(2) information regarding how the teacher may contact the State Board for Educator Certification; and

(3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.

(e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:

(1) must consider any mitigating factors relevant to the teacher's conduct; and

(2) may consider alternatives to sanctions, including additional continuing education or training.

(f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

SECTION 4. Section 21.160, Education Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Subject to Subsections (e) and (f), on [~~On~~] written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a continuing contract that obligates the district to employ the person for the following school year and who:

(1) resigns;

(2) fails without good cause to comply with Subsection (a) or (b); and

(3) fails to perform the contract.

(d) If a school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

(1) the basis of the complaint;

(2) information regarding how the teacher may contact the State Board for Educator Certification; and

(3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.

(e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:

(1) must consider any mitigating factors relevant to the teacher's conduct; and

(2) may consider alternatives to sanctions, including additional continuing education or training.

(f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

SECTION 5. Section 21.210, Education Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Subject to Subsections (e) and (f), on [~~On~~] written complaint by the employing district, the State Board for Educator Certification may impose sanctions against a teacher who is employed under a term contract that obligates the district to employ the person for the following school year and who:

(1) resigns;

(2) fails without good cause to comply with Subsection (a) or (b); and

(3) fails to perform the contract.

(d) If a school district submits a complaint regarding a teacher to the State Board for Educator Certification under Subsection (c), the district shall promptly notify the teacher of the complaint. The notice must include:

(1) the basis of the complaint;

(2) information regarding how the teacher may contact the State Board for Educator Certification; and

(3) a reminder that the teacher should verify that the teacher's mailing address on file with the State Board for Educator Certification is current.

(e) Before imposing sanctions against a teacher under Subsection (c), the State Board for Educator Certification:

(1) must consider any mitigating factors relevant to the teacher's conduct; and

(2) may consider alternatives to sanctions, including additional continuing education or training.

(f) If a teacher fails to timely file a written resignation as required by Subsection (a) but files a written resignation in the manner provided by that subsection not later than the 30th day before the first day of instruction of the following school year, the State Board for Educator Certification may not suspend or revoke the teacher's certificate under Subsection (c).

SECTION 6. Section 21.033(a-1), Education Code, as added by this Act, requiring that at least two members of the State Board for Educator Certification appointed under Subsection (a)(1), (2), or (3) of that section be from a school district eligible for an allotment under Section 48.101, does not affect the entitlement of members described by those subdivisions serving on the board immediately before the effective date of this Act to continue to carry out the members' duties for the remainder of the members' terms. The governor shall appoint members who meet the requirements under Section 21.033(a-1), Education Code, as added by this Act, if necessary, on the first two vacancies that occur after the effective date of this Act of a board position held by a member under Subsection (a)(1), (2), or (3) of that section.

SECTION 7. Section 21.065, Education Code, as added by this Act, applies only to a suspension of a teacher's certificate or permit by the State Board for Educator Certification occurring on or after the effective date of this Act.

SECTION 8. (a) Sections 21.105(d), 21.160(d), and 21.210(d), Education Code, as added by this Act, apply only to a complaint submitted to the State Board for Educator Certification on or after the effective date of this Act.

(b) Sections 21.105(e) and (f), 21.160(e) and (f), and 21.210(e) and (f), Education Code, as added by this Act, apply only to a disciplinary proceeding initiated by the State Board for Educator Certification on or after the effective date of this Act. A disciplinary proceeding commenced before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2021.

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

Amend **CSHB 2519** (senate committee printing) in SECTION 2 of the bill, in added Section 21.065(b), Education Code (page 1, lines 44 and 45), by striking "by certified mail".

HB 2706 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2706, A bill to be entitled An Act relating to the emergency services and care provided to victims of sexual assault and other sex offenses and to the processes associated with preserving and analyzing the evidence of those offenses.

Representative Howard moved to concur in the senate amendments to **HB 2706**.

The motion to concur in the senate amendments to **HB 2706** prevailed by (Record 1653): 147 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; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco.

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

Amend **HB 2706** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 323.002(a), Health and Safety Code, is amended to read as follows:

(a) Each health care facility that has an emergency department shall comply with Sections [~~Section~~] 323.004 and 323.0044. At the request of the department, a health care facility that has an emergency department shall submit to the department for approval a plan for providing the services required by Section 323.004 to sexual assault survivors who arrive for treatment at the emergency department of the health care facility.

HB 4590 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4590, A bill to be entitled An Act relating to the creation of the TRR 243 Municipal Management District; providing authority to issue bonds and impose assessments, fees, and taxes.

Representative Sanford moved to concur in the senate amendments to **HB 4590**.

The motion to concur in the senate amendments to **HB 4590** prevailed by (Record 1654): 103 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Buckley; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Cyrier; Davis; Deshotel; Dominguez; Dutton; Fierro; 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.; Klick; Krause; Kuempel; Lambert; 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; Paddie; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Walle; White; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Burns; Cain; Capriglione; Cason; Cook; Craddick; Darby; Dean; Ellzey; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Oliverson; Parker; Patterson; Price; Rogers; Schaefer; Schofield; Slaton; Slawson; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco; Vo.

STATEMENTS OF VOTE

When Record No. 1654 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1654 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1654 was taken, I was shown voting yes. I intended to vote no.

Cyrier

When Record No. 1654 was taken, I was shown voting yes. I intended to vote no.

Shaheen

Senate Committee Substitute

CSHB 4590, A bill to be entitled An Act relating to the creation of the TRR 243 Municipal Management District; providing authority to issue bonds and impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3793 to read as follows:

CHAPTER 3793. TRR 243 MUNICIPAL MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3793.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Celina, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the TRR 243 Municipal Management District.

Sec. 3793.0102. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3793.0103. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city from providing the level of services provided to the area in the district as of the effective date of the Act enacting this chapter. The district is created to supplement and not to supplant the city services provided in the district.

Sec. 3793.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment;

(3) develop or expand transportation and commerce; and

(4) provide quality residential housing.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3793.0105. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter, as that territory may have been modified under other law.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3793.0501 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3793.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3793.0107. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3793.0108. CONFLICTS OF LAW. This chapter prevails over any provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

Sec. 3793.0109. CONSENT OF MUNICIPALITY AND DEVELOPMENT AGREEMENT REQUIRED. (a) The board may not hold an election to authorize the issuance of bonds until:

(1) the governing body of the city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district; and

(2) the governing body of the city has entered into a development agreement with the owner of a majority of the land in the district.

(b) The city's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3793.0201. GOVERNING BODY; TERMS. The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each even-numbered year. One director is appointed by the city, and four directors are appointed by the commission as provided by Sections 3793.0202 and 3793.0203, respectively.

Sec. 3793.0202. APPOINTMENT AND REMOVAL OF DIRECTOR APPOINTED BY CITY. (a) The governing body of the city shall appoint one director who must be:

(1) at least 18 years of age; and

(2) a resident of the city.

(b) At any time the governing body of the city may remove the director appointed by the city and appoint a director to serve the remainder of the removed director's term.

Sec. 3793.0203. APPOINTMENT BY COMMISSION. (a) Before the term of a director other than a director appointed under Section 3793.0202 expires, the board shall recommend to the commission the appropriate number of persons to serve as successor directors. The commission shall appoint as directors the persons recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

(1) at least 18 years of age;

(2) an owner of property in the district;

(3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;

(4) an owner of a beneficial interest in a trust that owns property in the district; or

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

Sec. 3793.0204. VACANCY. If a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

Sec. 3793.0205. DIRECTOR'S OATH OR AFFIRMATION. (a) A director shall file the director's oath or affirmation of office with the district, and the district shall retain the oath or affirmation in the district records.

(b) A director shall file a copy of the director's oath or affirmation with the secretary of the city.

Sec. 3793.0206. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3793.0207. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed $150 for each board meeting. The total amount of compensation a director may receive each year may not exceed $7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3793.0208. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3793.0209. NO EXECUTIVE COMMITTEE. The board may not create an executive committee to exercise the powers of the board.

Sec. 3793.0210. INITIAL DIRECTORS. (a) On or after September 1, 2021, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as initial directors the four persons named in the petition. The commission shall appoint as initial directors the four persons named in the petition.

(b) The governing body of the city shall appoint one initial director.

(c) The initial directors shall determine by lot which three positions expire June 1, 2023, and which two positions expire June 1, 2025.

(d) This section expires September 1, 2023.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3793.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3793.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) Subject to Subsection (b), the district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may not construct or finance an improvement project, other than a water, sewer, or drainage facility or road, unless the governing body of the city by ordinance or resolution consents to the construction or financing.

(c) The district may issue bonds, notes, or other obligations to maintain or repair an existing improvement project only if the governing body of the city by ordinance or resolution consents to the issuance.

Sec. 3793.0303. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3793.0304. OWNERSHIP OF IMPROVEMENT PROJECTS. (a) Before a district improvement project may be put into operation, the district must transfer ownership of the project to the city.

(b) The transfer of ownership is complete on the city's acceptance of ownership.

Sec. 3793.0305. RETAIL WATER AND SEWER SERVICES PROHIBITED. The district may not provide retail water or sewer services.

Sec. 3793.0306. ADDING OR REMOVING TERRITORY. (a) Subject to Subsection (b), the board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add territory as described by Subsection (a) only if the governing body of the city by ordinance or resolution consents to the addition.

Sec. 3793.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3793.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3793.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district.

Sec. 3793.0403. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3793.0404. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are:

(1) a first and prior lien against the property assessed;

(2) superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

(e) The district may not impose an assessment on a municipality, county, or other political subdivision.

Sec. 3793.0405. NOTICE OF ASSESSMENTS. Annually, the board shall file with the secretary of the city written notice that specifies the assessments the district will impose in the district's next fiscal year in sufficient clarity to describe the assessments for the operation and maintenance of the district and the assessments for the payment of debt service of obligations issued or incurred by the district.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3793.0501. BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Subchapter J, Chapter 375, Local Government Code.

(b) In exercising the district's borrowing power, the district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) In addition to the sources of money described by Subchapter J, Chapter 375, Local Government Code, district bonds may be secured and made payable wholly or partly by a pledge of any part of the money the district receives from improvement revenue or from any other source.

(d) Not later than the 30th day before the date the district holds a bond sale, the district shall provide the governing body of the city written notice of the sale.

SUBCHAPTER F. DISSOLUTION

Sec. 3793.0601. DISSOLUTION BY CITY ORDINANCE. (a) The governing body of the city may dissolve the district by ordinance.

(b) The governing body may not dissolve the district until:

(1) water, sanitary, sewer, and drainage improvements and roads have been constructed to serve at least 90 percent of the developable territory of the district; and

(2) the district has reimbursed each party that has an agreement with the district for all costs advanced to or on behalf of the district.

(c) Until the district is dissolved, the district is responsible for all bonds and other obligations of the district.

Sec. 3793.0602. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than revenue from ad valorem taxes, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The city shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the city to refund the outstanding bonds or obligations.

Sec. 3793.0603. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the city dissolves the district, the city assumes, subject to the appropriation and availability of funds, the obligations of the district, including any bonds or other debt payable from assessments or other district revenue.

(b) If the city dissolves the district, the board shall transfer ownership of all district property to the city.

SECTION 2. The TRR 243 Municipal Management District initially includes all the territory contained in the following area:

BEING that certain tract of land situated in the Collin County School Land Survey, Abstract No. 168, Collin County, Texas, and being all of that certain called 243.820 acre tract of land as conveyed to Laura Latham Shinker, Elizabeth Brent and David Brent, as recorded in Volume 967, Page 705 of the Deed Records of Collin County, Texas, and also being all of that certain called 243.859 acre tract of land as conveyed to Godwin Family Investments, Ltd., by deed recorded in Volume 5634, Page 3372, said Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the southeast corner of said Godwin Family Investments tract, same being the southwest corner of that certain tract of land to Carol J. King or Julia King Needum, and their Successors, as Trustee of the King Family Trust, as recorded in Instrument no. 2012102200134910, Official Public Records, Collin County, Texas, same being in the north right-of-way line of F.M. Highway 428 (a 105' public right-of-way at this point);

THENCE South 89 deg. 59 min. 43 sec. West, along the common line of said Godwin Family Investments tract, and the north right-of-way line of said F. M. Highway No. 428, a distance of 2602.61 feet to a 1/2 inch iron pipe found for the most southerly southwest corner of said Godwin Family Investments tract;

THENCE North 45 deg. 11 min. 54 sec. West, continuing along the common line of said Godwin Family Investments tract, and the north right-of-way line of said F. M. Highway 428, a distance of 42.50 feet to a point;

THENCE South 89 deg. 59 min. 06 sec. West, continuing along the common line of said Godwin Family Investments tract, and the north right-of-way line of said F. M. Highway No. 428, a distance of 17.50 feet to a 1/2 inch iron rod found in the approximate center of County Road No. 54 (a gravel paved prescriptive right-of-way);

THENCE North 00 deg. 02 min. 21 sec. West, along the west line of said Godwin Family Investments tract, and generally along the centerline of said County Road No. 54, a distance of 3965.31 feet to a 3/8 inch rod found for the northwest corner of said Godwin Family Investments tract, same being the southwest corner of that certain tract of land to Michael C. Hollifield and wife, Deborah Baker Hollifield, husband and wife, by deed recorded in Volume 5696, Page 1982, aforesaid Deed Records;

THENCE South 89 deg. 57 min. 51 sec. East, along the common line of said Godwin Family Investments tract, and said Hollifield tract, passing the southeast corner of said Hollifield tract, same being the southwest corner of that certain tract of land to the Pollard Family Living Trust, by deed recorded in County Clerk's File No. 20120608000680240, aforesaid Official Public Records, and continuing along the common line of said Godwin Family Investments tract, and said Pollard tract, a total distance of 2669.06 feet to a 3/4 inch iron rod found for the northeast corner of said Godwin Family Investments tract, same being the southeast corner of said Pollard tract, same being in the west line of that certain tract of land to Douglas J. Barker and wife, Saundra Barker, by deed recorded in Volume 1159, Page 423, said Deed Records;
THENCE South 00 deg. 14 min. 32 sec. West, along common line of said Godwin Family Investments tract, and said Pollard tract, passing the southwest corner of said Pollard tract, same being the most northerly northwest corner of that certain tract of land to Old Celina, Ltd., by deed recorded in Volume 5208, Page 3376, said Deed Records, and continuing along the common line of said Godwin Family Investments tract, and said Old Celina tract, a total distance of 1400.08 feet to a Bois d' Arc Fence found for the most westerly southwest corner of said Old Celina tract, same being the northwest corner of aforesaid King tract;
THENCE South 00 deg. 13 min. 28 sec. West, along the common line of said Godwin Family Investments tract, and said King tract, a distance of 2593.32 feet to the POINT OF BEGINNING and containing 243.846 acres of computed land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect September 1, 2021.

HB 2462 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2462, A bill to be entitled An Act relating to the reporting of a sexual assault and to the collection and submission of evidence with respect to that offense.

Representative Neave 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 2462**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2462**: Neave, chair; Bowers, Button, Campos, and Ramos.

HB 1154 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1154, A bill to be entitled An Act relating to a requirement that certain political subdivisions cause certain financial and operating information to be posted on an Internet website.

Representative Metcalf moved to concur in the senate amendments to **HB 1154**.

The motion to concur in the senate amendments to **HB 1154** prevailed by (Record 1655): 148 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Senate Committee Substitute

CSHB 1154, A bill to be entitled An Act relating to the requirements for meetings held and Internet websites developed by certain special purpose districts.

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

SECTION 1. Section 403.0241(c), Government Code, is amended to read as follows:

(c) For each special purpose district described by Subsection (b), the database must include:

(1) the name of the special purpose district;

(2) the name of each board member of the special purpose district;

(3) contact information for the main office of the special purpose district, including the physical address, the mailing address, and the main telephone number;

(4) if the special purpose district employs a person as a general manager or executive director, or in another position to perform duties or functions comparable to those of a general manager or executive director, the name of the employee;

(5) if the special purpose district contracts with a utility operator, contact information for a person representing the utility operator, including a mailing address and a telephone number;

(6) if the special purpose district contracts with a tax assessor-collector, contact information for a person representing the tax assessor-collector, including a mailing address and telephone number;

(7) the special purpose district's Internet website address or, if the district does not maintain an Internet website, the address of any Internet website or websites the district uses to comply with Section 2051.202 of this code and Section 26.18, Tax Code [~~,if any~~];

(8) the financial information described by Section 140.008(b) or (g), Local Government Code, including any revenue obligations;

(9) the total amount of bonds authorized by the voters of the special purpose district that are payable wholly or partly from ad valorem taxes, excluding refunding bonds if refunding bonds were separately authorized and excluding contract revenue bonds;

(10) the aggregate initial principal amount of all bonds issued by the special purpose district that are payable wholly or partly from ad valorem taxes, excluding refunding bonds and contract revenue bonds;

(11) the rate of any sales and use tax the special purpose district imposes;

(12) for a special purpose district that imposes an ad valorem tax:

(A) the ad valorem tax rate for the most recent tax year if the district is a district as defined by Section 49.001, Water Code; or

(B) the table of ad valorem tax rates for the most recent tax year described by Section 26.16, Tax Code, in the form required by that section, if the district is not a district as defined by Section 49.001, Water Code; and

(13) a link to the Internet website described by Section 49.062(g), Water Code, with a plain-language description of how a resident may petition to require that board meetings of certain special purpose districts be held not further than 10 miles from the boundary of the district.

SECTION 2. Section 551.1283, Government Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A district that maintains an Internet website shall post on that website links to any other Internet website or websites the district uses to comply with Section 2051.202 of this code and Section 26.18, Tax Code.

(e) Nothing in this chapter shall prohibit a district from allowing a person to watch or listen to a board meeting by video or telephone conference call.

SECTION 3. Subchapter E, Chapter 2051, Government Code, as added by Chapter 1029 (**HB 305**), Acts of the 86th Legislature, Regular Session, 2019, is redesignated as Subchapter F, Chapter 2051, Government Code, and amended to read as follows:

SUBCHAPTER F [~~E~~]. INTERNET WEBSITE

Sec. 2051.201 [~~2051.151~~]. [~~APPLICABILITY OF SUBCHAPTER. Except as provided by Section 2051.152(b), this subchapter applies only to a political subdivision with the authority to impose a tax that at any time on or after January 1, 2019, maintained a publicly accessible Internet website.~~

[~~Sec. 2051.152.~~] INFORMATION REQUIRED ON WEBSITE. (a) This section applies only to a political subdivision with the authority to impose a tax that:

(1) at any time on or after January 1, 2019, maintained a publicly accessible Internet website; and

(2) is not subject to Section 2051.202.

(b) A political subdivision to which this section applies shall post on a publicly accessible Internet website the following information:

(1) the political subdivision's contact information, including a mailing address, telephone number, and e-mail address;

(2) each elected officer of the political subdivision;

(3) the date and location of the next election for officers of the political subdivision;

(4) the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office;

(5) each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551; and

(6) each record of a meeting of the political subdivision's governing body under Section 551.021.

(c) [~~(b)~~] Subsections (b)(5) [~~(a)(5)~~] and (6) do not apply to:

(1) a county with a population of less than 10,000;

(2) a municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or

(3) a school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Sec. 2051.202. FINANCIAL AND OPERATING INFORMATION OF SPECIAL PURPOSE DISTRICTS. (a) In this section, "special purpose district" means a political subdivision of this state with geographic boundaries that define the subdivision's territorial jurisdiction. The term does not include a municipality, county, junior college district, independent school district, groundwater conservation district, river authority, or political subdivision with statewide jurisdiction.

(b) This section applies only to a special purpose district that:

(1) is authorized by the state by a general or special law to impose an ad valorem tax;

(2) during the most recent fiscal year imposed an ad valorem tax;

(3) during the most recent fiscal year:

(A) had bonds outstanding;

(B) had gross receipts from operations, loans, taxes, or contributions in excess of $250,000; or

(C) had cash and temporary investments in excess of $250,000; and

(4) at the beginning of the most recent fiscal year, had a population of 500 or more, as determined by the governing body of the special purpose district.

(c) Notwithstanding Subsections (a) and (b), this section applies to a district created and operating under Chapter 387, Local Government Code.

(d) A special purpose district shall post or cause to be posted on an Internet website the following information, if applicable:

(1) the name of the special purpose district;

(2) the name and term of office of each member of the governing body of the special purpose district;

(3) the contact information for the main office of the special purpose district, including the physical address, the mailing address, and the telephone number;

(4) the official contact information for each member of the governing body of the special purpose district;

(5) if the special purpose district employs a person as a general manager or executive director, or in another position to perform duties or functions comparable to those of a general manager or executive director, the name of the general manager, executive director, or person that performs those duties;

(6) if the special purpose district contracts with a utility operator, the contact information for a person representing the utility operator, including a mailing address and telephone number;

(7) if the special purpose district contracts with a tax assessor-collector, the contact information for a person representing the tax assessor-collector, including a mailing address and telephone number;

(8) if the special purpose district imposes an ad valorem tax, the rate of the ad valorem tax of the special purpose district;

(9) if the special purpose district imposes a sales and use tax, the rate of the sales and use tax of the special purpose district;

(10) any notice of tax hearing required to be given under Chapter 26, Tax Code, or Section 49.236, Water Code;

(11) the location and schedule of meetings of the governing body of the special purpose district;

(12) a statement substantially similar to the following: "Residents of the district have the right to request the designation of a meeting location within the district under Section 49.062(g), Water Code. A description of this process can be found at (insert link to the Internet website described by Section 49.062(g), Water Code).";

(13) each notice of a meeting of the governing body of the special purpose district under Subchapter C, Chapter 551, for meetings conducted in the current calendar year and the immediately preceding calendar year;

(14) the minutes of a public meeting of the governing body of the special purpose district under Section 551.021 for meetings conducted in the current calendar year and the immediately preceding calendar year; and

(15) the most recent financial audit of the special purpose district.

SECTION 4. Section 49.062, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), the [~~The~~] board shall designate one or more places inside or outside the district for conducting the meetings of the board. The meeting place may be a private residence or office, provided that the board, in its order establishing the meeting place, declares the same to be a public place and invites the public to attend any meeting of the board. If the board establishes a meeting place or places outside the district, it shall give notice of the location or locations by filing a true copy of the resolution establishing the location or locations of the meeting place or places and a justification of why the meeting will not be held in the district or within 10 miles of the boundary of the district, if applicable, with the commission and also by publishing notice of the location or locations in a newspaper of general circulation in the district. If the location of any of the meeting places outside the district is changed, notice of the change shall be given in the same manner.

(b-1) In this subsection, "rural area district" means a district in which more than half of the district's projected retail water or sewer connections are active and that is not wholly or partly located in a county that as of the 2010 Census had a population of 800,000 or more or bordered a county with a population of 800,000 or more. If the board of a rural area district conducts meetings at least quarterly, the board shall conduct a meeting at a designated meeting location inside the district or within 10 miles of the boundary of the district at least once per quarter. If the board determines that it is not practical to meet within 10 miles of the boundary of the district, the district may conduct the quarterly meeting at another designated meeting place in the county in which the district is located.

SECTION 5. Section 49.0631, Water Code, is amended to read as follows:

Sec. 49.0631. DISTRICT [~~MEETING~~] INFORMATION ON WATER BILL. A district providing potable water or sewer service shall as a part of the district's billing process include on a district's bill to a customer the following statement: "For more information about the district, including information about

the district's board and board meetings, please go to the Comptroller's Special Purpose District Public Information Database or (district's Internet website if the district maintains an Internet website, or, if the district does not maintain an Internet website, the Internet website or websites the district uses to comply with Section 2051.202, Government Code, and Section 26.18, Tax Code)." The statement may be altered to provide the current Internet website address of [~~either~~] the database created under Section 403.0241, Government Code, [~~or~~] the district, or the Internet website or websites the district uses to comply with Section 2051.202, Government Code, and Section 26.18, Tax Code.

SECTION 6. Sections 2051.202(d)(13) and (14), Government Code, as added by this Act, apply only to a meeting held by a special purpose district on or after the effective date of this Act.

SECTION 7. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. This Act takes effect September 1, 2021.

HB 1929 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1929, A bill to be entitled An Act relating to the breach of development agreement contracts governing land in the extraterritorial jurisdiction of certain municipalities.

Representative Wilson 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 1929**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1929**: Wilson, chair; Bucy, Cyrier, Darby, and Rodriguez.

HB 4604 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4604, A bill to be entitled An Act relating to the authority of the Barrett Management District to impose an assessment.

Representative Dutton moved to concur in the senate amendments to **HB 4604**.

The motion to concur in the senate amendments to **HB 4604** prevailed by (Record 1656): 94 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; 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.; Klick; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burrows; Cain; Capriglione; Cason; Cook; Cyrier; Darby; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Kuempel; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Oliverson; Paddie; Parker; Patterson; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman.

Absent — Frank.

STATEMENT OF VOTE

When Record No. 1656 was taken, I was shown voting present, not voting. I intended to vote no.

Burns

Senate Committee Substitute

CSHB 4604, A bill to be entitled An Act relating to the authority of the Barrett Management District to finance an improvement project or service.

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

SECTION 1. Subchapter D, Chapter 3930, Special District Local Laws Code, is amended by adding Section 3930.1515 to read as follows:

Sec. 3930.1515. ELECTION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. The board may not finance a service or an improvement project under this chapter unless the service or improvement is approved by 60 percent of the votes cast in an election held for that purpose. The election must be conducted in the manner provided by Subchapter D, Chapter 49, Water Code, for a bond election.

SECTION 2. Section 3930.154, Special District Local Laws Code, is amended to read as follows:

Sec. 3930.154. ASSESSMENTS; LIENS FOR ASSESSMENTS [~~NOT AUTHORIZED~~]. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district [~~The district may not impose an assessment~~].

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments [~~Subchapter F, Chapter 375, Local Government Code, does not apply to the district~~].

SECTION 3. Section 3930.151, Special District Local Laws Code, is repealed.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 1493 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1493, A bill to be entitled An Act relating to the use of an entity name that falsely implies governmental affiliation.

Representative Walle 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 1493**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1493**: Herrero, chair; Leach, Martinez Fischer, Rodriguez, and Walle.

SB 1267 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Lozano, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1267**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1267**: Lozano, chair; Guillen, Krause, Raymond, and Stephenson.

HB 572 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

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

HB 572, A bill to be entitled An Act relating to authorizing a dropout recovery competency-based educational program provided through a campus or campus program charter or open-enrollment charter school.

Representative Dutton 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 572**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 572**: Dutton, chair; K. Bell, M. González, Huberty, and K. King.

HCR 51 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HCR 51, Urging the United States Congress to pass the I am Vanessa Guillén Act.

Representative C. Morales moved to concur in the senate amendments to **HCR 51**.

The motion to concur in the senate amendments to **HCR 51** prevailed by (Record 1657): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hernandez.

Senate Committee Substitute

CSHCR 51

WHEREAS, The brutal murder of Vanessa Guillén and the reaction on social media highlight the needed support to the military's response to sexual harassment, sexual assault, and missing persons; and

WHEREAS, Fort Hood soldier Vanessa Guillén had been missing for more than two months before her remains were discovered, and the murder investigation received widespread attention when law enforcement identified the suspect, a fellow military member whom Guillén was planning to formally accuse of sexual harassment; this prompted countless members of the U.S. military to share their personal experiences of sexual harassment and sexual assault on social media with the hashtag #IAmVanessaGuillen; and

WHEREAS, A close look at current military laws and policies reveals concerns, including conflicts of interest and limited options for reporting sexual harassment; too many military members have been failed by this system, and immediate action is imperative to avoid another tragedy; and

WHEREAS, To correct these issues, the I am Vanessa Guillén Act has been introduced in the U.S. House of Representatives; and

WHEREAS, The brave men and women who fight for our nation deserve access to justice, and Congress should listen to the service members calling for change in the aftermath of Vanessa Guillén's murder; now, therefore, be it

RESOLVED, That the 87th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass the I am Vanessa Guillén Act, legislation ensuring that necessary changes are made, such as preventing conflicts of interest, requiring independent investigations that are conducted by trained investigators, establishing a confidential reporting option for sexual harassment that can convert to a formal complaint, and directing the Government Accountability Office to evaluate response procedures related to missing service members; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

HB 1252 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1252, A bill to be entitled An Act relating to the limitation period for filing a complaint and requesting a special education impartial due process hearing.

Representative Krause moved to concur in the senate amendments to **HB 1252**.

The motion to concur in the senate amendments to **HB 1252** prevailed by (Record 1658): 113 Yeas, 29 Nays, 1 Present, not voting.

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

Nays — Bell, K.; Biedermann; Bonnen; Cain; Capriglione; Frank; Frullo; Hefner; Holland; Krause; Leman; Middleton; Noble; Oliverson; Patterson; Paul; Sanford; Schaefer; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hernandez; Hull; Klick; Lucio; Neave; Perez.

STATEMENTS OF VOTE

When Record No. 1658 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 1658 was taken, I was shown voting yes. I intended to vote no.

C. Bell

When Record No. 1658 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1658 was taken, my vote failed to register. I would have voted yes.

Hull

When Record No. 1658 was taken, my vote failed to register. I would have voted yes.

Neave

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

Amend **HB 1252** (senate committee printing) 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 Edgar Pacheco Jr. Act.

HB 3712 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3712, A bill to be entitled An Act relating to the hiring and training of and policies for peace officers.

Representative E. Thompson moved to concur in the senate amendments to **HB 3712**.

The motion to concur in the senate amendments to **HB 3712** prevailed by (Record 1659): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Vasut.

STATEMENT OF VOTE

When Record No. 1659 was taken, I was in the house but away from my desk. I would have voted yes.

Vasut

Senate Committee Substitute

CSHB 3712, A bill to be entitled An Act relating to the training of and policies for peace officers.

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

SECTION 1. The heading to Subchapter F, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER F. TRAINING PROGRAMS, [~~AND~~] SCHOOLS, AND POLICIES

SECTION 2. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2551 to read as follows:

Sec. 1701.2551. BASIC PEACE OFFICER TRAINING COURSE. (a) The basic peace officer training course required as part of a peace officer training program under Section 1701.251(a) may be no less than 720 hours.

(b) The basic peace officer training course must include training on:

(1) the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(2) the duty of a peace officer to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment.

SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Sections 1701.269 and 1701.270 to read as follows:

Sec. 1701.269. TRAINING PROGRAM AND POLICIES FOR PEACE OFFICERS. (a) The commission, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other interested parties chosen by the commission, shall develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers.

(b) The model training curriculum and model policies developed under Subsection (a) must include:

(1) curriculum and policies for banning the use of a choke hold, carotid artery hold, or similar neck restraint by a peace officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the peace officer or another person;

(2) curriculum and policies regarding the duty of a peace officer to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(A) the amount of force exceeds that which is reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) curriculum and policies regarding the duty of a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services personnel to

provide the person with emergency medical services and, while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment.

Sec. 1701.270. REQUIRED POLICIES FOR LAW ENFORCEMENT AGENCIES. Not later than the 180th day after the date the commission provides the model policies described by Section 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by the commission under that subsection.

SECTION 4. Section 1701.351, Occupations Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) Before the first day of each 24-month training unit during which peace officers are required to complete 40 hours of continuing education programs under Subsection (a), the commission shall specify the mandated topics to be covered in up to 16 of the required hours.

SECTION 5. (a) Not later than January 1, 2022, the Texas Commission on Law Enforcement shall modify the curriculum of the basic peace officer training course as necessary to comply with Section 1701.2551, Occupations Code, as added by this Act.

(b) The minimum hour and content requirements for the basic peace officer training course under Section 1701.2551, Occupations Code, as added by this Act, apply only to a person who first begins the course on or after July 1, 2022.

SECTION 6. Not later than January 1, 2022, the Texas Commission on Law Enforcement shall develop and make available the model training curriculum and model policies required by Section 1701.269, Occupations Code, as added by this Act.

SECTION 7. Section 1701.351(a-2), Occupations Code, as added by this Act, applies only to a training unit that begins on or after the effective date of this Act.

SECTION 8. The Texas Commission on Law Enforcement is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 9. This Act takes effect September 1, 2021.

HB 1505 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1505, A bill to be entitled An Act relating to attachments for broadband service on utility poles owned by an electric cooperative and establishing and funding a pole replacement program for deployment of certain broadband facilities.

Representative Paddie moved to concur in the senate amendments to **HB 1505**.

The motion to concur in the senate amendments to **HB 1505** prevailed by (Record 1660): 128 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; 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; 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; 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; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Cain; Cason; Hefner; Krause; Leach; Patterson; Sanford; Schaefer; Slaton; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa; Pacheco; Talarico.

STATEMENTS OF VOTE

When Record No. 1660 was taken, I was shown voting no. I intended to vote yes.

C. Bell

When Record No. 1660 was taken, I was shown voting no. I intended to vote yes.

K. Bell

When Record No. 1660 was taken, I was shown voting yes. I intended to vote no.

Middleton

Senate Committee Substitute

CSHB 1505, A bill to be entitled An Act relating to attachments for broadband service on utility poles owned by an electric cooperative and establishing and funding a pole replacement program for deployment of certain broadband facilities.

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

SECTION 1. Chapter 403, Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. INFRASTRUCTURE AND BROADBAND FUNDING

Sec. 403.501. DEFINITIONS. In this subchapter:

(1) "Pole replacement fund" means the broadband pole replacement fund established under Section 403.502.

(2) "Pole replacement program" means the Texas Broadband Pole Replacement Program established under Section 403.503.

Sec. 403.502. BROADBAND POLE REPLACEMENT FUND. (a) The broadband pole replacement fund is created as a fund in the state treasury outside the general revenue fund.

(b) Notwithstanding any other law and except as provided by federal law, the comptroller shall make a one-time transfer from money received by this state from the federal government from the Coronavirus Capital Projects Fund established under Section 9901 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) to the credit of the pole replacement fund. The comptroller shall make the transfer described by this subsection as soon as practicable following receipt by this state of money from the Coronavirus Capital Projects Fund.

(c) Money deposited to the credit of the pole replacement fund may be used only for the purpose of supporting the pole replacement program under Section 403.503, including the costs of program administration and operation. Money in the pole replacement fund must be used in a manner consistent with federal law.

(d) Interest earned on money deposited to the credit of the pole replacement fund is exempt from Section 404.071. Interest earned on money in the fund shall be retained in the pole replacement fund.

(e) The comptroller may issue guidelines for state agencies regarding the implementation of this section.

Sec. 403.503. TEXAS BROADBAND POLE REPLACEMENT PROGRAM. (a) In this section:

(1) "Eligible broadband facility" means a facility used by a retail broadband service provider to provide qualifying broadband service to residences or businesses in an unserved area, including a facility owned by an affiliate of the provider and used in the provision of service. The term does not include a facility used only for the provision of wholesale service and not used by the owner of the facility or the owner's affiliate to provide retail qualifying broadband service directly to residences or businesses.

(2) "Eligible pole replacement cost" means the actual and reasonable costs paid or incurred by a party after August 31, 2021, to remove and replace a pole, including the amount of any expenditures to remove and dispose of the existing pole, purchase and install a replacement pole, and transfer any existing

facilities to the new pole. The term includes costs paid or incurred by the party responsible for the costs of a pole replacement to reimburse the party that performs the pole replacement. The term does not include costs that the party incurs initially that have been reimbursed to the party by another party ultimately responsible for the costs.

(3) "Qualifying broadband service" means retail wireline or wireless broadband service capable of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of 3 megabits per second or faster.

(4) "Unserved area" means a location that lacks access to a retail fixed, terrestrial, wireline, or wireless Internet service capable of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of 3 megabits per second or faster.

(5) "Pole" means any pole used, wholly or partly, for any wire communications or electric distribution, irrespective of who owns or operates the pole.

(6) "Pole owner" means a person who owns or controls a pole.

(b) The Texas Broadband Pole Replacement Program is established for the purpose of speeding the deployment of broadband to individuals in rural areas by reimbursing a portion of eligible pole replacement costs incurred by certain persons.

(c) The comptroller shall administer, prescribe rules for, and provide administrative support for the pole replacement program. The comptroller may take any action necessary or convenient to implement the pole replacement program.

(d) A pole owner or a provider of qualifying broadband service who pays or incurs the costs of removing and replacing an existing pole in an unserved area for the purpose of accommodating the attachment of an eligible broadband facility may apply to the comptroller for a reimbursement award for an amount equal to:

(1) 50 percent of the eligible pole replacement costs paid or incurred by the applicant or $5,000, whichever is less, for the pole replaced; and

(2) the documented and reasonable administrative expenses incurred by the applicant in preparing and submitting the reimbursement application, including expenses charged by a pole owner under Subsection (m).

(e) The amount reimbursed under Subsection (d)(2) may not exceed five percent of the eligible pole replacement costs in the application.

(f) For purposes of Subsection (d), a pole is considered to be located in an unserved area if:

(1) at the time of the request by a retail broadband service provider to attach facilities to the pole, the pole is in a location that, according to the latest broadband availability data made available by the Federal Communications Commission, is in an unserved area; or

(2) the pole is located in an area that is the subject of a federal or state grant to deploy broadband service, the conditions of which limit the availability of a grant to unserved areas.

(g) The comptroller shall require each applicant for reimbursement to provide:

(1) information sufficient to establish the number, cost, and eligibility of pole replacements and the identity of the retail broadband service provider attaching the eligible broadband facilities;

(2) documentation sufficient to establish that the pole replacements have been completed or will be completed not later than the 90th day after the award of program reimbursement;

(3) the amount of reimbursement requested and any grant funding or accounting information required to justify the amount of the request;

(4) a notarized statement from an officer or agent of the applicant that the contents of the application are true and accurate and that the applicant accepts the requirements of Subsections (j), (k), and (l) as a condition of receiving an award of program reimbursement; and

(5) any other information the comptroller considers necessary for final review, award, and payment of program reimbursements.

(h) Not later than the 60th day after the date that the comptroller receives a completed application for reimbursement, the comptroller shall review the application and, if the pole replacement fund includes enough money to pay the award amount, shall issue a reimbursement award. The award must be paid not later than 30 days after the date of issuance.

(i) The comptroller must provide notice of a reimbursement award to the pole owner and the retail broadband service provider attaching the eligible broadband facility.

(j) As a condition of receiving an award of program reimbursement, an applicant must certify the applicant's compliance with the requirements of this section.

(k) If a pole owner receives a reimbursement award under this section, the owner may not include in any rates or fees charged for the owner's services an eligible pole replacement cost:

(1) reimbursed by the program;

(2) paid for by a qualifying broadband service provider; or

(3) funded by another grant source.

(l) If the comptroller finds on substantial evidence after notice and opportunity to respond that a recipient of funds under this section has materially violated the requirements of this section with respect to reimbursements or portions of reimbursements, the comptroller may direct the recipient to refund the reimbursement or a portion of the reimbursement with interest at the applicable federal funds rate as specified by Section 4A.506(b), Business & Commerce Code, to the pole replacement fund or the state general fund.

(m) If a retail broadband service provider incurs eligible pole replacement costs relating to a pole replacement performed by the pole owner, the owner shall coordinate with the provider to supply all information necessary for the provider to promptly complete and submit an application under this section. A pole owner may charge the provider the documented and reasonable administrative expenses

incurred by the pole owner for assistance, in an amount not to exceed five percent of eligible pole replacement costs. The provider may seek reimbursement of costs in accordance with Subsection (d)(2).

(n) If the pole replacement fund does not have money sufficient to pay an award, the application for the award is considered denied. The application may be refiled if sufficient funds are later made available in the pole replacement fund.

(o) Not later than the 60th day after the date the pole replacement fund receives money for the pole replacement program, the comptroller shall maintain and publish on the comptroller's Internet website:

(1) statistics on the number of applications received, processed, and rejected by the program;

(2) statistics on the size, number, and status of reimbursements awarded by the program, including the retail broadband service providers and pole owners receiving reimbursements; and

(3) the estimated amount of money remaining in the pole replacement fund.

(p) Not later than the first anniversary after the pole replacement fund receives funds for the purpose of providing pole replacement reimbursements, the state auditor shall audit the fund and the administration of the pole replacement program.

(q) Not later than one year after the date that the amount transferred to the pole replacement fund under Section 403.502(b) is exhausted, the comptroller shall identify, examine, and report on the deployment of broadband infrastructure and technology facilitated by the pole reimbursements the comptroller has awarded.

SECTION 2. The heading to Chapter 252, Utilities Code, is amended to read as follows:

CHAPTER 252. CABLE ATTACHMENTS TO ELECTRIC COOPERATIVE'S DISTRIBUTION POLES

SECTION 3. Title 5, Utilities Code, is amended by adding Chapter 253 to read as follows:

CHAPTER 253. BROADBAND ATTACHMENTS TO ELECTRIC COOPERATIVE'S DISTRIBUTION POLES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 253.0001. DEFINITIONS. In this chapter:

(1) "Broadband provider" means an entity that provides broadband service either directly or through an affiliate that uses the entity's communications facilities, regardless of whether the entity:

(A) provides additional services in addition to broadband service; or

(B) uses its facilities in whole or in part to provide broadband service.

(2) "Broadband service" means Internet service with the capability of providing:

(A) a download speed of 25 megabits per second or faster; and

(B) an upload speed of 3 megabits per second or faster.

(3) "Pole" has the meaning assigned by Section 252.001.

(4) "Pole attachment" means an affixture of cables, strands, wires, and associated equipment used in the provision of a broadband provider's services attached to a pole directly or indirectly or placed in a right-of-way owned or controlled by an electric cooperative.

Sec. 253.0002. APPLICABILITY. This chapter applies to a pole attachment that is used wholly or partly to provide broadband service and affixed by a broadband provider to a pole owned and controlled by an electric cooperative. This chapter does not apply to a pole attachment regulated by the Federal Communications Commission under 47 U.S.C. Section 224.

Sec. 253.0003. CONSTRUCTION OF CHAPTER. (a) This chapter does not abrogate or affect a right or obligation of a party to a pole attachment contract entered into by a broadband provider and an electric cooperative before September 1, 2021.

(b) This chapter does not limit a right of a party to a pole attachment contract to request modification, amendment, or renewal of such contract to conform it to the provisions of this chapter.

Sec. 253.0004. NO STATE CERTIFICATION; NO REGULATORY AUTHORITY. (a) This chapter does not constitute state certification under 47 U.S.C. Section 224. If a court determines that this chapter constitutes certification under that section, this chapter is not enforceable and has no effect.

(b) This chapter may not be construed to subject an electric cooperative to regulation by the Federal Communications Commission under 47 U.S.C. Section 224.

(c) This chapter does not authorize a department, agency, or political subdivision of this state to exercise enforcement or regulatory authority over attachments to electric cooperative poles.

Sec. 253.0005. CONSTRUCTION OF TERMS AND PHRASES. Technical terms and phrases in this chapter, other than those defined by Section 253.0001, shall be construed using the term's or phrase's usual and customary meanings in the electric and broadband industries.

Sec. 253.0006. COST-BASED NONRECURRING CHARGES. Nonrecurring charges authorized by this chapter must be cost-based.

SUBCHAPTER B. ACCESS TO POLES

Sec. 253.0101. APPLICATION FOR POLE ACCESS. A broadband provider may not access a pole owned by an electric cooperative for the purpose of placing a pole attachment unless the provider applies for that access.

Sec. 253.0102. USE OF POLE ATTACHMENTS FOR MULTIPLE SERVICES. A broadband provider that attaches a pole attachment under this chapter may use the attachment for any service delivered over the provider's facilities, including cable service.

Sec. 253.0103. NONDISCRIMINATORY ACCESS; MODIFICATION OR REPLACEMENT TO ACCOMMODATE ATTACHMENT. (a) Except as provided by this chapter, an electric cooperative shall provide a broadband provider with nondiscriminatory access to a pole that the cooperative owns or controls.

(b) Except as provided by Subsection (c), an electric cooperative may deny a broadband provider access to a pole:

(1) if there is insufficient capacity; or

(2) for reasons of safety, reliability, and generally applicable engineering purposes.

(c) An electric cooperative may not deny a broadband provider access to a pole if the basis for denial may be remedied by rearranging facilities on the pole through reasonable make-ready activities.

(d) Except as provided by Subsection (e), if a pole must be replaced to accommodate a new pole attachment applied for by a broadband provider:

(1) the electric cooperative and broadband provider shall determine, through good faith negotiations, a reasonable date by which the pole replacement will occur; and

(2) the broadband provider shall pay the actual costs of replacing the pole, including the cost to:

(A) remove and dispose of the existing pole;

(B) purchase and install a replacement pole; and

(C) transfer any existing facilities to the new pole.

(e) An electric cooperative is responsible for the costs of removing and replacing under Subsection (d) a pole:

(1) with recorded conditions or defects that would reasonably be expected to endanger human life or property and which should be promptly corrected; or

(2) that must be replaced for safety or reliability as a result of normal wear and tear or other natural causes and not on account of a pole attachment or the action of a broadband provider or third party.

SUBCHAPTER C. POLE ATTACHMENT CONTRACTS

Sec. 253.0201. CONTRACTS FOR POLE ATTACHMENTS. (a) An electric cooperative that owns a pole may require a broadband provider that attaches a pole attachment to the pole under this chapter to enter into a contract for access to the pole.

(b) The terms and conditions of a contract under Subsection (a) must be consistent with this chapter.

Sec. 253.0202. RATES, TERMS, AND CONDITIONS FOR POLE ATTACHMENT. (a) A broadband provider and an electric cooperative shall establish the rates, terms, and conditions for pole attachments by a written pole attachment contract executed by both parties.

(b) The rates, terms, and conditions of a contract under this chapter must:

(1) be just, reasonable, and nondiscriminatory; and

(2) comply with this chapter.

(c) In determining whether rates, terms, and conditions are just and reasonable, the following factors must be considered:

(1) the interests of and benefits to the consumers and potential consumers of the electric cooperative's services;

(2) the interests of and benefits to the subscribers and potential subscribers to broadband services offered through the pole attachments;

(3) the interests of and benefits to third parties from the availability of electric services and broadband services offered through the pole attachments;

(4) compliance with applicable safety standards; and

(5) the maintenance and reliability of both electric distribution and broadband services.

(d) A broadband provider and an electric cooperative shall negotiate a pole attachment contract and any amendment, modification, or renewal thereof in good faith.

(e) A request to negotiate a new pole attachment contract or to amend, modify, or renew a contract pertaining to pole attachments by a broadband provider or an electric cooperative must be made in writing.

Sec. 253.0203. CONTRACT NEGOTIATIONS AND MEDIATION. (a) If a broadband provider and an electric cooperative are unable to agree to a new pole attachment contract before the expiration date of an existing contract, the rates, terms, and conditions of the existing contract and the terms and conditions of the electric cooperative's application and permitting processes remain in force:

(1) during the 90-day negotiation period described by Subsection (b) and during the period of any agreed extension;

(2) during the 60-day mediation period described by Subsection (b) and during the period of any agreed extension; and

(3) pending final disposition of any litigation commenced under Subsection (c).

(b) If a broadband provider and an electric cooperative are unable to agree to a new pole attachment contract before the 91st day after the expiration date of an existing contract, and are unable to agree to an extension of the negotiation period for a certain number of days, the broadband provider and electric cooperative shall attempt to resolve any disagreement over the rates, terms, or conditions by submitting the contract negotiations to a mediation process. The mediation process may not extend later than the 60th day after the end of the initial 90-day negotiation period and any agreed extension of that period unless the broadband provider and electric cooperative agree to an extension of the mediation period for a certain number of days. The mediation process must be conducted in a county in which the electric cooperative has distribution poles. The broadband provider and electric cooperative must share equally the expenses for the mediator.

(c) If the mediation process under Subsection (b) does not resolve the disagreement over the rates, terms, or conditions of a new pole attachment agreement, the broadband provider or electric cooperative may file suit in a district court to resolve the disagreement or dispute.

SUBCHAPTER D. ADDITIONAL POLE ATTACHMENT REQUIREMENTS

Sec. 253.0401. TRANSFER OF ATTACHMENTS. (a) Before an electric cooperative installs a new pole to replace an existing pole due to the rerouting, maintenance, or upgrading of the electric distribution system, the cooperative shall provide notice of the replacement to each broadband provider with a pole attachment on the existing pole.

(b) The notice required under Subsection (a) must specify a date by which the broadband provider must remove the pole attachment from the existing pole and transfer the attachment to the new pole.

(c) If a broadband provider does not transfer a pole attachment to the new pole before the 31st day after the date specified in the notice, the electric cooperative may transfer the pole attachment to the new pole at the broadband provider's expense, including the cost for the electric cooperative to return to the site.

(d) A broadband provider shall indemnify, defend, and hold harmless an electric cooperative and the cooperative's members, directors, officers, agents, and employees from and against all liability for the removal and transfer of a pole attachment subject to this section, except for personal injury or property damage arising from the gross negligence or wilful misconduct of the electric cooperative during the removal and transfer process.

Sec. 253.0402. ABANDONED POLE ATTACHMENTS; REMOVAL. (a) A broadband provider that receives a written request from an electric cooperative to remove an abandoned pole attachment owned by the provider from a pole owned by the cooperative shall remove the attachment not later than the 60th day after the date the provider receives the request.

(b) Before the deadline under Subsection (a), a broadband provider may request, and an electric cooperative may grant, a reasonable extension of that deadline. A request for an extension under this subsection must be in writing.

(c) If a broadband provider does not remove a pole attachment by the deadline under Subsection (a) or an extended deadline under Subsection (b), the electric cooperative may remove, use, sell, or dispose of the pole attachment at the broadband provider's expense.

(d) An electric cooperative may require that a broadband provider post a security instrument in an amount reasonably sufficient to cover the potential cost to the electric cooperative of removal and disposal of abandoned pole attachments.

(e) A broadband provider shall indemnify, defend, and hold harmless an electric cooperative and the cooperative's members, directors, officers, agents, and employees from and against all liability for the removal, use, sale, or disposal of abandoned pole attachments, except for personal injury or property damage arising from the gross negligence or wilful misconduct of the electric cooperative during the removal and disposal process.

Sec. 253.0403. EASEMENTS; INDEMNITY. (a) A broadband provider is responsible for obtaining all rights-of-way and easements necessary for the installation, operation, and maintenance of the provider's pole attachments.

(b) An electric cooperative is not required to obtain or expand a right-of-way or easement to accommodate a pole attachment requested by a broadband provider.

(c) An electric cooperative is not liable if a broadband provider is prevented from placing or maintaining a pole attachment because the broadband provider did not obtain a necessary right-of-way or easement.

(d) A broadband provider shall indemnify, defend, and hold harmless the electric cooperative and the cooperative's members, directors, officers, agents, and employees from and against any liability resulting from the broadband provider's failure to obtain a necessary right-of-way or easement for a pole attachment.

SECTION 4. The comptroller of public accounts shall establish rules for the Texas Broadband Pole Replacement Program, as established by Section 403.503, Government Code, as added by this Act, not later than March 1, 2022.

SECTION 5. This Act takes effect September 1, 2021.

HB 3271 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3271, A bill to be entitled An Act relating to establishing loan programs to assist certain micro-businesses by increasing access to capital; authorizing fees.

Representative Ordaz Perez moved to concur in the senate amendments to **HB 3271**.

The motion to concur in the senate amendments to **HB 3271** prevailed by (Record 1661): 101 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; 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, T.; Klick; Kuempel; Lambert; 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; Paddie; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smith; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Anderson; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Craddick; Cyrier; Dean; Goldman; Harris; Hefner; Holland; King, P.; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Spiller; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bailes; Pacheco; Parker.

STATEMENT OF VOTE

When Record No. 1661 was taken, I was shown voting yes. I intended to vote no.

Stucky

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

Amend **HB 3271** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 481, Government Code, is amended by adding Subchapter CC to read as follows:

SUBCHAPTER CC. MICRO-BUSINESS DISASTER RECOVERY PROGRAM

Sec. 481.451. DEFINITIONS. In this subchapter:

(1) "Community development financial institution" has the meaning assigned by 12 U.S.C. Section 4702.

(2) "Declared disaster" means:

(A) a declaration of a state of disaster under Section 418.014 or 418.108; or

(B) a disaster declared by the president of the United States, if any part of this state is named in the federally designated disaster area.

(3) "Default rate" means the percentage of micro-business disaster recovery loans made that did not meet the payment terms during a period specified by the bank.

(4) "Fund" means the micro-business recovery fund established under Section 481.452.

(5) "Micro-business" means a corporation, partnership, sole proprietorship, or other legal entity that:

(A) is domiciled in this state and has at least 95 percent of its employees located in this state;

(B) is formed to make a profit; and

(C) employs not more than 20 employees.

(6) "Micro-business disaster recovery loan" or "disaster recovery loan" means a loan made by a participating community development financial institution to micro-businesses under the program.

(7) "Program" means the micro-business disaster recovery loan program established under this subchapter.

Sec. 481.452. MICRO-BUSINESS RECOVERY FUND. (a) The micro-business recovery fund is a dedicated account in the general revenue fund.

(b) Appropriations for the implementation and administration of this subchapter and any other amounts, including federal allocations, received by the bank or state under this subchapter shall be deposited in the fund.

(c) Money in the fund may be appropriated only to the bank for use in carrying out the purposes of this subchapter.

Sec. 481.453. POWERS OF BANK IN ADMINISTERING MICRO-BUSINESS RECOVERY FUND. In administering the fund, the bank has the powers necessary to carry out the purposes of this subchapter, including the power to:

(1) make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise of its powers;

(2) invest money at the bank's discretion in obligations determined proper by the bank, and select and use depositories for its money;

(3) employ personnel and counsel and pay those persons from money in the fund legally available for that purpose; and

(4) impose and collect fees and charges in connection with any transaction and provide for reasonable penalties for delinquent payment of fees or charges.

Sec. 481.454. ESTABLISHMENT OF LOAN PROGRAM; PURPOSE. (a) The bank shall establish and administer a revolving loan program as provided by this subchapter.

(b) The program shall expand access to capital for qualifying micro-businesses to create jobs in this state and constitutes a capital access program under Subchapter BB.

Sec. 481.455. PROGRAM ADMINISTRATION. (a) The bank, under the program, shall provide zero interest loans to eligible community development financial institutions for purposes of making interest-bearing loans to qualifying micro-businesses that have difficulty in accessing capital following a declared disaster.

(b) A loan made by an eligible community development financial institution under the program:

(1) must be made to a micro-business that:

(A) is in good standing under the laws of this state; and

(B) did not owe delinquent taxes to a taxing unit of this state before the date of the initial issuance of the disaster declaration;

(2) may not be made to a micro-business that:

(A) has total revenue that exceeds the amount for which no franchise tax is due under Section 171.002(d)(2), Tax Code;

(B) is a franchise;

(C) is a national chain with operations in this state;

(D) is a lobbying firm; or

(E) is a private equity firm or backed by a private equity firm; and

(3) must meet any other criteria provided by this subchapter.

(c) Payments on micro-business disaster recovery loans shall be made directly to the lending community development financial institutions.

(d) All income received on a loan made by a community development financial institution participating in the program is the property of the financial institution. Income received on a loan includes the payment of interest by a borrower micro-business and the administrative fees assessed by the community development financial institution.

(e) A community development financial institution participating in the program shall make payments to the bank on the zero interest loans borrowed by the financial institution under the program quarterly, and the bank or this state is not responsible or liable for any defaults in micro-business disaster recovery loans made by the community development financial institution.

Sec. 481.456. RULEMAKING. The executive director shall adopt rules relating to the implementation of the program and any other rules necessary to accomplish the purposes of this subchapter, including rules that provide criteria under which community development financial institutions may qualify for the program.

Sec. 481.457. OVERSIGHT. (a) A community development financial institution participating in the program shall report quarterly to the bank:

(1) the names of micro-businesses that have received a disaster recovery loan;

(2) the current balance of all outstanding disaster recovery loans;

(3) the default rate on existing disaster recovery loans; and

(4) any other information the bank requires.

(b) A community development financial institution participating in the program shall prepare a detailed financial statement each quarter and provide a copy to the bank.

(c) A community development financial institution shall allow the bank to inspect the institution's financial records on request for purposes that relate to loans under the program.

Sec. 481.458. PROGRAM ANNUAL STATUS REPORT. The bank shall prepare an annual status report on the program. The office shall include a summary of the report in the report to the legislature required by Section 489.107.

SECTION 2. The heading to Subchapter BB, Chapter 481, Government Code, is amended to read as follows:

SUBCHAPTER BB. ACCESS TO CAPITAL PROGRAMS [~~ACCESS PROGRAM~~]

SECTION 3. Section 481.401, Government Code, is amended by amending Subdivisions (3), (7), (8), and (9) and adding Subdivision (6-a) to read as follows:

(3) "Fund" means the original capital access fund.

(6-a) "Original capital access program" means the program established under Section 481.405.

(7) "Participating financial institution" means a financial institution participating in a [~~the~~] program.

(8) "Program" means an [~~the capital~~] access to capital program established by the bank under this subchapter.

(9) "Reserve account" means an account established in a participating financial institution on approval of the bank in which money is deposited to serve as a source of additional revenue to reimburse the financial institution for losses on loans enrolled in a [~~the~~] program.

SECTION 4. Section 481.402, Government Code, is amended to read as follows:

Sec. 481.402. ORIGINAL CAPITAL ACCESS FUND. (a) The original capital access fund is a dedicated account in the general revenue fund.

(b) Appropriations for the implementation and administration of the original capital access program [~~this subchapter~~] and any other amounts received by the state for the original capital access program [~~under this subchapter~~] shall be deposited in the fund.

(c) Money in the fund may be appropriated only to the bank for use in carrying out the purposes of the original capital access program [~~this subchapter~~].

SECTION 5. Subchapter BB, Chapter 481, Government Code, is amended by adding Section 481.403 to read as follows:

Sec. 481.403. ACCESS TO CAPITAL PROGRAMS. The bank may establish access to capital loan-related programs of the following types to promote private access to capital to certain businesses with fewer than 500 full-time employees:

(1) capital access programs;

(2) collateral support programs;

(3) loan guarantee programs; and

(4) loan participation programs.

SECTION 6. The heading to Section 481.404, Government Code, is amended to read as follows:

Sec. 481.404. POWERS OF BANK IN ADMINISTERING ORIGINAL CAPITAL ACCESS FUND.

SECTION 7. Section 481.405, Government Code, is amended to read as follows:

Sec. 481.405. ORIGINAL CAPITAL ACCESS PROGRAM. (a) The original [~~bank shall establish a~~] capital access program has been established by the bank to assist a participating financial institution in making loans to businesses and nonprofit organizations that face barriers in accessing capital.

(b) The bank shall use money in the fund to make a deposit in a participating financial institution's reserve account in an amount specified by this subchapter to be a source of money the institution may receive as reimbursement for losses attributable to loans in the original capital access program.

(c) The bank shall determine the eligibility of a financial institution to participate in the original capital access program and may set a limit on the number of eligible financial institutions that may participate in the original capital access program.

(d) To participate in the original capital access program, an eligible financial institution must enter into a participation agreement with the bank that sets out the terms and conditions under which the bank will make contributions to the institution's reserve account and specifies the criteria for a loan to qualify as a capital access loan under the original capital access program.

(e) To qualify as a capital access loan under the original capital access program, a loan must:

(1) be made to a small or medium-sized business or to a nonprofit organization;

(2) be used by the business or nonprofit organization for any project, activity, or enterprise in this state that fosters economic development; and

(3) meet any other criteria provided by this subchapter.

SECTION 8. Section 481.406, Government Code, is amended to read as follows:

Sec. 481.406. RULEMAKING AUTHORITY. (a) The executive director may [~~shall~~] adopt rules relating to the implementation of any [~~the~~] program established under this subchapter and any other rules necessary to accomplish the purposes of this subchapter.

(b) The rules for the original capital access program may:

(1) provide for criteria under which a certain line of credit issued by an eligible financial institution to a small or medium-sized business or nonprofit organization qualifies to participate in the original capital access program; and

(2) authorize a consortium of financial institutions to participate in the original capital access program subject to common underwriting guidelines.

(c) [~~(b)~~] To qualify for participation in the original capital access program, a line of credit must:

(1) be an account at a financial institution under which the financial institution agrees to lend money to a person from time to time to finance one or more projects, activities, or enterprises that are authorized by this subchapter; and

(2) contain the same restrictions, to the extent possible, that are placed on a capital access loan under the original capital access program that is not a line of credit.

SECTION 9. Section 481.407, Government Code, is amended to read as follows:

Sec. 481.407. PROVISIONS RELATING TO CAPITAL ACCESS LOAN UNDER ORIGINAL CAPITAL ACCESS PROGRAM. (a) Except as otherwise provided by this subchapter, the bank may not determine the recipient, amount, or interest rate of a capital access loan under the original capital access program or the fees or other requirements related to the loan.

(b) A loan under the original capital access program is not eligible to be enrolled under this subchapter if the loan is for:

(1) construction or purchase of residential housing;

(2) simple real estate investments, excluding the development or improvement of commercial real estate occupied by the borrower's business or organization; or

(3) inside bank transactions, as defined by the policy board.

(c) The borrower of a capital access loan under the original capital access program must apply the loan to working capital or to the purchase, construction, or lease of capital assets, including buildings and equipment used by the business or nonprofit organization. Working capital uses include the cost of exporting, accounts receivable, payroll, inventory, and other financing needs of the business or organization.

(d) A capital access loan under the original capital access program may be sold on the secondary market with no recourse to the bank or to the loan loss reserve correspondent to the loan and under conditions as may be determined by the bank.

(e) When enrolling a loan in the original capital access program, a participating financial institution may specify an amount to be covered under the original capital access program that is less than the total amount of the loan.

SECTION 10. Section 481.408, Government Code, is amended to read as follows:

Sec. 481.408. ORIGINAL CAPITAL ACCESS PROGRAM RESERVE ACCOUNT. (a) On approval by the bank and after entering into a participation agreement with the bank, a participating financial institution making a capital access loan under the original capital access program shall establish a reserve account. The reserve account shall be used by the institution only to cover any losses arising from a default of a capital access loan under the original capital access program made by the institution under this subchapter or as otherwise provided by this subchapter.

(b) When a participating financial institution makes a loan enrolled in the original capital access program, the institution shall require the borrower to pay to the institution a fee in an amount that is not less than two percent but not more than three percent of the principal amount of the loan, which the financial institution shall deposit in the reserve account. The institution shall also deposit in the reserve account an amount equal to the amount of the fee received by the institution from the borrower under this subsection. The institution may recover from the borrower all or part of the amount the institution is required to pay under this subsection in any manner agreed to by the institution and borrower.

(c) For each capital access loan under the original capital access program made by a financial institution, the institution shall certify to the bank, within the period prescribed by the bank, that the institution has made a capital access loan, the amount the institution has deposited in the reserve account, including the amount of fees received from the borrower, and, if applicable, that the borrower is financing an enterprise project or is located in or financing a project, activity, or enterprise in an area designated as an enterprise zone under Chapter 2303.

(d) On receipt of a certification made under Subsection (c) and subject to Section 481.409, the bank shall deposit in the institution's reserve account for each capital access loan made by the institution under the original capital access program:

(1) an amount equal to the amount deposited by the institution for each loan if the institution:

(A) has assets of more than $1 billion; or

(B) has previously enrolled loans in the original capital access program that in the aggregate are more than $2 million;

(2) an amount equal to 150 percent of the total amount deposited under Subsection (b) for each loan if the institution is not described by Subdivision (1); or

(3) notwithstanding Subdivisions (1) and (2), an amount equal to 200 percent of the total amount deposited under Subsection (b) for each loan if:

(A) the borrower is financing an enterprise project or is located in or financing a project, activity, or enterprise in an area designated as an enterprise zone under Chapter 2303;

(B) the borrower is a small or medium-sized business or a nonprofit organization that operates or proposes to operate a day-care center or a group day-care home, as those terms are defined by Section 42.002, Human Resources Code; or

(C) the participating financial institution is a community development financial institution, as that term is defined by 12 U.S.C. Section 4702, as amended.

(e) A participating financial institution must obtain approval from the bank to withdraw funds from the reserve account.

SECTION 11. Section 481.409, Government Code, is amended to read as follows:

Sec. 481.409. LIMITATIONS ON STATE CONTRIBUTION TO ORIGINAL CAPITAL ACCESS PROGRAM RESERVE ACCOUNT. (a) The amount deposited by the bank into a participating financial institution's reserve account for any single loan recipient under the original capital access program may not exceed $150,000 during a three-year period.

(b) The maximum amount the bank may deposit into a reserve account for each capital access loan under the original capital access program made under this subchapter is the lesser of $35,000 or an amount equal to:

(1) eight percent of the loan amount if:

(A) the borrower is financing an enterprise project or is located in or financing a project, activity, or enterprise in an area designated as an enterprise zone under Chapter 2303;

(B) the borrower is a small or medium-sized business or a nonprofit organization that operates or proposes to operate a day-care center or a group day-care home, as those terms are defined by Section 42.002, Human Resources Code; or

(C) the participating financial institution is a community development financial institution, as that term is defined by 12 U.S.C. Section 4702, as amended; or

(2) six percent of the loan amount for any other borrower.

SECTION 12. Section 481.410, Government Code, is amended to read as follows:

Sec. 481.410. STATE'S RIGHTS WITH RESPECT TO ORIGINAL CAPITAL ACCESS PROGRAM RESERVE ACCOUNT. (a) All of the money in a reserve account established under this subchapter for the original capital access program is property of the state.

(b) The state is entitled to earn interest on the amount of contributions made by the bank, borrower, and institution to a reserve account under this subchapter for the original capital access program. The bank shall withdraw monthly or

quarterly from a reserve account for the original capital access program the amount of the interest earned by the state. The bank shall deposit the amount withdrawn under this subsection into the fund.

(c) If the amount in a reserve account for the original capital access program exceeds an amount equal to 33 percent of the balance of the financial institution's outstanding capital access loans under the original capital access program, the bank may withdraw the excess amount and deposit the amount in the fund. A withdrawal of money authorized under this subsection may not reduce an active reserve account for the original capital access program to an amount that is less than $200,000.

(d) The bank shall withdraw from the institution's reserve account under the original capital access program the total amount in the account and any interest earned on the account and deposit the amount in the fund when:

(1) a financial institution is no longer eligible to participate in the original capital access program or a participation agreement entered into under this subchapter for the original capital access program expires without renewal by the bank or institution;

(2) the financial institution has no outstanding capital access loans under the original capital access program;

(3) the financial institution has not made a capital access loan under the original capital access program within the preceding 24 months; or

(4) the financial institution fails to submit a report or other document requested by the bank for the original capital access program within the time or in the manner prescribed.

SECTION 13. Section 481.411, Government Code, is amended to read as follows:

Sec. 481.411. ANNUAL REPORT. A participating financial institution shall submit an annual report to the bank. The report must, at a minimum:

(1) provide information regarding outstanding [~~capital access~~] loans, [~~capital access~~] loan losses, and any other information related to participation in a program established under this subchapter [~~on capital access loans~~] the bank considers appropriate;

(2) state the total amount of loans for which the bank has made a contribution from the fund under this subchapter;

(3) include a copy of the institution's most recent financial statement; and

(4) include information regarding the type and size of businesses and nonprofit organizations with [~~capital access~~] loans under this subchapter.

SECTION 14. Section 481.412(a), Government Code, is amended to read as follows:

(a) The office shall submit to the legislature an annual status report on the [~~program's~~] activities of all programs established under this subchapter.

SECTION 15. The heading to Section 481.415, Government Code, is amended to read as follows:

Sec. 481.415. ALLOCATION AND TRANSFER OF MONEY FROM ORIGINAL CAPITAL ACCESS FUND.

SECTION 16. Section 481.415(a), Government Code, is amended to read as follows:

(a) Notwithstanding any other provision of this subchapter, the bank may allocate money held in or due to the original capital access fund to programs administered by the bank under Section 489.108 or Subchapter D, Chapter 489. The bank may transfer money from the original capital access fund to the Texas product development fund or the Texas small business incubator fund.

SECTION 17. Section 489.105(b), Government Code, is amended to read as follows:

(b) The fund consists of:

(1) appropriations for the implementation and administration of this chapter;

(2) investment earnings under the original capital access fund established under Section 481.402;

(3) fees charged under Subchapter BB, Chapter 481;

(4) interest earned on the investment of money in the fund;

(5) fees charged under this chapter;

(6) investment earnings from the programs administered by the bank;

(7) amounts transferred under Section 2303.504(b), as amended by Article 2, Chapter 1134, Acts of the 77th Legislature, Regular Session, 2001;

(8) investment earnings under the Texas product development fund under Section 489.211;

(9) investment earnings under the Texas small business incubator fund under Section 489.212; and

(10) any other amounts received by the state under this chapter.

SECTION 18. Section 489.108, Government Code, is amended to read as follows:

Sec. 489.108. PROGRAMS, SERVICES, AND FUNDS UNDER BANK'S DIRECTION. Notwithstanding any other law, the bank shall perform the duties and functions of the office with respect to the following programs, services, and funds:

(1) the original capital access program established under Section 481.405;

(2) the Texas leverage fund;

(3) the enterprise zone program established under Chapter 2303;

(4) the industrial revenue bond program;

(5) the defense economic readjustment zone program established under Chapter 2310;

(6) the Empowerment Zone and Enterprise Community grant program established under Section 481.025; and

(7) the renewal community program.

SECTION 19. Section 489.211(b), Government Code, is amended to read as follows:

(b) The product fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized

purposes of the product fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, amounts transferred from the original capital access fund under Section 481.415, and any other amounts received under this subchapter and required by the bank to be deposited in the product fund. The product fund contains a program account, an interest and sinking account, and other accounts that the bank authorizes to be created and maintained. Money in the product fund is available for use by the board under this subchapter. Investment earnings under the product fund must be transferred to the fund created under Section 489.105. Notwithstanding any other provision of this subchapter, any money in the product fund may be used for debt service.

SECTION 20. Section 489.212(b), Government Code, is amended to read as follows:

(b) The small business fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized purposes of the small business fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, amounts transferred from the original capital access fund under Section 481.415, and any other amounts received under this subchapter and required by the bank to be deposited in the small business fund. The small business fund contains a project account, an interest and sinking account, and other accounts that the bank authorizes to be created and maintained. Money in the small business fund is available for use by the board under this subchapter. Investment earnings under the small business fund must be transferred to the fund created under Section 489.105. Notwithstanding any other provision of this subchapter, any money in the small business fund may be used for debt service.

SECTION 21. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3157 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3157, A bill to be entitled An Act relating to the criminal offenses of violation of civil rights of and improper sexual activity with persons in custody; increasing a criminal penalty.

Representative Reynolds moved to concur in the senate amendments to **HB 3157**.

The motion to concur in the senate amendments to **HB 3157** prevailed by (Record 1662): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; 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; 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; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bailes; Hefner; Hinojosa; Longoria; Pacheco.

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

Amend **HB 3157** on third reading in SECTION 1 of the bill, in amended Section 39.04(a), Penal Code (page 1, lines 30-31), by striking "[~~knowing his conduct is unlawful~~]" and substituting "knowing his conduct is unlawful".

HB 4645 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4645, A bill to be entitled An Act relating to the creation of the Wildwood Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Cyrier moved to concur in the senate amendments to **HB 4645**.

The motion to concur in the senate amendments to **HB 4645** prevailed by (Record 1663): 98 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bell, C.; Bernal; Biedermann; Bowers; Bucy; Button; Campos; Canales; Clardy; Collier; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.;

Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Bell, K.; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Cook; Dean; Ellzey; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bailes; Cole; Craddick; Gervin-Hawkins; Hinojosa; Pacheco; Parker; Rogers; White.

STATEMENTS OF VOTE

When Record No. 1663 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1663 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1663 was taken, my vote failed to register. I would have voted yes.

Rogers

When Record No. 1663 was taken, my vote failed to register. I would have voted no.

White

Senate Committee Substitute

CSHB 4645, A bill to be entitled An Act relating to the creation of the Wildwood Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7946A to read as follows:

CHAPTER 7946A. WILDWOOD MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7946A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Wildwood Municipal Utility District.

Sec. 7946A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7946A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7946A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7946A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7946A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7946A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7946A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7946A.0202, directors serve staggered four-year terms.

Sec. 7946A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Byron Frankland;

(2) Billy Wayne (Trey) Newby III;

(3) John Azar;

(4) Fred Nagel; and

(5) Suzan Leigh Randall.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7946A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7946A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7946A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7946A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7946A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7946A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7946A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7946A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7946A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7946A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7946A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7946A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7946A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7946A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7946A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7946A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Wildwood Municipal Utility District initially includes all the territory contained in the following area:

DESCRIPTION OF APPROXIMATELY 418.30 ACRES OF LAND IN THE JOSE ANTONIO NAVARRO GRANT, ABSTRACT NO. 53, BASTROP COUNTY, TEXAS; BEING ALL OF A CERTAIN CALLED 121.72 ACRE TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201413308, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, ALL OF A CERTAIN CALLED 168.95 ACRE TRACT DESIGNATED AS TRACT 4 AND DESCRIBED IN THE SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201413307, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A CERTAIN CALLED 1.98 ACRE TRACT DESIGNATED AS TRACT 1 AND DESCRIBED IN THE SAID SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201413307, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A CERTAIN CALLED 67.83 ACRE TRACT DESIGNATED AS TRACT 2 AND DESCRIBED IN THE SAID SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201413307, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, ALL OF A CERTAIN CALLED 0.64 ACRE TRACT DESCRIBED IN EXHIBIT A-1 , AND A PORTION OF A CERTAIN CALLED 1.21 ACRE TRACT DESCRIBED IN EXHIBIT A-2, IN THE DEED WITHOUT WARRANTY TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201413309, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, ALL OF A CERTAIN CALLED 62.586 ACRE TRACT DESCRIBED IN EXHIBIT A-2, IN THE GENERAL WARRANTY DEED TO BERDOLL INVESTMENTS LP OF RECORD IN DOCUMENT NO. 201312598, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, ALL OF A CERTAIN CALLED 24.012 ACRE TRACT DESIGNATED AS TRACT 2 AND DESCRIBED IN EXHIBIT B, IN THE GENERAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201510944, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A CERTAIN CALLED 6.177 ACRE TRACT DESIGNATED AS TRACT 1 AND DESCRIBED IN EXHIBIT A, IN THE SAID GENERAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201510944, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A CERTAIN CALLED 0.306 ACRE TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201111355, DOCUMENT NO. 201701630, AND DOCUMENT NO. 201701631, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS; SAID 418.30 ACRES OF LAND, BEING COMPRISED OF TRACT 1 - 449.03 ACRES, AND TRACT 2 - 5.563 ACRES, SAVE AND EXCEPT

TRACT 3 - 35.66 ACRES, AND SAVE AND EXCEPT TRACT 4 - 0.637, AS SURVEYED BY LANDDEV CONSULTING, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1 - 449.03 Acres

BEGINNING at a bolt found in the south right-of-way line of State Highway 71, a variable-with right-of-way, at the northeast corner of the said 62.586 acre tract, same being the northwest corner of Lot 1, JW Subdivision, a subdivision according to the plat or map of record in Cabinet 7, Page 68-A, Plat Records of Bastrop County, Texas, for the northeast corner of the tract described herein;

THENCE with the east line of the said 62.586 acre tract, and the west line of said Lot 1, JW Subdivision, with an east line of the tract described herein, the following two (2) courses and distances:

1. S 28°22'06" W, a distance of 604.12 feet to a calculated angle point at the southwest corner of said Lot 1, JW Subdivision, for an angle point in an east line of the tract described herein, and

2. S 27°42'48" W, at a distance of 2,184.16 feet, passing a 1/2-inch iron rod and continuing for a total distance of 2,185.28 feet to an axle found in the north line of a certain called 1,443.0 acre tract designated as Second Tract and described in the deed to John W. Caldwell, Jr. of record in Document No. 201816538, Official Public Records of Bastrop County, Texas, for the easterly southeast corner of the tract described herein;

THENCE with a south line of the said 62.586 acre tract, the south line of the said 67.83 acre tract, and the south line of the said 0.64 acre tract, with the north line of the said 1,443.0 acre tract, with a south line of the tract described herein, the following four (4) courses and distances:

1. N 62°30'36" W, a distance of 578.60 feet to a 1/2-inch iron rod found at an angle point,

2. N 62°05'35" W, a distance of 422.69 feet to a 1-inch square iron rod found at an angle point,

3. N 62°07'59" W, a distance of 1,883.16 feet to a 5/8-inch iron rod with a red illegible plastic cap found at a point-on-line, and

4. N 62°07'59" W, a distance of 27.48 feet to a 3-inch metal fence post found in the east line of the said 168.95 acre tract, at the southwest corner of the said 0.64 acre tract, for a re-entrant corner of the tract described herein,

THENCE with the east line of the said 168.95 acre tract, and the east line of the said 121.72 acre tract, with the west line of the said 1,443.0 acre tract, with an east line of the tract described herein, the following three (3) courses and distances:

1. S 27°33'16" W, a distance of 1,350.13 feet to a 1/2-inch iron rod found at an angle point,

2. S 27°33'46" W, a distance of 2,962.00 feet to a leaning 1/2-inch iron rod found at the southeast corner of the said 168.95 acre tract and the northeast corner of the said 121.72 acre tract, and

3. S 27°20'28" W, a distance of 2,815.27 feet to a 1-inch iron pipe found in the north line of a certain called 769.524 acre tract designated as Tract 2 and described in the deed to Carr Family Partnership, LTD. of record in Volume 736, page 233, Official Public Records of Bastrop County, Texas, at the southeast corner of the said 121.72 acre tract, for the southerly southeast corner of the tract described herein;

THENCE N 62°35'22" W, with the north line of the said 769.524 acre tract, with the south line of the said 121.72 acre tract, with a south line of the tract described herein, a distance of 1,884.51 feet to a 1/2-inch iron rod found in the east line of a certain called 951.10 acre tract described in the deed to Carr Family partnership, LTD. of record in Document No. 956, Page 441, Deed Records of Bastrop County, Texas, at the southwest corner of the said 121.72 acre tract, for the southwest corner of the tract described herein;

THENCE N 27°17'56" E, leaving the north line of the said 769.524 acre tract, with the east line of the said 951.10 acre tract, with the west line of the said 121.72 acre tract, with the west line of the tract described herein, a distance of 2,809.87 feet to a calculated point for the northwest corner of the said 121.72 acre tract and the southwest corner of the said 168.95 acre tract, for an angle point in the west line of the tract described herein;

THENCE with the west and north lines of the said 168.95 acre tract, with the west and north lines of the tract described herein, the following four (4) courses and distances:

1. N 27°21'42" E, with the east line of the said 951.10 acre tract, a distance of 3,164.61 feet to a 1/2-inch iron pipe found at the westerly northwest corner of the said 168.95 acre tract and the southwest corner of a certain called 48.634 acre tract described in the deed to Clarence L. Vinklarek et. Ux. of record in Volume 217, Page 208, Deed Records of Bastrop County, Texas,

2. S 62°34'59" E, with the south line of the said 48.634 acre tract, a distance of 1,225.65 feet to a 1/2-inch iron pipe found at a re-entrant corner,

3. N 27°27'06" E, a distance of 2,050.44 feet to a 1/2-inch iron rod found at the northerly northwest corner of the said 168.95 acre tract, same being the southwest corner of a certain called 6.667 acre tract described in the gift deed to Katie Frerich Karnstadt of record in Document No. 201406127, Official Public Records of Bastrop County, Texas, and

4. S 62°32'13" E, with the south line of the said 6.667 acre tract, and the south line of a certain called 3.707 acre tract described in the deed to Robert Frerich and Tamara Frerich of record in Document No. 200112158, Official Public Records of Bastrop County, Texas, a distance of 670.10 feet to a 1/2-inch iron pipe found at the northeast corner of the said 168.95 acre tract, and the southeast corner of the said 3.707 acre tract, same being the southwest corner of the said 1.21 acre tract, for a re-entrant corner of the tract described herein;

THENCE N 27°31'42" E, with the west line of the said 1.21 acre tract, and the east line of the said 3.707 acre tract, with the west line of the tract described herein, a distance of 1,629.03 feet to a calculated point for the northwest corner of the said 1.21 acre tract, for a northwest corner of the tract described herein;

THENCE S 78°22'38" E, a distance of 31.12 feet to a bent 1-inch iron pipe found at the northeast corner of the said 1.21 acre tract and the northwest corner of the said 1.98 acre tract, for a northwest corner of the tract described herein;

THENCE S 77°54'08" E, with the north line of the said 1.98 acre tract, with a north line of the tract described herein, a distance of 363.53 feet to a 1-1/2-inch iron pipe found at the northeast corner of the said 1.98 acre tract, same being the northerly northwest corner of a certain tract designated as Tract Two and described in the deed to Lina Sue West of record in Document No. 20190184, Official Public Records of Bastrop County, Texas, for a northeast corner of the tract described herein;

THENCE with an east and south line of the said 1.98 acre tract, with a west and north line of the said Second Tract, with an east and south line of the tract described herein, the following two (2) courses and distances:

1. S 26°56'38" W, a distance of 241.66 feet to a calculated point for the southeast corner of the said 1.98 acre tract, and

2. N 79°19'42" W, a distance of 366.39 feet to a bent 1-inch iron pipe found in the east line of the said 1.21 acre tract, at the southwest corner of the said 1.98 acre tract, for a re-entrant corner of the tract described herein;

THENCE S 27°21'26" W, with the west line of the said Second Tract, with the east line of the said 1.21 acre tract, with the west line of the tract described herein, a distance of 812.51 feet to a 5/8-inch iron rod found at the southwest corner of the said Second Tract, and the westerly northwest corner of the said 67.83 acre tract for a re-entrant corner of the tract described herein;

THENCE with the south and east line of the said Second Tract, with a north and west line of the said 67.83 acre tract, with a north and west line of the tract described herein, the following two (2) courses and distances:

1. S 62°08'29" E, a distance of 1,149.03 feet to an 8-inch fence post found at the southeast corner of the said Second Tract and a re-entrant corner of the said 67.83 acre tract, and

2. N 28°26'14" E, a distance of 1,440.02 feet to a calculated point for the northeast corner of the said Second Tract, and a northwest corner of the said 67.83 acre tract, for a northwest corner of the tract described herein;

THENCE with the south right-of-way line of said State Highway 71, with the north line of the said 67.83 acre tract, with the north line of the said 24.012 acre tract, and with the north line of the said 62.586 acre tract, with the north line of the tract described herein, the following six (6) courses and distances:

1. S 76°31'21" E, a distance of 22.68 feet to a fence post found at an angle point,

2. S 79°43'49" E, a distance of 101.07 feet to a Texas Department of Transportation (TxDOT) Type-I concrete monument found at a point-of-curvature,

3. With the arc of a curve to the right, having a radius of 2,755.03 feet, an arc distance of 189.73 feet, and a chord which bears S 78°28'39" E, a distance of 189.70 feet to a calculated non-tangent end of curve,

4. S 53°05'32" E, a distance of 454.67 feet to a Texas Department of Transportation (TxDOT) Type-I concrete monument found at an angle point,

5. S 55°16'20" E, a distance of 69.16 feet to a calculated angle point, and

6. S 54°07'31" E, a distance of 918.17 feet to the POINT OF BEGINNING and containing 449.03 acres of land, more or less.

TRACT 2 - 5.563 Acres

BEGINNING at a Texas Department of Transportation (TxDOT) Type-II concrete monument found in the south right-of-way line of State Highway 71, a variable-width right-of-way, in the north line of the said 6.177 acre tract, at the northeast corner of a certain called 0.9152 acre tract designated as Parcel 26 and described in the deed to the State of Texas of record in Document No. 202005708, Official Public Records of Bastrop County, Texas, for a northwest corner an POINT OF BEGINNING of the tract described herein;

THENCE S 59°57'55" E, a distance of 722.58 feet to a calculated point for the east corner of the said 6.177 acre tract, for the east corner of the tract described herein;

THENCE with the north line of the vacated portion of State Highway 71, with the south line of the said 6.177 acre tract, and with the south line of the said 0.306 acre tract, with the south line of the tract described herein, the following three (3) courses and distances:

1. N 80°14'31" W, at a distance of 906.31 feet, passing a Texas Department of Transportation (TxDOT) Type-I concrete monument found at a point-on-line, and continuing for a total distance of 1,060.87 feet to a Texas Department of Transportation (TxDOT) Type-I concrete monument found at a point-of-curvature,

2. With the arc of a curve to the right, having a radius of 1,504.75 feet, an arc distance of 214.68 feet, and a chord which bears N 77°15'23" W, a distance of 214.50 feet to a calculated point for the southeast corner of the said 0.306 acre tract, for a point of compound-curvature in the south line of the tract described herein, and

3. With the arc of a curve to the right, having a radius of 1,858.52 feet, an arc distance of 30.16 feet, and a chord which bears N 72°08'53" W, a distance of 30.16 feet to a calculated point in the east line of a certain called 3.707 acre tract described in the deed to Robert Frerich and Tamara Frerich of record in Document No. 200112158, Official Public Records of Bastrop County, Texas, for the southwest corner of the said 0.306 acre tract, for the southwest corner of the tract described herein;

THENCE N 27°36'14" E, with the west line of the said 0.306 acre tract and the east line of the said 3.707 acre tract, with the west line of the tract described herein, a distance of 371.91 feet to an iron rod with a 2-inch aluminum cap stamped "TxDOT" found at the southwest corner of the said 0.9152 acre tract, for the westerly northwest corner of the tract described herein;

THENCE leaving the west line of the said 3.707 acre tract, crossing the said 0.306 acre tract and the said 6.177 acre tract, with the south and east lines of the said 0.9152 acre tract, with the north and west lines of the tract described herein, the following five (5) courses and distances:

1. S 59°59'51" E, a distance of 122.61 feet to a Texas Department of Transportation (TxDOT) Type-II concrete monument found at an angle point,

2. S 52°51'00" E, a distance of 201.55 feet to a Texas Department of Transportation (TxDOT) Type-II concrete monument found at an angle point,

3. S 68°35'00" E, a distance of 101.08 feet to a Texas Department of Transportation (TxDOT) Type-II concrete monument found at an angle point,

4. S 59°56'27" E, a distance of 100.02 feet to a Texas Department of Transportation (TxDOT) Type-II concrete monument found at an angle point, and

5. N 30°04'14" E, a distance of 75.98 feet to the POINT OF BEGINNING and containing 5.563 acres of land, more or less.

TRACT 3 - SAVE AND EXCEPT 35.66 Acres

BEGINNING at a 5/8-inch iron rod found at the westerly northwest corner of the said 67.83 acre tract, in the west line of the said 1.21 acre tract, same being the southwest corner of a certain tract designated as Tract Two and described in the deed to Lina Sue West of record in Document No. 20190184, Official Public Records of Bastrop County, Texas, for the northwest corner and POINT OF BEGINNING of the tract described herein;

THENCE S 62°08'29" E, with the south line of the said Second Tract, with a north line of the said 67.83 acre tract, a distance of 581.20 feet to a calculated point for the northeast corner of the tract described herein;

THENCE leaving the south line of the said Second Tract, crossing the said 67.83 acre tract, with the east line of the tract described herein, the following two (2) courses and distances:

1. S 05°37'30" E, a distance of 1,151.62 feet to a calculated angle point, and

2. S 01°52'30" E, a distance of 587.94 feet to a calculated point in the north line of a certain called 1,443.0 acre tract designated as Second Tract and described in the deed to John W. Caldwell, Jr. of record in Document No. 201816538, Official Public Records of Bastrop County, Texas, in the south line of the said 67.83 acre tract, for the southeast corner of the tract described herein;

THENCE N 62°07'59" W, with the north line of the said 1,443.0 acre tract, with the south line of the said 67.83 acre tract, with the south line of the tract described herein, a distance of 1,501.62 feet to a 5/8-inch iron rod with a red illegible plastic cap found at the southwest corner of the said 67.83 acre tract and the northwest corner of the said 1,443.0 acre tract, same being the southeast corner of the said 0.64 acre tract, for the southwest corner of the tract described herein;

THENCE with the west line of the said 67.83 acre tract, with the east line of the said 0.64 acre tract, and with the east line of the said 1.21 acre tract, the following two (2) courses and distances:

1. N 27°39'37" E, a distance of 897.17 feet to a 1/2-inch iron pipe found at the northeast corner of the said 0.64 acre tract and the southeast corner of the said 1.21 acre tract, and

2. N 27°31'04" E, a distance of 573.66 feet to the POINT OF BEGINNING and containing 35.66 acres of land, more or less.

TRACT 4 - SAVE AND EXCEPT 0.637 Acres

COMMENCING at a 5/8-inch iron rod found at the westerly northwest corner of the said 67.83 acre tract, in the west line of the said 1.21 acre tract, same being the southwest corner of a certain tract designated as Tract Two and described in the deed to Lina Sue West of record in Document No. 20190184, Official Public Records of Bastrop County, Texas;

THENCE N 27°21'26" E, with the west line of the said Tract Two, with the east line of the said 1.21 acre tract, a distance of 33.58 feet to the southeast corner and POINT OF BEGINNING of the tract described herein;

THENCE N 62°53'25" W, leaving the west line of the said Tract Two, crossing the said 1.21 acre tract, with the south line of the tract described herein, a distance of 34.50 feet to a calculated point in the west line of the said 1.21 acre tract, and the east line of a certain called 3.707 acre tract described in the deed to Robert Frerich and Tamara Frerich of record in Document No. 200112158, Official Public Records of Bastrop County, Texas for the southwest corner of the tract described herein;

THENCE N 27°31'42" E, with the west line of the said 1.21 acre tract, with the east line of the said 3.707 acre tract, with the west line of the tract described herein, a distance of 848.65 feet to a calculated point, for the northwest corner of the tract described herein;

THENCE S 09°12'05" E, leaving the east line of the said 3.707 acre tract, crossing the said 1.21 acre tract, with the north line of the tract described herein, a distance of 53.40 feet to a calculated point in the east line of the said 1.21 acre tract and the west line of the said 1.98 acre tract, for a point-on-line in the north line of the tract described herein;

THENCE S 09°12'05" E, leaving the east line of the said 1.21 acre tract, crossing the said 1.98 acre tract, with the north line of the tract described herein, a distance of 27.22 feet to a calculated point in the south line of the said 1.98 acre tract, and the north line of the said Tract Two, for an angle point of the tract described herein;

THENCE N 79°19'42" W, with the south line of the said 1.98 acre tract, with the north line of the said Tract Two, with a south line of the tract described herein, a distance of 16.76 feet to a bent 1-inch iron pipe found in the east line of the said 1.21 acre tract, at the southwest corner of the said 1.98 acre tract, and the westerly northwest corner of the said Tract Two, for a re-entrant corner of the tract described herein;

THENCE S 27°21'26" W, with the west line of said Tract Two, with the east line of the said 1.21 acre tract, with the east line of the tract described herein, a distance of 778.93 feet to the POINT OF BEGINNING and containing 0.637 acres of land, more or less.

FOR A TOTAL AREA OF 418.30 ACRES BEING ALL OF TRACT 1 AND TRACT 2, SAVE AND EXCEPT TRACT 3 AND TRACT 4 DESCRIBED HEREIN.

Bearing Basis: Texas Coordinate System, Central Zone (4203), NAD 83(2011), Grid.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7946A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7946A.0306 to read as follows:

Sec. 7946A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 4638 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4638, A bill to be entitled An Act relating to the creation of the City of Leander Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Bucy moved to concur in the senate amendments to **HB 4638**.

The motion to concur in the senate amendments to **HB 4638** prevailed by (Record 1664): 89 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Canales; Collier; Cortez; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; 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, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez;

Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Dean; Ellzey; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; King, P.; Krause; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anderson; Bailes; Cole; Pacheco; Rogers.

STATEMENTS OF VOTE

When Record No. 1664 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1664 was taken, my vote failed to register. I would have voted yes.

Anderson

When Record No. 1664 was taken, my vote failed to register. I would have voted no.

Rogers

Senate Committee Substitute

CSHB 4638, A bill to be entitled An Act relating to the creation of the Leander Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3918 to read as follows:

CHAPTER 3918. LEANDER MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3918.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means Leander.

(3) "Director" means a board member.

(4) "District" means the Leander Municipal Management District No. 1.

Sec. 3918.0102. CREATION AND NATURE OF DISTRICT. The Leander Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3918.0103. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve the city from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city services provided in the district.

Sec. 3918.0104. FINDINGS OF BENEFIT AND PUBLIC USE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty;

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district; and

(5) promote and secure expanded and improved transportation and pedestrian facilities and systems designed to benefit the land and property in the district, the employees, employers, and consumers in the district, and the general public.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of road, transportation, and pedestrian facilities and systems and are considered to be a street, transportation, or pedestrian improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3918.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3918.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) an enterprise zone created under Chapter 2303, Government Code.

Sec. 3918.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3918.0108. LIMITED WAIVER OF SOVEREIGN IMMUNITY. The district is considered to have waived sovereign immunity to suit by the city for the purpose of adjudicating a claim for breach of the development agreement described by Section 3918.0302.

Sec. 3918.0109. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3918.0110. CONFLICT OF LAWS. In the event of a conflict between this chapter and any other law, this chapter prevails.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3918.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years with two or three directors' terms expiring June 1 after the fourth anniversary of the date of the directors' appointment.

(b) The board may not create an executive committee to exercise the powers of the board.

Sec. 3918.0202. QUALIFICATIONS OF DIRECTORS. To be qualified to serve as a director, a person must be:

(1) an owner of property in the district;

(2) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate owner of an interest in property in the district;

(3) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district; or

(4) an agent, employee, or tenant of a person described by Subdivision (1), (2), or (3).

Sec. 3918.0203. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from persons recommended by the board.

Sec. 3918.0204. VACANCY. (a) If a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

(b) A director may resign from the board at any time.

Sec. 3918.0205. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary. The offices of chair and secretary may not be held by the same person.

Sec. 3918.0206. COMPENSATION; EXPENSES. (a) A director may not receive compensation for service on the board.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board. The total amount of expenses for each director in one year may not exceed the amount approved by the board and may not exceed the amount of expenses budgeted for a member of the governing body of the city.

Sec. 3918.0207. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

(1) actions taken by the director in the director's capacity as a member of the board;

(2) actions and activities taken by the district; or

(3) the actions of others acting on behalf of the district.

Sec. 3918.0208. BOARD MEETINGS. (a) The board shall hold meetings at a place accessible to the public.

(b) The board must post notice of each meeting with the city secretary not later than 72 hours before the scheduled time of the meeting.

Sec. 3918.0209. INITIAL DIRECTORS. (a) On or after January 1, 2022, the owner or owners of a majority of the assessed value of real property in the district may submit a petition to the governing body of the city requesting that the governing body appoint five persons as initial directors from a list of persons in the district.

(b) A petition must name more than five qualified persons.

(c) The governing body shall appoint as initial directors five persons listed in the petition who are qualified to serve as directors.

(d) The initial directors shall determine by lot which three positions expire June 1 following the second anniversary of the date of the appointment and which two positions expire June 1 following the fourth anniversary of the date of the appointment.

(e) This section expires September 1, 2027.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3918.0301. GENERAL POWERS AND DUTIES. (a) The district has the powers and duties necessary to accomplish the purposes for which the district is created.

(b) The board may not take any action or exercise any power granted under this chapter other than to hold an initial organizational meeting until the development agreement described by Section 3918.0302 is approved by the city and executed by the parties to the agreement.

Sec. 3918.0302. DEVELOPMENT AGREEMENT. (a) The city, the district, the owner of the majority of the land in the district, and any other entities the city determines are necessary to the agreement may execute a development agreement if approved by the city.

(b) This chapter expires on the fourth anniversary of the effective date of the Act enacting this chapter if the development agreement under Subsection (a) is not executed before that date.

Sec. 3918.0303. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

(d) A district improvement project or service must comply with:

(1) any city zoning and subdivision requirements; and

(2) city codes and ordinances.

(e) The district may not provide, conduct, or authorize an improvement project on any street, highway, right-of-way, or easement owned or controlled by the city unless the governing body of the city by resolution consents to the improvement.

Sec. 3918.0304. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA; BENEFIT BASIS. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with Chapter 375, Local Government Code.

Sec. 3918.0305. LAW ENFORCEMENT SERVICES. To protect the public interest, with the consent of the city by resolution, the district may contract with a qualified party, including the city, to provide supplemental and enhanced law enforcement and security services in the district for a fee.

Sec. 3918.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district, in coordination with the city, may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs with the prior consent of the governing body of the city in accordance with the development agreement to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that Chapter 380, Local Government Code, and Subchapter A, Chapter 1509, Government Code, provide to a municipality.

Sec. 3918.0307. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3918.0308. ADDING OR REMOVING TERRITORY. (a) The board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add or remove territory as described by Subsection (a) only if the governing body of the city by ordinance or resolution consents to the addition or removal.

Sec. 3918.0309. EXEMPT PROPERTY. The district may not impose an impact fee, assessment, tax, or other charge on property owned by the city, the county, or other political subdivision or on property exempted under this section except as provided by Subchapter H, Chapter 375, Local Government Code.

Sec. 3918.0310. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3918.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution with the prior consent of the governing body of the city in accordance with the development agreement shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3918.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment to finance improvement projects and services authorized by this chapter in all or any definable part of the district in the manner provided by Subchapter F, Chapter 375, Local Government Code.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll after providing notice and holding a hearing as provided by Subchapter F, Chapter 375, Local Government Code.

Sec. 3918.0403. USE OF ELECTRICAL OR OPTICAL LINES. (a) The district may impose an assessment to pay the cost of:

(1) burying, relocating, or removing electrical power lines, telephone lines, cable or fiber-optic lines, or any other type of electrical or optical line;

(2) removing poles and any elevated lines using the poles; and

(3) reconnecting the lines described by Subdivision (2) to the buildings or other improvements to which the lines were connected.

(b) The assessment under Subsection (a) may not be imposed on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of a telecommunications provider as defined by Section 51.002, Utilities Code, or a cable service provider or video service provider as defined by Section 66.002, Utilities Code, unless in accordance with an agreement with the city.

(c) The district may acquire, operate, or charge fees for the use of the district conduits for:

(1) another person's:

(A) telecommunications network;

(B) fiber-optic cable; or

(C) electronic transmission line; or

(2) any other type of transmission line or supporting facility.

(d) The district may not require a person to use a district conduit.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3918.0501. BONDS AND OTHER OBLIGATIONS. With the consent of the governing body of the city by resolution in accordance with Section 375.207, Local Government Code, the district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Chapter 375, Local Government Code.

Sec. 3918.0502. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3918.0503. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3918.0502, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3918.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues; or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3918.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3918.0502, the district may issue bonds payable from ad valorem taxes.

(b) Section 375.243, Local Government Code, does not apply to the district.

(c) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3918.0506. WRITTEN AGREEMENT REGARDING SPECIAL APPRAISALS. Before the district may issue bonds, the district and any person to whom the board intends that proceeds of the bonds be distributed, including the developer, another owner of land in the district, and any entity acting as a lender to the developer or other landowner for the purpose of a project relating to the district, must enter into a written agreement that:

(1) waives for the term of the agreement the right to a special appraisal with respect to taxation by the district under Subchapters B, C, D, E, F, and H, Chapter 23, Tax Code; and

(2) remains in effect for 30 years and is binding on the parties, on entities related to or affiliated with the parties, and on their successors and assignees.

Sec. 3918.0507. EXEMPTION FROM CERTAIN SUPERVISION AND APPROVAL REQUIREMENTS. Section 375.208, Local Government Code, does not apply to the district.

SUBCHAPTER J. DISSOLUTION

Sec. 3918.0901. DISSOLUTION BY CITY. (a) The city may dissolve the district in the manner provided by Section 375.263, Local Government Code, only if the city also complies with any dissolution procedures in the development agreement described by Section 3918.0302.

(b) In the case of a conflict between Section 375.263, Local Government Code, and the development agreement, the development agreement controls.

SECTION 2. The Leander Municipal Management District No. 1 initially includes all territory contained in the following area:

Being all of that certain tract or parcel of land containing 115.7076 acres, more or less, comprised of those three (3) certain tracts of land containing 22.781 acres, more or less, our of the William Mancil Survey, Abstract No. 437 in Leander, Williamson County, Texas, more described by metes and bounds shown on Exhibit "A-1" attached hereto; 47.5871 acres, more or less, in the Talbot Chambers Survey, Abstract No. 125 in Leander, Williamson County, Texas, more described by metes and bounds shown on Exhibit "A-2" attached hereto; 47.3395 acres, more or less, in the Talbot Chambers Survey, Abstract No. 125 in Leander, Williamson County, Texas, more described by metes and bounds shown on Exhibit "A-3" attached hereto

EXHIBIT A-1

Talbot Chambers Survey, Abstract No. 125

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 47.5871 ACRES (2,072,892 SQUARE FEET) OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 269.836 ACRE TRACT CONVEYED TO RB 270 PARTNERSHIP, RECORDED IN DOCUMENT NO. 2004036768 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID 47.5871 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod with "Ward-5811" cap found in the curving east right-of-way line of Mel Mathis Boulevard (right-of-way varies), and being the southwest corner of a called 9.850 acre tract conveyed to Area Leander 1 LP, recorded in Document No. 2016069577 (O.P.R.W.C.T.) and being in the north line of said 269.836 acre tract, for the northwest corner and POINT OF BEGINNING hereof, from which a 1/2-inch iron rod with "Ward-5811" cap found at point of tangency in the east right-of-way line of said Mel Mathis

Boulevard, and being in the west line of said 9.850 acre Area Leander 1 LP tract, bears, 24.13 feet along the arc of a curve to the right, having a radius of 999.00 feet, and whose chord bears N18°36'59"W, a distance of 24.13 feet;

THENCE, leaving the east right-of-way line of said Mel Mathis Boulevard, with the north line of said 269.836 acre RB 270 Partnership tract and the south line of said 9.850 acre Area Leander 1 LP tract, the following three (3) courses and distances:

1) N70°42'41"E, a distance of 938.70 feet to a 1/2-inch iron rod found for an angle point hereof,

2) N70°36'57"E, a distance of 53.16 feet to a 1/2-inch iron rod found for an angle point hereof, and

3) N71°20'07"E, a distance of 79.42 feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being the southeast corner of said 9.850 acre Area Leander 1 LP tract, and being in the north line of said 269.836 acre RB 270 Partnership tract, and being in the west right-of-way line of US Highway 183A (400' right-of-way, conveyed in Document No(s). 2004068741 and 2004088731 (O.P.R.W.C.T.);

THENCE, leaving the north line of said 269.836 acre RB 270 Partnership tract, with the west right-of-way line of said US Highway 183A, over and across said 269.836 acre RB 270 Partnership tract, S56°03'41"E, passing at a distance of 524.73 feet a TxDOT Type II Brass Disc Monument with "CTRMA" stamp found, and continuing for a total distance of 1,299.85 feet to a 1/2-inch iron rod with "KHA" cap found for the southeast corner hereof, said point being the northeast corner of a called 100.000 acre tract, conveyed to Austin Community College District recorded in Document No. 2010030836 (O.P.R.W.C.T.), from which a TxDOT Type II Brass Disc Monument with "CTRMA" stamp found at a point of curvature in the west right-of-way line of said US Highway 183A, and being in the east line of said 100.000 acre Austin Community College District tract bears, S56°03'41"E, a distance of 724.81 feet;

THENCE, over and across said 269.836 acre RB 270 Partnership tract, with the north line of said 100.000 acre Austin Community College District tract, the following three (3) courses and distances:

1) S33°55'23"W, a distance of 371.76 feet to a 5/8-inch iron rod with aluminum "MWM" cap found for a point of curvature hereof,

2) 390.32 feet along the arc or a curve to the right, having a radius of 630.00 feet, and whose chord bears S51°42'47"W, a distance of 384.11 feet to a 5/8-inch iron rod with aluminum "MWM" cap found for a point of tangency hereof, and

3) S69°24'42"W, a distance of 1,157.38 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the southwest corner hereof, said point being the northwest corner of said 100.000 acre Austin Community College District tract, and being in the east right-of-way line of said Mel Mathis Boulevard;

THENCE, over and across said 269.836 acre RB 270 Partnership tract, with the east right-of-way line of said Mel Mathis Boulevard, and the west line of the herein described tract the following two (2) courses and distances:

1) N20°34'14"W, a distance of 1,393.85 feet to a 1/2-inch iron rod with "Ward-5811" cap set for a point of curvature hereof, and

2) 22.41 along the arc of a curve to the right, having a radius of 999.00 feet, and whose chord bears N19°55'40"W, a distance of 22.41 feet to the POINT OF BEGINNING, and containing 47.5871 Acres (2,072,892 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000138805545. See attached sketch (reference drawing: 00508 47 Acre Tract.dwg)

EXHIBIT A-2

DOROTHY R. WINTERS EXEMPT FAMILY TRUST
WILLIAM MANCIL SURVEY, ASTRACT NO. 437
22.781 ACRES (992,343 SQ. FT.)

DESCRIPTION OF 22.781 ACRES (992,343 SQ. FT.) OF LAND SITUATED IN WILLIAMSON COUNTY, TEXAS, OUT OF THE WILLIAM MANCIL SURVEY, ASTRACT NO. 437, BEING A PORTION OF A 159.838 ACRE TRACT DESCRIBED IN A DEED OF RECORD TO DOROTHY R. WINTERS EXEMPT FAMILY TRUST IN DOCUMENT NO. 2014021295 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 22.781 ACRES (992,343 SQ. FT.), BEING TWO TRACTS OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1:

BEGINNING at a 1/2" iron rod found in the easterly line of a 100 foot wide right-of-way for railroad purposes, quitclaimed to the City of Austin by deed of record in Volume 1417, Page 282, Official Records of Williamson County, Texas, same being the westerly line of said 159.838 Acre Tract, at the southwesterly corner of a 3.733 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2004068740, Official Public Records of Williamson County, Texas, for the northwesterly corner of the herein described tract;

THENCE over and across said 159.838 Acre Tract, with the southerly line of said 3.733 Acre Tract, same being the northerly line of the herein described tract the following two (2) courses:

1. N71°51'31"E, a distance of 261.37 feet to a 1/2" iron rod found;

2. N71°29'44"E, a distance of 843.54 feet to an iron rod with cap found at the most westerly corner of a 163 square foot tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway R.O.W. width varies) by deed of record in Document No. 2010082651, Official Public Records of Williamson County, Texas;

THENCE N72°06'36"E, continuing over and across said 159.838 Acre Tract with the southerly line of said 163 square foot tract, same being the northerly line of the herein described tract, a distance of 81.22 feet to an iron rod with cap found in the westerly line of a 2.124 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width

varies) by deed of record in Document No. 2006066934, Official Public Records of Williamson County, Texas, at the southwesterly corner of said 163 Square Foot Tract;

THENCE continuing over and across said 159.838 Acre Tract with the westerly and southerly lines of said 2.124 Acre Tract, same being the northerly line of the herein described tract the following two (2) courses:

1. S16°45'56"E, a distance of 8.41 feet to a cotton spindle found at the southwesterly corner of said 2.124 Acre Tract ;

2. N69°57'17"E, a distance of 39.44 feet to an iron rod with G&R Cap set at the northwesterly corner of a 0.821 acre tract conveyed to The City of Leander, Texas for street right-of-way purposes (Mel Mathis Avenue-80' R.O.W.) by deed of record in Document No. 2012077074, Official Public Records of Williamson County, Texas, for the northeasterly corner of the herein described tract;

THENCE continuing over and across said 159.838 Acre Tract with the westerly line of said 0.821 Acre Tract, same being the easterly line of the herein described tract the following two (2) courses:

1. S71°55'56"E, a distance of 420.33 feet to an iron rod with G&R Cap set at the point of curvature of a curve to the left;

2. Along said curve to the left, having a radius of 1079.00 feet, an arc length of 25.93 feet and a chord which bears S18°37'14"E, a distance of 25.93 feet to an iron rod with G&R Cap set in the northerly line of a 269.836 acre tract described in a deed of record to RB 270 Partnership in Document No. 2004036768, Official Public Records of Williamson County Texas, same being the southerly line of said 159.838 Acre Tract, for the southeasterly corner of the herein described tract;

THENCE with the southerly line of said 159.838 Acre Tract, same being in part the northerly line of said 269.836 Acre Tract and in part the northerly line of Lot 2, San Gabriel Park, a subdivision of record in Cabinet Y. Slides 364-367, Plat Records of Williamson County Texas, the following five (5) courses:

1. S70°42'59"W, a distance of 3.13 feet to an iron rod with G&R Cap set at the common northerly corner of said 269.836 Acre Tract and said Lot 2;

2. S71°12'01"W, a distance of 61.83 feet to a 1/2" iron rod found;

3. S69°02'16"W, a distance of 90.38 feet to a 1/2" iron rod found;

4. S70°43'16"W a distance of 728.63 feet to a 1/2" iron rod found;

5. S70°11'21"W, a distance of 314.93 feet to a 1/2" iron rod found in the easterly line of said 100 foot wide right-of-way for railroad purposes and the westerly line of said 159.838 Acre Tract, for the southwesterly corner of the herein described tract;

THENCE N21°11'57"W, with the common line of said 100 foot wide right-of-way for railroad purposes and said 159.838 Acre Tract, a distance of 477.91 feet to the POINT OF BEGINNING, containing an area of 12.931 acres (563,261 sq. ft.) of land, more or less.

TRACT 2:

BEGINNING at a cotton spindle found in the westerly line of a 24.697 acre tract, conveyed to Williamson County, Texas for Highway 183-A right-of-way purposes (400' R.O.W.) by deed of record in Document No. 2004068741, Official Public Records of Williamson County, Texas, for the northeasterly corner of the herein described tract;

THENCE S56°04'40"E, over and across said 159.818 Acre Tract, with the westerly line of said 24.697 Acre Tract, same being the easterly line of the herein described tract, a distance of 712.18 feet to a 1/2" iron rod found in northerly line of a 269.836 acre tract described in a deed of record to RB 270 Partnership in Document No. 2004036768, Official Public Records of Williamson County Texas, for the southeasterly corner of the herein described tract;

THENCE with the common line of said 159.838 Acre Tract and said 269.836 Acre Tract the following three (3) courses:

1. S71°18'14"W, a distance of 79.46 feet to a 1/2" iron rod found;
2. S70°37'32"W, a distance of 53.16 feet to a 1/2" iron rod found;
3. S70°42'59°W, a distance of 938.59 feet to an iron rod with G&R Cap set at the southeasterly corner of a 0.821 acre tract conveyed to The City of Leander, Texas for street right-of-way purposes (Mel Mathis Avenue - 80' R.O.W.) by deed of record in Document No. 2012077074, Official Public Records of Williamson County, Texas, for the southwesterly corner of the herein described tract;

THENCE leaving the common line of said 159.838 Acre Tract and said 269.836 Acre Tract and continuing over and across said 159.838 Acre Tract with the easterly line of said 0.821 Acre Tract, same being the westerly line of the herein described tract, the following two (2) courses:

1. Along a curve to the right, having a radius of 999.00 feet, an arc length of 24.05 feet and a chord which bears N18°37'19"W, a distance of 24.05 feet to an iron rod with G&R Cap set at the end of said curve
2. N17°55'56"W, a distance of 423.28 feet to an iron rod with G&R Cap set in the southerly line of a 2.124 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2006066934, Official Public Records of Williamson County, Texas, for the northwesterly corner of the herein described tract;

THENCE N69°57'17"E, continuing over and across said 159.838 Acre Tract with the southerly line of said 2.124 Acre Tract, same being the northerly line of the herein described tract, a distance of 115.16 feet to an iron rod with cap found at the southwesterly corner of a 0.808 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2010082651, Official Public Records of Williamson County, Texas;

THENCE continuing over and across said 159.838 Acre Tract with the southerly line of said 0.808 Acre Tract, same being the northerly line of the herein described tract, the following two (2) courses:

1. Along a curve to the left, having a radius of 1113.00 feet, an arc length of 444.24 feet and a chord which bears N59°35'56"E, a distance of 441.30 feet to an iron rod with cap found at the end of said curve;

2. N48°11'55"E, a distance of 93.35 feet to the POINT OF BEGINNING, containing an area of 9.850 (429,082 sq. ft.) acres of land, more or less. FOR A TOTAL AREA OF 22.781 (992,343 SQ. FT.) ACRES OF LAND WITHIN TRACTS 1 AND 2.

EXHIBIT A-3

Talbot Chambers Survey, Abstract No. 125

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 45.3395 ACRES (1,974,990 SQUARE FEET) OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, SAN GABRIEL PARK, A SUBDIVISION RECORDED IN CABINET Y, SLIDES 364-367 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS (P.R.W.C.T.), SAID 45.3395 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the east right-of-way line of the Capital Metropolitan Transportation Authority Railroad (100' right-of-way), conveyed in Document No. 2000020773 of the Official Public Records of Williamson County, Texas (O.P.R.W.C.T.), being the southwest corner of a called 12.931 acre tract conveyed to Area Leander 1, L.P. in Document No. 2016069577 (O.P.R.W.C.T.), and being the northwest corner of said Lot 2, for the northwest corner hereof, from which a 1/2-inch iron rod found at the intersection of the south right-of-way line of San Gabriel Parkway (right-of-way width varies), partially dedicated in Document No. 2004068740 (O.P.R.W.C.T.), and the east right-of-way line of said Railroad, bears N21°12'43"W, a distance of 477.90 feet;

THENCE, leaving the east right-of-way line of said Railroad, with the common line of said 12.931 acre tract and said Lot 2, the following four (4) courses and distances:

1) N70°11'45"E, a distance of 314.90 feet to a 1/2-inch iron rod found for an angle point hereof,

2) N70°43'28"E, a distance of 728.71 feet to a 1/2-inch iron rod found for an angle point hereof,

3) N69°06'10"E, a distance of 90.47 feet to a 1/2-inch iron rod found for an angle point hereof, and

4) N71°06'42"E, a distance of 61.67 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the northeast corner hereof, being an angle point in the west right-of-way line of Mel Mathis Boulevard (right-of-way width varies), partially dedicated in Document No. 2014077239 (O.P.R.W.C.T.), and being the northeast corner of said Lot 2;

THENCE, with the west right-of-way line of said Mel Mathis Boulevard and the east line of said Lot 2, the following three (3) courses and distances:

1) S20°36'40"E, a distance of 1,117.48 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,

2) S20°26'00"E, a distance of 27.68 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, and

3) S20°29'52"E, a distance of 128.25 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof;

THENCE, with the east line of said Lot 2, in part being the west right-of-way line of Mel Mathis Boulevard, and in part being the west line of a called 3.827 acre tract conveyed to the City of Leander, Texas in Document No. 2014005725 (O.P.R.W.C.T.), S20°28'10"E, a distance of 493.39 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof and being an angle point in the common line of said Lot 2 and said 3.827 acre tract;

THENCE, continuing with the common line of said Lot 2 and said 3.827 acre tract, the following seven (7) courses and distances:

1) S22°49'04"E, a distance of 50.01 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,

2) S16°12'32"E, a distance of 67.74 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,

3) S21°18'20"E, a distance of 61.32 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,

4) S20°56'16"E, a distance of 136.77 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof

5) S21°13'59"E, a distance of 70.93 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,

6) S25°02'37"E, a distance of 366.51 feet to a Mag nail with "4Ward Boundary" washer set for an angle point hereof, and

7) S24°25'23"W, a distance of 17.00 feet to a calculated point for southeast corner hereof, from which a 1/2-inch iron rod found for an angle point in the common line of said Lot 2 and said 3.827 acre tract bears S24°25'23"W, a distance of 33.09 feet;

THENCE, over and across said Lot 2, the following twenty-five (25) courses and distances:

1) N50°07'41"W, a distance of 60.74 feet to a calculated point for an angle point hereof,

2) N73°38'59"W, a distance of 66.59 feet to a calculated point for an angle point hereof,

3) N01°56'09"E, a distance of 123.08 feet to a calculated point for an angle point hereof,

4) N57°13'47"W, a distance of 201.97 feet to a calculated point for an angle point hereof,

5) N26°00'29"W, a distance of 171.59 feet to a calculated point for an angle point hereof,

6) N54°28'17"W, a distance of 188.91 feet to a calculated point for an angle point hereof,

7) N64°34'23"W, a distance of 73.26 feet to a calculated point for an angle point hereof,

8) S70°35'47"W, a distance of 116.88 feet to a calculated point for an angle point hereof,

9) N85°17'49"W, a distance of 101.63 feet to a calculated point for an angle point hereof,

10) N64°04'31"W, a distance of 40.75 feet to a calculated point for an angle point hereof,

11) N23°03'16"W, a distance of 40.58 feet to a calculated point for an angle point hereof,

12) N23°06'23"E, a distance of 108.63 feet to a calculated point for an angle point hereof,

13) N38°35'17"W, a distance of 36.64 feet to a calculated point for an angle point hereof,

14) N82°04'13"W, a distance of 84.65 feet to a calculated point for an angle point hereof,

15) N67°25'14"W, a distance of 33.59 feet to a calculated point for an angle point hereof,

16) N28°42'54"W, a distance of 32.70 feet to a calculated point for an angle point hereof,

17) N66°18'33"W, a distance of 60.73 feet to a calculated point for an angle point hereof,

18) S58°21'10"W, a distance of 86.21 feet to a calculated point for an angle point hereof,

19) S46°19'59"W, a distance of 131.18 feet to a calculated point for an angle point hereof,

20) S57°26'06"W, a distance of 63.53 feet to a calculated point for an angle point hereof,

21) N80°03‘30"W, a distance of 169.03 feet to a calculated point for an angle point hereof,

22) N51°26'55"W, a distance of 123.90 feet to a calculated point for an angle point hereof,

23) N35°13'10"W, a distance of 149.36 feet to a calculated point for an angle point hereof,

24) N18°38'44"W, a distance of 183.61 feet to a calculated point for an angle point hereof,

25) N32°05'59"W, a distance of 222.61 feet to a calculated point for an angle point hereof, said point being in the east right-of-way line of said Railroad, and being in the west line of said Lot 2, from which a 1/2-inch iron rod with "Ward-5811" cap set in the common line of said Lot 2 and said Railroad, for the northwest corner of a called 0.548 acre right-of-way dedication conveyed in Document No. 2014003534 (O.P.R.W.C.T.), bears S21°06'14"E, a distance of 930.19 feet;

THENCE, with the east right-of-way line of said Railroad and the west line of said Lot 2, N21°06'14"W, a distance of 779.40 feet to the POINT OF BEGINNING, and containing 45.3395 Acres (1,974,990 Square Feet) more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect January 1, 2022.

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

Amend **CSHB 4638** (senate committee printing) as follows:

(1) Strike SECTION 3 of the bill (page 12, lines 46 through 63) and substitute the following appropriately numbered SECTION:

SECTION ____. (a) The legal notice of the intention to file bills creating each district described by this Act has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a copy of a bill to create each district described by this Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to each bill to create each district described by this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of each bill to create each district described by this Act are fulfilled and accomplished.

(2) Add the following appropriately numbered SECTION to the bill and renumber accordingly the SECTIONS of the bill and cross-references within added Section 3992.0105, Special District Local Laws Code:

SECTION ____. (a) Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3992 to read as follows:

CHAPTER 3992. NEW WAVERLY MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3992.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of New Waverly, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the New Waverly Municipal Management District No. 1.

Sec. 3992.0102. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3992.0103. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city from providing the level of services provided to the area in the district as of the effective date of the Act enacting this chapter. The district is created to supplement and not to supplant the city services provided in the district.

Sec. 3992.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment;

(3) develop or expand transportation and commerce; and

(4) provide quality residential housing.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3992.0105. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section ___(b) of the Act enacting this chapter, as that territory may have been modified under other law.

(b) The boundaries and field notes contained in Section ___(b) of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3992.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3992.0107. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3992.0108. CONFLICTS OF LAW. This chapter prevails over any provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

Sec. 3992.0109. CONSENT OF MUNICIPALITY REQUIRED. The board may not hold an election to authorize the issuance of bonds until the governing body of the city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district. The city's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3992.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each even-numbered year.

(b) The governing body of the city, by a majority vote, shall appoint one member of the board.

(c) The commission shall appoint four members of the board in the manner provided by Section 3992.0202.

Sec. 3992.0202. APPOINTMENT BY COMMISSION. (a) Before the term of a director appointed by the commission expires, the board shall recommend to the commission a person to serve as a successor director. The commission shall appoint as director the person recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

(1) at least 18 years of age;

(2) an owner of property in the district;

(3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;

(4) an owner of a beneficial interest in a trust that owns property in the district; or

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

Sec. 3992.0203. VACANCY. (a) Except as provided by Subsection (b), if a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

(b) If a vacancy occurs in the position of the board member appointed by the city, the city shall appoint a director for the remainder of the unexpired term.

Sec. 3992.0204. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed $150 for each board meeting. The total amount of compensation a director may receive each year may not exceed $7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3992.0205. INITIAL DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as initial directors four persons named in the petition. The commission shall appoint as initial directors the persons named in the petition.

(b) The initial directors, including the initial city-appointed director, shall determine by lot which three positions expire June 1, 2024, and which two positions expire June 1, 2022.

(c) This section expires September 1, 2025.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3992.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3992.0302. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district for the purpose, or contract with a governmental or private entity to

provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3992.0303. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3992.0304. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3992.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3992.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district for that purpose.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3992.0501. OPERATION AND MAINTENANCE TAX. The district may impose an operation and maintenance tax on taxable property in the district for any district purpose in the manner provided by Section 49.107, Water Code, if authorized by a majority of the district voters voting at an election held in accordance with the Water Code, the Election Code, and any other applicable law, including for:

(1) maintaining and operating the district;

(2) constructing or acquiring improvements; or

(3) providing a service.

Sec. 3992.0502. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax for each year that all or part of the bonds are outstanding; and

(2) the board annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due; and

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

(b) The New Waverly Municipal Management District No. 1 initially includes all the territory contained in the following area:

Tract 1 - 101.605 Acres:

FIELDNOTES TO 101.605 ACRES OF LAND AS SITUATED IN THE CITY OF NEW WAVERLY, IN THE C. A. SLEIGHT SURVEY, A-496, WALKER COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN CALLED 132.629 ACRE TRACT CONVEYED BY JOE T. HODDE, TRUSTEE, TO HMH-WALKER 140 LIMITED BY DEED RECORDED IN

VOLUME 255, PAGE 1 OF THE DEED RECORDS OF SAID COUNTY. SAID 101.605 ACRES BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod set for the north corner of this and of said 132.629 acres on the southwest right-of-way of State Highway 150, same being the east corner of the Emma Reese 1.0 acre tract described in Volume 265, Page 625 of said deed records;

THENCE: S 59° 58' E 647.74 Ft., with said southwest right-of-way, to a 1/2 inch iron rod set for an exterior corner of this tract, same being the north corner of proposed New Waverly Ridge II Commercial Lot 4;

THENCE: S 30° 02' W 600.00 Ft., on a line within said 132.629 acres and with the northwest line said Lot 4 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 300.00 Ft., continuing within said 132.629 acres and with the southwest line of said Lot 4 to its south corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: N 30° 02' E 600,00 Ft., continuing within said 132.629 acres and with the southeast line of said Lot 4 to its east corner, a 1/2 inch iron rod set for an exterior corner of this tract on the northeast line of said 132.629 acres, same being on the southwest right-of-way of said State Highway 150;

THENCE: S 59° 58' E 669.60 Ft., with said southwest right-of-way and 132.629 acre northeast line, to a 1/2 inch iron rod set for an exterior corner of this tract, same being the north corner of proposed New Waverly Ridge II Commercial Lot 1;

THENCE: S 30° 02' W 600.00 Ft., on a line within said 132.629 acres and with the northwest line of said Lot 1 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 836.94 Ft., continuing within said 132.629 acres and with the southwest lines of said Lot 1, of New Waverly Ridge Commercial Lot 2 as shown on plat recorded in Volume 3, Page 130 of the plat records of said county and of New Waverly Ridge Commercial Lot 3, as shown on plat recorded in Volume 3, Page 154 of said plat records to a 1/2 inch iron rod set for an interior corner of this tract, same being the south corner of said New Waverly Ridge Lot.3;

THENCE: N 30° 02' E 591.12 Ft., continuing on said 132.629 acres and with the southeast lines of said New Waverly Ridge Lot 3 to its east corner, a 1/2 inch iron rod set for an exterior corner of this tract on the southwest right-of-way of said State Highway 150, same being on the northeast line of said 132.629 acres;

THENCE: S 58° 03° E 80.04 Ft., with said southwest right-of-way and being 132.629 acre northeast line, to a 1/2 inch iron rod set for the upper east corner of this tract, same being the north corner of the proposed New Waverly Ridge Commercial Lot 4;

THENCE: N 30° 02' W 588.44 Ft., on a line within said 132.629 acres and with the northwest line of said New Waverly Ridge Lot 4 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 286.28 Ft., continuing within said 132.629 acres and with the southwest line of said Lot 4 to its south corner, a 1/2 inch iron rod set for the east corner of this tract on the northwest line of New Waverly Ridge Commercial Lot 1 as shown on plat recorded in Vole 3, Page 130 of said plat records;
THENCE: S 16° 03' W 516.29 Ft., continuing within said 132.629 acres and with said Lot 1 northwest line to its west corner, a 1/2 inch iron rod set for the lower east corner of this tract on the southeast line of said 132.629 acres, same being on the northwest right-a-way of Longstreet Road;
THENCE: With said 132.629 acre southeast line and Longstreet Road northwest right-of-way as follows:

S 81° 03' W 45.11 Ft.	S 80° 05' W 216.95 Ft.
S 77° 48' W 222.57 Ft.	S 75° 05' W 122.55 Ft.

to a 1/2 inch iron rod set for an exterior corner of this tract, same being the east corner of the Southwestern Bell Telephone Company 0.057 acre tract described in Volume 423, Page 556 of said deed records;
THENCE: N 10° 43' W 50.00 Ft., on a line within said 132.629 acres and with the northeast line of said 0.057 acre to its north corner, a 1/2 inch iron rod set for an interior corner of this tract;
THENCE: S 75° 05' W 50.00 Ft., continuing within said 132.629 acres and with the northwest line of said 0.057 acre to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;
THENCE: S 10° 43' E 50.00 Ft., continuing within said 132.629 acres and with the southwest line of said 0.057 acre to its south corner, a concrete monument found for exterior corner of this tract on the southeast line of said 132.629 acres, same being on the northwest right-of-way of said Longstreet Road;
THENCE: S 74° 19' W 472.13 Ft. and S 68° 33' W 147.67 Ft., with said 132.629 acre southeast line and Longstreet Road northwest right-of-way, to a 3 inch iron pipe found for the south corner of this and of said 132.629 acres, same being the east corner of the Western Grove Missionary Baptist Church tract which no deed of record was located;
THENCE: N 24° 49' W 170.48 Ft, with the northeast line of said church tract to its north corner, a 1/2 inch iron rod set for an interior corner of this tract;
THENCE: S 53° 09' W 157.03 Ft., with the northwest line of said church tract to its west corner, a 1/2 inch iron rod set for an exterior corner of this tract on the northeast line of Fritz Kelly 2.0 acre tract described in Volume 123, Page 716 of said deed records;
THENCE: N 60° 07' W 1003.34 Ft., with the southwest line of said 132.629 acres and the northeast lines of said 2.0 acres, of the Jimmie Cain Jr. 5.89 acre tract described in Volume 252, Page 75 of the official records of said county, of the Jourdon Sanders 1.0 acre tract described in Volume 395, Page 899 of said deed records and of the Mildred Harris 1.07 acre tract described in Volume 227, Page 285 of said deed records, to a 1 inch iron pipe found for an exterior corner of this tract, same being the south corner of the City of New Waverly 2.8708 acre tract described in Volume 425, Page 874 of said deed records;
THENCE: N 29° 55' E 304.96 Ft., with the southeast line of said 2.8708 acres to its east corner, a 1 inch iron pipe found for an interior corner of this tract;

THENCE: N 60° 07' W 409.90 Ft., with the northeast line of said 2.8708 acres to its north comer, a 1 inch iron pipe found for an interior corner of this tract;
THENCE: S 29° 51' W 304.96 Ft., with the northwest line of said 2.8708 acres to its west corner, a 1 inch iron pipe found for an exterior corner of this tract on the southwest line of said 132.629 acres, same being on the northeast line of the Roy Clark 2.44 acre tract described in Volume 311, Page 569 of said deed records;
THENCE: N 60° 07' W 389.41 Ft., with said 132.629 acre southwest line and the northeast lines of said 2.44 acres and of the Patricia L. Crowley 0.771 acre described as Tract One in Volume 248, Page 497 of said official records, to a 1/2 inch iron rod set for an exterior corner of this and of said 132.629 acres on the northeast right-of-way of Interstate Highway 45, same being the north corner of said 0.771 acre;
THENCE: N 11° 12' W 46.73 Ft., with said northeast right-of-way, to a 1/2 inch iron pipe found for the west corner of this and of said 132.629 acres, same being the south corner of the Patricia L. Crowley 2.559 acres described as Tract Two in Volume 248, Page 497 of said official records;
THENCE: N 30° 27' E 507.40 Ft., with the southeast line of *said* 2.559 acres to its east corner, a 1/2 inch iron rod found for an interior corner of this and of said 132.629 acres, same being the south corner of the Artie L. Moses, et. al., residue of a 15 acre tract described in Volume 272, Page 667 of said official records;
THENCE: N 29° 57' E 542.03 Ft., with the southeast line of said residue of 15 acres to its east corner, a 5/8 inch iron rod found for an interior corner of this and of *said* 132.629 acres, same being the south corner of the Ned Jourdan 3.842 acre tract described in Volume 390, Page 640 of said deed records;
THENCE: N 29° 47' E 960.15 Ft., with the southeast lines of said 3.842 acres, of the Frances Gi1laspie 1.50 acre tract described in Volume 162, Page 85 of said deed records and of said Reese 1.0 acre, to the PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 101.605 ACRES OF LAND.
TRACT 2:
Being 1.07 acres of land, situated in the C.A. SLEIGHT Survey, Abstract No. 496, Walker County, Texas, and being out of and a part of the residue of a called 15.00 acre tract of land described in a Deed Deed from Isom Mickle, et ux. to Lucretia Moses dated 17 Nov. 1925 and recorded in Volume 56, Page 147, Deed Records, Walker County, Texas, said 1.07 acres being more definitely described by metes and bounds as follows:
BEGINNING at the most westerly corner of the said 15 acre tract, same being a northern corner of a called 523.55 acre tract described in a Deed from John Henry Hall et al to Judy C. Campbell recorded in Volume 0861, Page 140, Official Records and being a point in the southeastern line of a called 3.76 acre tract described in a Deed from Joan Lee, Trustee to Ralph A. Cadwallader, recorded in Volume 0787, Page 501, Official Records, Walker County, Texas, found a 3" iron pipe (set a 5/8" iron rod w/cap in center of pipe) for corner;
THENCE S 59°36'04" E along the common boundary line of said 523.55 acre Campbell tract and the said 15 acre Moses tract, a distance of 286.28 feet to a 5/8" iron rod set in the west right-of-way line of Interstate 45, said iron rod being the most southern corner of the herein described 1.07 acre and the southwest

corner of a called 7.43 acre tract described in a Deed from Lucretia Moses to the State Highway Commission, dated 5 Aug. 1958 and recorded in Volume 161, Page 111, Deed Records, Walker County, Texas;
THENCE N 11°07'21" W along the said west right-of-way line of Interstate 45, a distance of 435.60 feet to the most northern corner of the herein described 1.07 acre tract, same being a southeast corner of the said 3.76 acre Cadwallader tract, set a 5/8" iron rod w/cap, from which a 1/2" iron rod bears S 29°57'48" W a distance of 1.62 feet, and a 5/8" iron rod w/cap brs. N 11°46'38" W a distance of 79.19 feet;
THENCE S 29°57'48" W along the common boundary line of the said 3.76 acre Cadwallader tract and the said 15 acre Moses tract, a distance of 326.15 feet to the POINT OF BEGINNING.
Containing 1.07 acres of land.
TRACT 3:
Being 6.56 acres of land, situated in the C.A. SLEIGHT Survey, Abstract No. 496, Walker County, Texas, and being out of and a part of the residue of a called 15.00 acre tract of land described in a Deed from Isom Mickle, et ux. to Lucretia Moses dated 17 Nov. 1925 and recorded in Volume 56, Page 147, Deed Records, Walker County, Texas, said 6.56 acres being more definitely described by metes and bounds as follows:
BEGINNING at the most southern corner of the said 15 acre tract, same being the most eastern corner of a called 2.559 acre tract described as Tract 2 in a deed dated 29 March 1995 from Martin J. Ross III, et al to Patricia L. Crowley, recorded in Volume 0248, Page 497, Official Records, and a point in the west line of a called 101.65 acre tract described in a Deed dated 26 April 2006 from HMH-Walker 140 Limited to Thornberry Family Partnership, recorded in Volume 0745, Page 678, Official Records, found a 1/2" iron rod for corner;
THENCE N 30°01'04" W along an old barbed wire fence and with the common line of said 101.65 acre Thornberry and the 15 acre Moses tracts, a distance of 398.88 feet to a 5/8" iron rod set for the most easterly corner of the said Moses tract, said iron rod also being the south corner of called 1 acre tract described in a deed to Emma Reece and recorded in Volume 273, Page 702, Deed Records and from which a iron stake found (disturbed) brs S 60°38'04" E distance of 1.89 feet and a found 5/8" iron rod w/cap brs. N 30°01'04"E a distance of 143.36 feet;
THENCE N 60°38'04 W along the common line of said 1 acre Reece and 15 acre Moses tracts, at a calculated distance of 285 feet pass the southwest corner of said 1 acre Reece tract, same being the southeast corner of a called 1 acre tract described in a deed to Carolyn Anderson and recorded in Volume 389, Page 642, Deed Records, and continuing on a total distance of 570 feet to a found 3/8"x2" flat iron stake (set a 5/8" iron rod w/cap beside) for a reentrant corner of the said 15 acre Moses tract and the most westerly corner of said 1 acre Anderson tract;
THENCE N 29°21'56" E with the common boundary line of the 1 acre Anderson tract and the 15 acre Moses tract, a distance of 142.33 to a 5/8" iron rod set for corner, said iron rod being the northwest corner of said 1 acre Anderson tract and a point in the south line of a 2 acre tract described in a deed to Lula Rogers, et al, and recorded in Volume 83, Page 596, Deed Records, Walker County, Texas;

THENCE N 60°44'12" W along common line of said 2 acre Rogers and 15 acre Moses tracts, at a distance of 97.32 feet pass a found 5"x 3.5" wagon axle housing for the west corner of said 2 acre Rogers tract and the south corner of the residue a called 7 acre tract described in a deed to Harrison Hector and recorded in Volume 83, Page 595, Deed Records, and continuing on for a total distance of 338.96 to a set 5/8" iron rod for the most north corner of the herein described tract, said iron rod being in the east right-of-way of said Interstate 45 and being the southern corner of a called 2.67 acre tract described in a deed to the State Highway Commission and recorded in Volume 161, Page 161, Deed Records, Walker County, Texas;

THENCE S 11°09'E with the said east right-of-way line of Interstate 45 a distance of 716.09 feet to a point for corner, said point being in the southwest line of the said 15 acre tract and being the most northern corner of the said Crowley 2.559 acre tract and from which the center of a 3" galvanized fence post brs S 63°43'36"E a distance of 0.42 feet, a 1/2" iron pipe (disturbed) brs S58°20'05"W a distance of 1.06 feet and a 5/8" iron rod with cap (set for reference) brs N 72° W a distance of 0.21 feet;

THENCE S 61°07'56" W with the common line of said 2.559 acre P. Crowley and 15 acre Moses tracts, a distance of 439.22 feet to the PLACE OF' BEGINNING.

Containing 6.56 acres of land.

Tract 4 - 4.846 ACRES:

A tract or parcel of land containing 4.846 acres (211,071 square feet) out of the C.A. Sleight 1/3 League, Abstract No. 496, Walker County, Texas, being all of the called 3.842 acre tract and all of the called 1.000 acre tract conveyed to Ned Jordan, Jr., as recorded in Volume 390, Page 640 of the Walker County Deed Records (W.C.D.R.), said 4.846 acres being more particularly described by metes and bounds as follows: (The basis of bearing for this description is the monumented north line of the subject tract called SOUTH 61 degrees 05 minutes 45 seconds EAST, as recorded in said Volume 390, Page 640)

BEGINNING at a 1/2-inch iron rod found at the northwest corner of said 1.000 acre tract and the northwest corner of the herein described tract, being the northeast corner of the 2 acre tract conveyed to Edward Crawford, as recorded in Volume 83, Page 596 of the W.C.D.R., and the southwest corner of the 1.50 acre tract conveyed to Frances Gillaspie, as recorded in Volume 162, Page 85 of the W.C.D.R., lying at the terminus of Colony Road;

THENCE SOUTH 61 degrees 05 minutes 45 seconds EAST along the south line of said 1.50 acre tract, at 264.05 feet passing a 5/8-inch iron rod found at the northeast corner of said 1.000 acre tract and continuing for a total distance of 473.50 feet to a 5/8-inch iron rod found at the northeast corner of the herein described tract;

THENCE SOUTH 29 degrees 32 minutes 14 seconds WEST, 444.11 feet (called S 29 Deg. 37'03" W, 444.12') along the west line of the 101.605 acre tract conveyed to the Thornberry Family Partnership, Ltd., as recorded in Volume 776, Page 655 of the Official Public Records of Walker County (O.P.R.W.C.), to a 5/8-inch iron rod found at the southeast corner of the herein described tract;

THENCE NORTH 61 degrees 05 minutes 45 seconds WEST, 477.09 feet (called 476.47') along the north lines of a 1 acre tract, described as a save & except tract to Emma Reese and another 1 acre tract conveyed to Carolyn Anderson, as recorded in Volume 389, Page 642 of the W.C.D.R., to a 5/8-inch iron rod found at the southwest corner of the herein described tract;

THENCE NORTH 30 degrees 00 minutes 00 seconds EAST along the east line of said 2 acre Crawford tract, at 279.16 feet passing the southwest corner of said 1.000 acre Jordan tract, and continuing for a total distance of 444.17 feet to the POINT OF BEGINNING of the herein described tract, containing 4.846 acres (211,071 square feet) of land. Drawing No. B-502 was prepared to accompany this description, and is on file in the office of C&R Surveying, Inc.

Tract 5:

Field Notes to 3.285 acres of land situated in the City of New Waverly, in the C.A. Sleight Survey, A-496, Walker County, Texas, and being out of the 124.818 acres residue of that certain called 132.629 acres tract conveyed by Joe. T. Hode, Trustee, to HMW-I40 Walker Limited by deed recorded in volume 253, page 1 of the deed records of said Walker County, Texas, said 3.285 acres being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8 inch iron rod found for the northeast corner of this and of said 124.818 acre residue tract, same being the northwest corner of the Earl Biscamp 3.00 acre tract described in Volume 338, Page 735 of the official records of said County and being on the south right of way of State Highway 150;

THENCE: S 26°58' W 429.09 ft., with the west line of said 3.00 acres to its southwest corner, a 5/8 inch iron rod found for an interior corner of this tract, same being the northwest corner of commercial lot 1 of New Waverly Ridge Subdivision as shown on plat recorded in Volume 3, Page 130 of the plat records of said County;

THENCE: S 16°03' W 157.08 ft., with the west line of said Lot 1, to a 1/2 inch iron rod set for the southeast corner of this tract;

THENCE: N 59°58' W 286.28 ft., on a line within said 132.629 acres, to a 1/2 inch iron rod set for the southwest corner of this tract;

THENCE: N 30°02' W 588.44 ft., continuing within said 132.629 acres, to a 1/2 inch iron rod set for the northwest corner of this tract on the south right of way of State Highway 150, same being the north line of said 132.629 acres;

THENCE: S 58°03' E 225.49 ft., with said north line and south right of way, to the place of beginning and containing within these bounds 3.285 acres of land.

HB 3774 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3774, A bill to be entitled An Act relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.

Representative Leach moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3774**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3774**: Leach, chair; J.E. Johnson, Moody, Schofield, and Smith.

HB 2073 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2073, A bill to be entitled An Act relating to quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by, appointed by, or elected for a political subdivision.

Representative Burrows moved to concur in the senate amendments to **HB 2073**.

The motion to concur in the senate amendments to **HB 2073** prevailed by (Record 1665): 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; 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; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa; Longoria.

Senate Committee Substitute

CSHB 2073, A bill to be entitled An Act relating to quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by, appointed by, or elected for a political subdivision.

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

SECTION 1. The heading to Chapter 180, Local Government Code, is amended to read as follows:

CHAPTER 180. MISCELLANEOUS PROVISIONS AFFECTING OFFICERS AND EMPLOYEES OF MORE THAN ONE TYPE OF [~~MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER~~] LOCAL GOVERNMENT [~~GOVERNMENTS~~]

SECTION 2. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. PAID QUARANTINE LEAVE FOR FIRE FIGHTERS, PEACE OFFICERS, DETENTION OFFICERS, AND EMERGENCY MEDICAL TECHNICIANS. (a) In this section:

(1) "Detention officer" means an individual appointed or employed by a political subdivision as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county or municipal jail.

(2) "Emergency medical technician" means an individual who is:

(A) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and

(B) employed by a political subdivision.

(3) "Fire fighter" means a paid employee of a municipal fire department or emergency services district who:

(A) holds a position that requires substantial knowledge of fire fighting;

(B) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and

(C) performs a function listed in Section 143.003(4)(A).

(4) "Health authority" has the meaning assigned by Section 121.021, Health and Safety Code.

(5) "Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by a political subdivision.

(b) The governing body of a political subdivision shall develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

(c) A paid quarantine leave policy must:

(1) provide that a fire fighter, peace officer, detention officer, or emergency medical technician on paid quarantine leave receive:

(A) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave; and

(B) reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation; and

(2) require that the leave be ordered by the person's supervisor or the political subdivision's health authority.

(d) A political subdivision may not reduce a fire fighter's, peace officer's, detention officer's, or emergency medical technician's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with a policy adopted under this section.

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.

HJR 99 - MOTION TO CONCUR IN SENATE AMENDMENTS

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

HJR 99, A joint resolution proposing a constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county; authorizing the issuance of bonds and notes.

Representative Canales moved to concur in the senate amendments to **HJR 99**.

The motion to concur in the senate amendments to **HJR 99** was lost by (Record 1666): 98 Yeas, 46 Nays, 1 Present, not voting. (The vote was reconsidered later today, and the motion to concur in the senate amendments to **HJR 99** prevailed by Record No. 1704.)

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Guerra; Guillen; Harless; Hernandez; Herrero; Holland; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; 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; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Cook; Craddick; Dean; Ellzey; Frank; Gates; Goldman; Goodwin; Harris; Hefner; Hull; Jetton; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Paul; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Dutton; Hinojosa; Johnson, J.D.; Pacheco.

STATEMENT OF VOTE

When Record No. 1666 was taken, I was shown voting no. I intended to vote yes.

Dean

HJR 99 - NOTICE GIVEN

At 6:37 p.m., pursuant to the provisions of Rule 7, Section 37(c), of the House Rules, Representative Canales gave notice that he would, in one hour, move to reconsider the vote by which the motion to concur in senate amendments to **HJR 99** was lost by Record No. 1666.

HB 1315 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1315, A bill to be entitled An Act relating to the duration of an appointment of a guardian ad litem or an attorney ad litem for a child in the conservatorship of the Department of Family and Protective Services.

Representative J.D. Johnson moved to concur in the senate amendments to **HB 1315**.

The motion to concur in the senate amendments to **HB 1315** prevailed by (Record 1667): 107 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Capriglione; Cason; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Ramos; Raney; Raymond;

Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Biedermann; Burrows; Cain; Clardy; Dean; Hefner; Holland; King, P.; Krause; Leach; Leman; Metcalf; Noble; Oliverson; Patterson; Paul; Price; Sanford; Schaefer; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bell, C.; Frullo; Hull; Jetton; Longoria; Middleton; Rogers; Schofield; White.

STATEMENTS OF VOTE

When Record No. 1667 was taken, my vote failed to register. I would have voted yes.

Hull

When Record No. 1667 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1667 was taken, my vote failed to register. I would have voted no.

Rogers

When Record No. 1667 was taken, my vote failed to register. I would have voted no.

White

Senate Committee Substitute

CSHB 1315, A bill to be entitled An Act relating to the duration of an appointment of a guardian ad litem or an attorney ad litem for a child in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Section 107.016, Family Code, is amended to read as follows:

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT. In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) [~~an order appointing the Department of Family and Protective Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem for the child for any period during the time the child remains in the conservatorship of the department, as set by the court;~~

[~~(2)~~] an order appointing the Department of Family and Protective Services as the child's managing conservator:

(A) shall [~~may~~] provide for the continuation of the appointment of the guardian ad litem or the attorney ad litem for the child, or an attorney appointed to serve in the dual role, as long as the child remains in the conservatorship of the department; and

(B) may provide for the continuation of the appointment of both the attorney ad litem and the guardian ad litem for the child if both have been appointed, as long as the child remains in the conservatorship of the department; and

(2) [~~(3)~~] an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

(A) the date the suit affecting the parent-child relationship is dismissed;

(B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or

(C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record.

SECTION 2. The changes in law made by this Act apply to a suit affecting the parent-child relationship filed before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.

HB 2287 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2287, A bill to be entitled An Act relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.

Representative S. Thompson moved to concur in the senate amendments to **HB 2287**.

The motion to concur in the senate amendments to **HB 2287** prevailed by (Record 1668): 95 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Bowers; Buckley; Bucy; Burrows; Button; Campos; Canales; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paddie; Perez; Ramos; Raney; Raymond; Reynolds;

Rodriguez; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Burns; Cain; Capriglione; Cason; Clardy; Cook; Cyrier; Darby; Dean; Ellzey; Gates; Harris; Hefner; Holland; Hull; Jetton; King, P.; Krause; Landgraf; Leach; Leman; Metcalf; Murr; Noble; Oliverson; Parker; Patterson; Paul; Price; Rogers; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Dutton; Pacheco.

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

Amend **HB 2287** (senate committee report) in SECTION 5 of the bill, in added Section 38.308(a)(1)(G), Education Code (page 2, line 59), by striking "annually".

HB 4368 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4368, A bill to be entitled An Act relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities.

Representative Rodriguez moved to concur in the senate amendments to **HB 4368**.

The motion to concur in the senate amendments to **HB 4368** prevailed by (Record 1669): 126 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; 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; Kuempel; Lambert; Landgraf; Larson; 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; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman;

Shine; Slaton; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Biedermann; Burrows; Cain; Cook; Dean; Hefner; Krause; Leach; Leman; Middleton; Patterson; Schaefer; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1669 was taken, I was shown voting no. I intended to vote yes.

Leach

When Record No. 1669 was taken, I was shown voting no. I intended to vote yes.

Middleton

Senate Committee Substitute

CSHB 4368, A bill to be entitled An Act relating to participation in, contributions to, and the benefits and administration of retirement systems for police officers in certain municipalities.

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

SECTION 1. Section 1.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (2) and (4) and adding Subdivisions (1-a), (2-a), (3-a), (3-b), (6-a), (6-b), (6-c), (6-d), (6-e), (10-a), (11-a), (13-a), (13-b), (13-c), (15-a), (15-b), (15-c), (15-d), (15-e), (17-a), (18-a), (18-b), (19-a), (19-b), (23-a), (29-a), and (29-b) to read as follows:

(1-a) "Actuarial accrued liability" means the portion of the actuarial present value of projected benefits of the police retirement system attributed to past periods of member service based on the cost method used in the risk sharing valuation study prepared under Section 8.03 or 8.04 of this Act, as applicable.

(2) "Actuarial equivalent" means any benefit of equal present value to a standard benefit when computed as specified by this Act, based on the actuarial assumptions adopted by the police retirement board for that purpose.

(2-a) "Actuarial value of assets" means the value of the police retirement system's investments as calculated using the asset smoothing method used in the risk sharing valuation study prepared under Section 8.03 or 8.04 of this Act, as applicable.

(3-a) "Amortization period" means:

(A) the period necessary to fully pay a liability layer; or

(B) if referring to the amortization period of the police retirement system as a whole, the number of years incorporated in a weighted average amortization factor for the sum of the legacy liability and all liability layers as determined in each annual actuarial valuation of assets and liabilities of the system.

(3-b) "Amortization rate" means, for a given calendar year, the percentage rate determined by:

(A) adding the scheduled amortization payments required to pay off the then-existing liability layers;

(B) subtracting the city legacy contribution amount for the same calendar year, as determined in the risk sharing valuation study prepared under Section 8.03 or 8.04 of this Act, as applicable, from the sum under Paragraph (A); and

(C) dividing the sum under Paragraph (B) by the projected pensionable payroll for the same calendar year.

(4) "Average final compensation" means the monthly average of basic hourly earnings of a member during, as applicable:

(A) if the member has 120 months or more of service during which the member made contributions to the system or the predecessor system, the 36 months for a group A member or 60 months for a group B member which yielded the highest average during the last 120 months of membership service during which the member contributed to the system or the predecessor system;

(B) if the member has less than 120 months of membership service during which the member contributed to the system or the predecessor system, but has at least 36 months of membership service for a group A member or 60 months of membership service for a group B member during which the member made contributions to the system or the predecessor system, the average of the 36 months or 60 months, as applicable, which yielded the highest average; or

(C) if the member does not have 36 months of membership service for a group A member or 60 months of membership service for a group B member during which the member contributed to the system or the predecessor system, the average of the member's months of membership service during which the member made contributions to the system or the predecessor system.

(6-a) "City contribution rate" means, for a given calendar year, a percentage rate equal to the sum of the employer normal cost rate and the amortization rate, as adjusted under Section 8.05 or 8.06 of this Act, if applicable.

(6-b) "City legacy contribution amount" means, for each calendar year, a predetermined payment amount expressed in dollars in accordance with a payment schedule amortizing the legacy liability for the calendar year ending December 31, 2020, that is included in the initial risk sharing valuation study under Section 8.03 of this Act.

(6-c) "Corridor" means the range of city contribution rates that are:

(A) equal to or greater than the minimum city contribution rate; and

(B) equal to or less than the maximum city contribution rate.

(6-d) "Corridor margin" means five percentage points.

(6-e) "Corridor midpoint" means the projected city contribution rate specified for each calendar year for 30 years as provided by the initial risk sharing valuation study under Section 8.03 of this Act, rounded to the nearest hundredths decimal place.

(10-a) "Employer normal cost rate" means, for a given calendar year, the normal cost rate minus the applicable member contribution rate determined under Section 8.01 of this Act.

(11-a) "Estimated city contribution rate" means, for a given calendar year, the city contribution rate that would be required to maintain an amortization period for the retirement system as a whole of no more than 30 years as determined by the system's actuary in a risk sharing valuation study under Section 8.03 or 8.04 of this Act, as applicable, and before any adjustment to the rate under Section 8.05 or 8.06 of this Act, as applicable.

(13-a) "Funded ratio" means the ratio of the actuarial value of assets divided by the actuarial accrued liability.

(13-b) "Group A member" means a member included in group A membership under Section 4.01(e-1) of this Act.

(13-c) "Group B member" means a member included in group B membership under Section 4.01(e-1) of this Act.

(15-a) "Legacy liability" means the unfunded actuarial accrued liability determined as of December 31, 2020, and for each subsequent calendar year, adjusted as follows:

(A) reduced by the city legacy contribution amount for the calendar year allocated to the amortization of the legacy liability; and

(B) adjusted by the assumed rate of return adopted by the police retirement board for the calendar year.

(15-b) "Level percent of payroll method" means the amortization method that defines the amount of the liability layer recognized each calendar year as a level percent of pensionable payroll until the amount of the liability layer remaining is reduced to zero.

(15-c) "Liability gain layer" means a liability layer that decreases the unfunded actuarial accrued liability.

(15-d) "Liability layer" means:

(A) the legacy liability established in the initial risk sharing valuation study under Section 8.03 of this Act; or

(B) for calendar years after December 31, 2020, the amount that the police retirement system's unfunded actuarial accrued liability increases or decreases, as applicable, due to the unanticipated change for the calendar year as determined in each subsequent risk sharing valuation study prepared under Section 8.04 of this Act.

(15-e) "Liability loss layer" means a liability layer that increases the unfunded actuarial accrued liability. For purposes of this Act, the legacy liability is a liability loss layer.

(17-a) "Maximum city contribution rate" means, for a given calendar year, the rate equal to the corridor midpoint plus the corridor margin.

(18-a) "Minimum city contribution rate" means, for a given calendar year, the rate equal to the corridor midpoint minus the corridor margin.

(18-b) "Normal cost rate" means, for a given calendar year, the salary weighted average of the individual normal cost rates determined for the current active member population, plus the assumed administrative expenses determined in the most recent actuarial experience study.

(19-a) "Payoff year" means the year a liability layer is fully amortized under the amortization period. A payoff year may not be extended or accelerated for a period that is less than one month.

(19-b) "Pensionable payroll" means the aggregate basic hourly earnings of all members in active service for a calendar year or pay period, as applicable.

(23-a) "Projected pensionable payroll" means the estimated pensionable payroll for the calendar year beginning 12 months after the date of the risk sharing valuation study prepared under Section 8.03 or 8.04 of this Act, at the time of calculation by:

(A) projecting the prior calendar year's pensionable payroll forward two years using the current payroll growth rate assumption adopted by the police retirement board; and

(B) adjusting, if necessary, for changes in population or other known factors, provided those factors would have a material impact on the calculation, as determined by the board.

(29-a) "Unanticipated change" means, with respect to the unfunded actuarial accrued liability in each subsequent risk sharing valuation study prepared under Section 8.04 of this Act, the difference between:

(A) the remaining balance of all then-existing liability layers as of the date of the risk sharing valuation study; and

(B) the actual unfunded actuarial accrued liability as of the date of the risk sharing valuation study.

(29-b) "Unfunded actuarial accrued liability" means the difference between the actuarial accrued liability and the actuarial value of assets.

SECTION 2. Section 3.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.02. COMPOSITION OF BOARD; TRUSTEE QUALIFICATIONS. (a) The police retirement board shall be composed of 11 members as follows:

(1) one council member designated by the city council;

(2) the city manager or the city manager's designee;

(3) the director of finance or the director's designee;

(4) four [~~five~~] police officer members elected by the police officer members of the system, each of whom serves for a term of four years;

(5) one legally qualified voter of the city, who is a resident and has been a resident for the preceding five years, is not an employee of the city or a member of the system, and has demonstrated experience in the field of finance or investments, to be appointed by the police retirement board to serve for a term of four years and until the member's successor is duly selected and qualified; [~~and~~]

(6) one legally qualified voter of the city, who is a resident and has been a resident for the preceding five years, is not an employee of the city or a member of the system, and has demonstrated experience in the field of finance or investments, to be appointed by the city council to serve for a term of four years and until the member's successor is duly selected and qualified; and

(7) two retired members to be elected by the retired members to serve for a term of four years, with the term of one member expiring each odd-numbered year.

(b) The terms of two members elected as described by Subsection (a)(4) of this section expire in 2023 [~~2001~~] and every fourth subsequent year, and the terms of two [~~three~~] members elected as described by Subsection (a)(4) of this section expire in 2025 [~~2003~~] and every fourth subsequent year.

(b-1) A member of the police retirement board appointed under Subsection (a)(5) or (a)(6) of this section must:

(1) have, at the time of taking office, the qualifications required for the trustee's position; and

(2) maintain during service on the board the qualifications required for the trustee's position.

(c) A vacancy occurring by the death, resignation, or removal of the member appointed under:

(1) Subsection (a)(5) of this section shall be filled by appointment by the remaining members of the police retirement board; and

(2) Subsection (a)(6) of this section shall be filled by appointment by the city council.

SECTION 3. Section 3.09(b), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) From time to time on the advice of the actuary and at the direction of the board and as provided by Section 3.091 of this Act, the actuary shall make an actuarial investigation of the mortality, service, and compensation experience of members, retired members, and beneficiaries of the system and shall recommend for adoption by the board the tables and rates required by the system. The board shall adopt the tables and rates to be used by the system.

SECTION 4. Article III, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by adding Section 3.091 to read as follows:

Sec. 3.091. PROCESS FOR EXPERIENCE STUDIES AND CHANGES TO ACTUARIAL ASSUMPTIONS. (a) At least once every five years, the police retirement board shall have the system's actuary designated under Section 3.09 of this Act conduct an experience study to review the actuarial assumptions and methods adopted by the board for the purposes of determining the actuarial liabilities and actuarially determined contribution rates of the system. The system shall notify the city at the beginning of an upcoming experience study by the system's actuary.

(b) In connection with the system's experience study, the city will inform the system if it will:

(1) conduct the city's own experience study using the city's own actuary;

(2) have the city's actuary review the experience study of the system's actuary; or

(3) accept the experience study of the system's actuary.

(c) If the city chooses to:

(1) have the city's own experience study performed under Subsection (b)(1) of this section, the city must complete the study not later than three months after the date the system notified the city of the system's intent to conduct an experience study; or

(2) have the city's actuary review the system's experience study under Subsection (b)(2) of this section, the city must complete the review not later than one month after the date the preliminary results of the experience study are presented to the board.

(d) If the city chooses to have the city's own experience study performed under Subsection (b)(1) of this section, or to have the city's actuary review the system's experience study under Subsection (b)(2) of this section, the system's actuary and the city's actuary shall determine what the hypothetical city contribution rate would be using the proposed actuarial assumptions from the experience studies and data from the most recent actuarial valuation.

(e) If the difference between the hypothetical city contribution rates determined by the system's actuary and the city's actuary under Subsection (d) of this section:

(1) is less than or equal to two percent of pensionable payroll, then no further action is needed and the board shall use the experience study performed by the system's actuary in determining assumptions; or

(2) is greater than two percent of pensionable payroll, then the system's actuary and the city's actuary shall have 20 business days to reconcile the difference in actuarial assumptions or methods causing the different hypothetical city contribution rates, and:

(A) if, as a result of the reconciliation efforts under this subdivision, the difference between the city contribution rates determined by the system's actuary and the city's actuary is reduced to less than or equal to two percentage points, then no further action is needed and the board shall use the experience study performed by the system's actuary in determining actuarial assumptions; or

(B) if, after 20 business days, the system's actuary and the city's actuary are not able to reach a reconciliation that reduces the difference in the hypothetical city contribution rates to an amount less than or equal to two percentage points, a third-party actuary shall be retained to opine on the differences in the assumptions made and actuarial methods used by the system's actuary and the city's actuary.

(f) The independent third-party actuary retained in accordance with Subsection (e)(2)(B) of this section shall be chosen by the city from a list of three actuarial firms provided by the system.

(g) If a third-party actuary is retained under Subsection (e)(2)(B) of this section, the third-party actuary's findings will be presented to the board along with the experience study conducted by the system's actuary and, if applicable, the city's actuary. If the board adopts actuarial assumptions or methods contrary to the third-party actuary's findings:

(1) the system shall provide a formal letter describing the rationale for the board's action to the city council and State Pension Review Board; and

(2) the system's actuary and executive director shall be made available at the request of the city council or the State Pension Review Board to present in person the rationale for the board's action.

(h) If the board proposes a change to actuarial assumptions or methods that is not in connection with an experience study described in Subsection (a) of this section, the system and the city shall follow the same process prescribed by this section with respect to an experience study in connection with the proposed change.

SECTION 5. Section 3.10, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.10. INVESTMENT MANAGERS. The police retirement board may hire an investment manager or investment managers who shall have full authority to invest the assets and manage any portion of the portfolio of the system, as specified by the manager's [~~employment~~] contract.

SECTION 6. Section 4.01, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by amending Subsections (c) and (e) and adding Subsections (e-1) and (e-2) to read as follows:

(c) Any person who becomes an employee of the city or the system, if eligible for membership, shall become a member as a condition of employment and shall make the required deposits commencing with the first pay period following a probationary period of six continuous months from date of employment, if applicable, or eligibility, if later.

(e) [~~(1)~~] Membership in the police retirement system shall consist of the following groups:

(1) [~~(A)~~] Active–Contributory: the member who is in a status which allows payroll contributions to the police retirement system (working a normal work week, holding a full-time position, and, if applicable, having completed a continuous period of six months of service initially, to attain membership).

(2) [~~(B)~~] Active–Noncontributory: the member whose current employment status does not allow contributions to the system (working less than a normal work week or on a leave of absence under Subsection (f)(6)(A) of this section) and on return to working a normal work week, the member will again be given creditable service, with contributions resumed at time of status change.

(3) [~~(C)~~] Inactive–Contributory: the member who is on a uniformed service leave of absence under Subsection (f)(6)(B) of this section, who is allowed to make deposits to the system during the member's absence.

(4) [~~(D)~~] Vested–Noncontributory: the terminated member who, being vested, leaves the member's accumulated deposits in the system.

(5) [~~(E)~~] Retired: the member who is receiving a service or disability retirement annuity.

(e-1) Each member is either a group A member or a group B member, as follows:

(1) a member is a group A member if the member was:

(A) retired from or employed by the city or the system on December 31, 2021;

(B) a vested–noncontributory member as of December 31, 2021, who has not withdrawn the member's accumulated deposits; or

(C) formerly employed by the city or the system before December 31, 2021, returned to employment with the city or system on or after January 1, 2022, and:

(i) did not withdraw the member's accumulated deposits from the system; or

(ii) withdrew the member's accumulated deposits from the system, but reinstated all of the previously forfeited creditable service; and

(2) a member is a group B member if the member:

(A) first became employed by the city or the system on or after January 1, 2022; or

(B) was formerly employed by the city or the system before December 31, 2021, returned to employment with the city or system on or after January 1, 2022, and:

(i) while the member was separated from service, withdrew the member's accumulated deposits from the system; and

(ii) has not reinstated all of the member's previously forfeited creditable service.

(e-2) [~~(2)~~] It shall be the duty of the police retirement board to determine the membership group to which each police officer or employee of the system who becomes a member of the police retirement system properly belongs under Subsections (e) and (e-1) of this section.

SECTION 7. Section 5.03(a), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) An eligible member or eligible surviving spouse may establish creditable service for probationary service performed as provided under this section according to the following conditions, limitations, and restrictions:

(1) Probationary service creditable in the system is any probationary service following the member's commission date or the member's first date of employment with the system for which the member does not have creditable service.

(2) An eligible member or eligible surviving spouse may establish creditable service under this section by contributing to the system a single payment equal to the contribution the member would have made to the system for that service at the time the service was performed and an interest charge based on

the contribution amount to be repaid times an interest factor. The interest factor is eight percent per year for the period that begins with the beginning of the month and year at the end of the probationary period for which creditable service is being established to the beginning of the month and year payment is made to the system for the purpose of establishing said service.

(3) After the eligible member or eligible surviving spouse makes the deposit required by Subdivision (2) of this subsection, the system shall grant the member one month of creditable service for each month of probationary service established under this section.

SECTION 8. Section 5.04(a), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Under irrevocable action taken by the city council on February 12, 1998, police [~~This section does not take effect unless the city council authorizes the city to begin making contributions to the police retirement system in accordance with Section 8.01(a) of this Act for police cadets during their employment as cadets while members of a cadet class. Police~~] cadets whose cadet class begins after April 1, 1998, [~~the city council makes the authorization~~] shall make deposits to the police retirement system in accordance with Section 8.01(a) of this Act, and those cadets shall be members of the police retirement system and shall receive creditable service for employment as cadets while members of a cadet class, notwithstanding Sections 1.02(7), (18), and (21) of this Act.

SECTION 9. Section 6.01, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (f) to read as follows:

(a) On retirement after having reached the member's normal retirement date, members entitled thereto shall receive a service retirement benefit in the form of a life annuity (modified cash refund). Each monthly payment of the life annuity (modified cash refund) shall be equal to one-twelfth of:

(1) for a group A member, the product of 3.2 [~~2.88~~] percent of a member's average final compensation multiplied by the number of months of creditable service; or

(2) for a group B member, the product of 2.5 percent of a member's average final compensation multiplied by the number of months of creditable service. [~~The retirement benefit percent specified by this section to calculate the amount of the monthly payment of the life annuity (modified cash refund) may be changed after 1997 if:~~

[~~(1) the change is approved by the board's actuary;~~

[~~(2) the change is adopted by the board as a board rule;~~

[~~(3) the change applies to all present members, all retired members, and all who become members after the effective date of the change in the retirement benefit percent;~~

[~~(4) a member's vested interest as of the last day of the month immediately preceding the effective date of the change in the retirement benefit percent is not reduced; and~~

[~~(5) a retirement annuity being paid by the police retirement system to members or to the surviving spouses or beneficiaries of members who retired before the effective date of the change in the retirement benefit percent is changed as prescribed by Subsection (d)(6) of this section, except that a reduction in annuities may not cause the member's, surviving spouse's, or beneficiary's annuity payment to be reduced below the base retirement amount calculated under this Act.~~]

(f) For purposes of this section, compensation of each noneligible member taken into account under this Act may not exceed the maximum amount allowed under [~~$200,000 per calendar year, indexed pursuant to~~] Section 401(a)(17) of the Internal Revenue Code of 1986 (26 U.S.C. Section 401). The [~~$200,000~~] limit prescribed by this subsection does not apply to an eligible member. For purposes of this subsection, an eligible member is any individual who first became a member before January 1, 1996. For purposes of this subsection, a noneligible member is any other member.

SECTION 10. Section 6.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A group A [~~Any~~] member shall be eligible for service retirement if the member has attained the age of 55 years and completed at least 20 years of creditable service with the city, or has completed 23 years of creditable service, excluding any military service established under Section 5.02 of this Act.

(a-1) A group B member shall be eligible for service retirement if the member has attained the age of 50 years and completed at least 25 years of creditable service with the city, excluding any military service established under Section 5.02 of this Act.

SECTION 11. Section 6.04(b), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) If a member who has attained the applicable age for the minimum distribution required under Section 401(a)(9) of the Internal Revenue Code of 1986 (26 U.S.C. Section 401(a)(9)) [~~age 70 1/2~~] separates or has separated from service without applying for retirement or a refund of accumulated deposits, the police retirement system shall attempt to send to that member a written notice as soon as practicable after the later of the date the member attains the applicable age [~~70 1/2~~] or the date the member separates from service. The written notice must advise the member of the requirement under Section 401(a)(9) of the Internal Revenue Code of 1986 (26 U.S.C. Section 401(a)(9)) to retire and begin receiving a monthly retirement benefit. If, before the 91st day after the date the police retirement system sends the notice, the member has not filed an application for retirement or a refund, the member is considered to have retired on the last day of the third month following the later of the two dates specified by this subsection. If applicable, the retirement option shall be determined in accordance

with the member's written selection of optional benefit and designation of beneficiary under Section 6.06(a)(1) of this Act. Otherwise, the member shall receive the life annuity under Section 6.01 of this Act.

SECTION 12. Section 6.07(e), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The first monthly annuity amount that would have been paid during the RETRO DROP benefit accumulation period is the amount defined by Subsection (c) of this section. [~~Subsequent monthly annuity amounts that would have been paid during the RETRO DROP benefit accumulation period must include any cost-of-living increases or special ad hoc increases in annuity amounts granted in accordance with Sections 6.01(c) and (d) of this Act.~~]

SECTION 13. Section 7.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) On award of disability retirement benefits, the member shall receive a disability retirement benefit computed in the same manner that a service retirement benefit would be computed at the member's normal retirement date, based on average final compensation and creditable service at date of disability retirement without reduction for early retirement. If the disability is a direct or proximate result of the performance of the member's employment duties with the system or the city, then the disability retirement benefit will be subject to a minimum benefit determined in accordance with Section 6.01(a)(1) or (2) of this Act, as applicable, based on:

(1) average final compensation at date of disability retirement; and

(2) for:

(A) a group A member, 20 years of creditable service; or

(B) a group B member, 25 years of creditable service.

(a-1) The options allowed under this section are life annuity or its actuarial equivalent payable in the form described as Option I, Option II, Option III, Option IV, or Option V in Section 6.03 of this Act. The disability benefits paid to the member will be paid from Fund No. 1 until the amount received equals the member's accumulated deposits; thereafter the benefits will be paid from Fund No. 2.

SECTION 14. Article VIII, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended by amending Section 8.01 and adding Sections 8.02 through 8.13 to read as follows:

Sec. 8.01. MEMBER CONTRIBUTIONS [~~METHOD OF FINANCING~~]. (a) [~~(1)~~] Deposits by the members to the police retirement system shall be made at a rate of at least:

(1) 13 percent of the basic hourly earnings of the [~~each~~] member, for each pay period beginning before January 1, 2022; and

(2) 15 percent of the basic hourly earnings of the member, for each pay period beginning on or after January 1, 2022, unless a different member contribution rate is required in accordance with Section 8.04(b)(4) of this Act, as adjusted, if applicable, under Section 8.065 of this Act, except that the rate may not exceed 17 percent.

(a-1) Deposits required to be made by members under Subsection (a) of this section shall be deducted from payroll each pay period.

(a-2) On recommendation of the board, the Active–Contributory members may by a majority of those voting increase the rate of member deposits above the minimum rate of deposit established by Subsection (a) of this section [~~13 percent~~] to whatever amount the board has recommended. If the deposit rate for members has been increased to a rate above the rate established by Subsection (a) of this section in accordance with this subsection [~~13 percent~~], the rate may be decreased to a rate not lower than the rate prescribed by Subsection (a)(2) of this section if the board recommends the decrease, the board's actuary approves the decrease, and a majority of the Active–Contributory members voting on the matter approve the decrease. If an increase in the member contribution rate is made solely as the result of an adjustment under Section 8.065 of this Act, that increase may not be decreased under this subsection.

Sec. 8.02. CITY CONTRIBUTIONS. (a) [~~(2)~~] The city shall contribute amounts equal to [~~18 percent of the basic hourly earnings of each member employed by the city for all periods on or before September 30, 2010, subject to additional amounts as provided by Subdivision (3) of this subsection. The city shall contribute amounts equal to 19 percent of the basic hourly earnings of each member employed by the city for all periods after September 30, 2010, and before October 1, 2011, subject to additional amounts as provided by Subdivision (3) of this subsection. The city shall contribute amounts equal to 20 percent of the basic hourly earnings of each member employed by the city for all periods after September 30, 2011, and before October 1, 2012, subject to additional amounts as provided by Subdivision (3) of this subsection. The city shall contribute amounts equal to~~] 21 percent of the basic hourly earnings of each member employed by the city for all pay periods beginning after September 30, 2012, and before January 1, 2022, subject to additional amounts as provided by Section 8.07 of this Act [~~Subdivision (3) of this subsection~~]. For all pay periods beginning on or after January 1, 2022, the city shall make contributions to the police retirement system in accordance with Subsections (b) and (c) of this section and Sections 8.03, 8.04, 8.05, and 8.06 of this Act, as applicable, and subject to additional amounts as provided by Section 8.07 of this Act. The city council may also authorize the city to make additional contributions to the police retirement system in whatever amount the city council may determine. Contributions by the city shall be made each pay period.

(b) For each pay period that begins on or after January 1, 2022, and before January 1, 2023, the city shall contribute an amount equal to the sum of:

(1) the city contribution rate, as determined in the initial risk sharing valuation study conducted under Section 8.03 of this Act, multiplied by the pensionable payroll for the applicable pay period; and

(2) 1/26 of the city legacy contribution amount for the 2022 calendar year, as determined and adjusted in the initial risk sharing valuation study conducted under Section 8.03 of this Act.

(c) For each pay period that begins on or after January 1, 2023, the city shall contribute an amount equal to the sum of:

(1) the city contribution rate for the applicable calendar year, as determined in a subsequent risk sharing valuation study conducted under Section 8.04 of this Act and adjusted under Section 8.05 or 8.06 of this Act, as applicable, multiplied by the pensionable payroll for the applicable pay period; and

(2) 1/26 of the city legacy contribution amount for the applicable calendar year, as determined and adjusted in the initial risk sharing valuation study conducted under Section 8.03 of this Act.

Sec. 8.03. INITIAL RISK SHARING VALUATION STUDY. (a) The police retirement system shall cause the system's actuary to prepare an initial risk sharing valuation study that is dated as of December 31, 2020, in accordance with this section.

(b) The initial risk sharing valuation study must:

(1) except as otherwise provided by this section, be prepared in accordance with the requirements of Section 8.04 of this Act;

(2) be based on the actuarial assumptions that were used by the system's actuary in the valuation completed for the year ended December 31, 2020;

(3) project the corridor midpoint for the next 30 calendar years beginning with the calendar year that begins on January 1, 2022; and

(4) include a schedule of city legacy contribution amounts for 30 calendar years beginning with the calendar year that begins on January 1, 2022.

(c) For purposes of Subsection (b)(4) of this section, the schedule of city legacy contribution amounts must be determined in such a manner that the total annual city legacy contribution amount for the first three calendar years will result in a phase-in of the anticipated increase in the city's contribution rate from the calendar year that begins on January 1, 2021, in accordance with Subsection (a) of this section, to the rate equal to the sum of the estimated contribution rate for the calendar year that begins on January 1, 2022, and the rate of pensionable payroll equal to the city legacy contribution amount for January 1, 2022, determined as if there was no phase-in of the increase to the city legacy contribution amount. The phase-in must reflect approximately one-third of the increase each year over the three-year phase-in period. The city's contribution under Section 8.02 of this Act for:

(1) the calendar years that begin on January 1, 2022, January 1, 2023, and January 1, 2024, must be adjusted to reflect the impact of the phase-in prescribed by this section; and

(2) each calendar year that begins on January 1, 2025, through January 1, 2051, must reflect a city legacy contribution amount that is three percent greater than the city legacy contribution amount for the preceding calendar year.

(d) The estimated city contribution rate for the calendar year that begins on January 1, 2022, must be based on the projected pensionable payroll, as determined under the initial risk sharing valuation study required by this section, assuming a payroll growth rate of three percent.

Sec. 8.04. SUBSEQUENT RISK SHARING VALUATION STUDIES. (a) For each calendar year beginning after December 31, 2020, the police retirement system shall cause the system's actuary to prepare a risk sharing valuation study in accordance with this section and actuarial standards of practice.

(b) Each risk sharing valuation study must:

(1) be dated as of the last day of the calendar year for which the study is required to be prepared;

(2) calculate the unfunded actuarial accrued liability of the system as of the last day of the applicable calendar year, including the liability layer, if any, associated with the most recently completed calendar year;

(3) calculate the estimated city contribution rate for the following calendar year;

(4) determine the city contribution rate and the member contribution rate for the following calendar year, taking into account any adjustments required under Section 8.05, 8.06, or 8.065 of this Act, as applicable; and

(5) except as provided by Subsection (d) of this section, be based on the assumptions and methods adopted by the board in accordance with Section 3.091 of this Act, if applicable, and that are consistent with actuarial standards of practice and the following principles:

(A) closed layered amortization of liability layers to ensure that the amortization period for each liability layer begins 12 months after the date of the risk sharing valuation study in which the liability layer is first recognized;

(B) each liability layer is assigned an amortization period;

(C) each liability loss layer will be amortized over a period of 30 years from the first day of the calendar year beginning 12 months after the date of the risk sharing valuation study in which the liability loss layer is first recognized, except that the legacy liability must be amortized over a 30-year period beginning January 1, 2022;

(D) each liability gain layer will be amortized over:

(i) a period equal to the remaining amortization period on the largest remaining liability loss layer, and the two layers must be treated as one layer such that if the payoff year of the liability loss layer is accelerated or extended, the payoff year of the liability gain layer is also accelerated or extended; or

(ii) if there is no liability loss layer, a period of 30 years from the first day of the calendar year beginning 12 months after the date of the risk sharing valuation study in which the liability gain layer is first recognized;

(E) liability layers will be funded according to the level percent of payroll method;

(F) payroll for purposes of determining the corridor midpoint, city contribution rate, and city legacy contribution amount must be projected using the annual payroll growth rate assumption adopted by the board; and

(G) the city contribution rate will be calculated each calendar year without inclusion of the legacy liability.

(c) The city and the board may agree on a written transition plan for resetting the corridor midpoint:

(1) if at any time the funded ratio of the system is equal to or greater than 100 percent; or

(2) for any calendar year after the payoff year of the legacy liability.

(d) Subject to Section 3.091 of this Act, the board may by rule adopt actuarial principles other than those required under Subsection (b)(5) of this section, provided the actuarial principles:

(1) are consistent with actuarial standards of practice;

(2) are approved by the system's actuary; and

(3) do not operate to change the city legacy contribution amount.

Sec. 8.05. ADJUSTMENT TO CITY CONTRIBUTION RATE IF LOWER THAN CORRIDOR MIDPOINT. (a) This section governs the determination of the city contribution rate applicable in a calendar year under Section 8.04(b)(4) of this Act if the estimated city contribution rate determined under Section 8.04(b)(3) of this Act is lower than the corridor midpoint.

(b) If the estimated city contribution rate is lower than the corridor midpoint and the funded ratio is:

(1) less than 90 percent, the city contribution rate for the applicable year equals the corridor midpoint; or

(2) equal to or greater than 90 percent and the city contribution rate is:

(A) equal to or greater than the minimum city contribution rate, the estimated city contribution rate is the city contribution rate for the calendar year; or

(B) less than the minimum city contribution rate for the corresponding calendar year, the city contribution rate for the calendar year equals the minimum city contribution rate.

(c) If the funded ratio is equal to or greater than 100 percent:

(1) all existing liability layers, including the legacy liability, are considered fully amortized and paid; and

(2) the city legacy contribution amount may no longer be included in the city contribution under Section 8.02 of this Act.

Sec. 8.06. ADJUSTMENT TO CITY CONTRIBUTION RATE IF EQUAL TO OR GREATER THAN CORRIDOR MIDPOINT. (a) This section governs the determination of the city contribution rate applicable in a calendar year under Section 8.04(b)(4) of this Act if the estimated city contribution rate determined under Section 8.04(b)(3) of this Act is equal to or greater than the corridor midpoint.

(b) If the estimated city contribution rate is equal to or greater than the corridor midpoint and:

(1) less than or equal to the maximum city contribution rate for the corresponding calendar year, the estimated city contribution rate is the city contribution rate; or

(2) greater than the maximum city contribution rate for the corresponding calendar year, the city contribution rate is the maximum city contribution rate.

Sec. 8.065. INCREASED MEMBER CONTRIBUTION RATE IF ESTIMATED CITY CONTRIBUTION RATE GREATER THAN MAXIMUM CITY CONTRIBUTION RATE. (a) This section governs the determination of the member contribution rate applicable in a calendar year under Section 8.04(b)(4) of this Act if the estimated city contribution rate determined under Section 8.04(b)(3) of this Act is greater than the maximum city contribution rate.

(b) Except as provided by Subsection (c) of this section, if the estimated city contribution rate is greater than the corridor maximum, the member contribution rate will increase by an amount equal to the difference between the following:

(1) the estimated city contribution rate; and

(2) the maximum city contribution rate.

(c) The member contribution rate may not be increased by more than two percentage points under this section.

(d) If the estimated city contribution rate is more than two percent of pensionable payroll greater than the maximum city contribution rate, the city and the board shall enter into discussions to determine additional funding solutions.

Sec. 8.07. ADDITIONAL CITY CONTRIBUTIONS FOR PROPORTIONATE RETIREMENT PROGRAM PARTICIPATION. (a) [~~(3)~~] The city shall contribute amounts in addition to the amounts described by Section 8.02 of this Act [~~Subdivision (2) of this subsection~~] as required by Section 803.101(h), Government Code, to fund the additional liabilities incurred by the police retirement system as a result of participating in the proportionate retirement program. The rate at which the city shall contribute additional amounts under this section [~~subdivision~~] is equal to 0.737 [~~0.25~~] percent of the basic hourly earnings of each member employed by the city for all pay periods commencing on or after October 1, 2020, subject to adjustment under Subsection (b) of this section [~~from January 4, 2009, through September 30, 2009. The rate at which the city shall contribute additional amounts under this subdivision is equal to 0.63 percent of the basic hourly earnings of each member employed by the city for all periods after September 30, 2009, subject to adjustment under Subdivision (4) of this subsection~~].

(b) [~~(4)~~] The additional contribution rate under Subsection (a) of this section [~~Subdivision (3) of this subsection~~] shall increase or decrease as considered necessary by the actuary for the police retirement system after each five-year period of participation by the system in the proportionate retirement program in order to update the amount necessary to fund the additional liabilities incurred by the system as a result of participating in the proportionate retirement program and of the consolidation of the city's public safety and emergency management department with the police department on January 4, 2009. The system's actuary shall perform an experience study that shall be the basis for a contribution rate adjustment under this subsection [~~subdivision~~]. The effective date of the initial contribution rate adjustment under this subsection [~~subdivision~~]

is October 1, 2015. Each later contribution rate adjustment under this subsection [~~subdivision~~] takes effect October 1 of every fifth year after the effective date of the initial contribution rate adjustment. The system's actuary shall present to the police retirement board the experience study on which any contribution rate adjustment under this subsection [~~subdivision~~] is based not later than 45 days before the effective date of the adjustment, and the city's actuary shall have the opportunity to review and comment on the study. An adjustment in the additional contribution rate under this subsection [~~subdivision~~] may not cause the additional contribution rate under Subsection (a) of this section [~~Subdivision (3) of this subsection~~] to be less than zero.

Sec. 8.08. PUBLICATION OF CHANGES TO CONTRIBUTION RATES. [~~(b)~~] Any change of the rates of deposit and the rates of contribution shall be published when approved by the board.

Sec. 8.09. EXPENSES. (a) [~~(c) Contributions by the city shall be paid to the system after appropriation by the city council.~~

[~~(d)~~] Expenses involved in administration and operation of the police retirement system shall be paid from the assets of the police retirement system subject to approval by the board. Such expenses shall include actuarial valuations of the system no less frequently than on a biennial basis, annual audits and/or actuarial studies, preparation of annual reports, and staff assistance. Additional consulting may be authorized by the board and paid for from the assets of the police retirement system as deemed necessary from time to time by the board.

(b) [~~(e)~~] Expenses incurred from investment advice, counsel, and management shall be paid from the assets of the police retirement system.

Sec. 8.10. PAYMENT OF CONTRIBUTIONS. (a) Contributions by the city shall be paid to the system after appropriation by the city council.

(b) [~~(f)~~] The city shall make the police officer contributions to the system required by Section 8.02 of this Act [~~Subsection (a) of this section~~].

(c) The system shall make the administrative staff's contributions to the system.

(d) Member contributions will be made by a reduction in their monetary compensation. Contributions made shall be treated as employer contributions in accordance with Section 414(h)(2), Internal Revenue Code (26 U.S.C. Section 414(h)(2)), for the purpose of determining tax treatment of the amounts under the federal Internal Revenue Code. These contributions are not includible in the gross income of the member until such time as they are distributed or made available to the member.

(e) Member contributions made as provided by Subsection (d) of this section [~~subsection~~] shall be deposited to the individual account of each affected member and shall be treated as compensation of members for all other purposes of this Act and for the purpose of determining contributions to the federal Old-Age, Survivors, and Disability Insurance System (Social Security). The provisions of this subsection shall remain in effect as long as the plan covering members is a qualified retirement plan under Section 401(a), Internal Revenue Code (26 U.S.C. Section 401(a)), and its related trust is tax exempt under Section 501(a), Internal Revenue Code (26 U.S.C. Section 501(a)).

Sec. 8.11. EFFECT OF SYSTEM TERMINATION ON CONTRIBUTIONS. [~~(g)~~] If the police retirement system is terminated, further contributions may not be made by the city or the system, and further deposits may not be made by the members for service after the date of termination. Members do not accrue any additional benefits after the date of termination. The benefit accrued by each member on the termination of the plan or the complete discontinuance of contributions under the plan and the benefit of any affected member on the partial termination of the plan, to the extent funded, become nonforfeitable notwithstanding the length of a member's service. The benefit accrued by a member also becomes nonforfeitable, if not already nonforfeitable, at the normal retirement date.

Sec. 8.12. EFFECT OF FORFEITURE. [~~(h)~~] A forfeiture from a member terminating employment and withdrawing the member's accumulated deposits may not be applied to increase the benefit that any other member would receive from the system. The actuary shall anticipate the effect of forfeitures in determining the costs under the system.

Sec. 8.13. SYSTEM ASSETS. [~~(i)~~] The assets of the police retirement system shall be held in trust for the exclusive benefit of the members and their beneficiaries. The corpus or income may not be used for or diverted to a purpose other than the exclusive benefit of members or their beneficiaries, whether by operation or natural termination of the system, by power of revocation or amendment, by the happening of a contingency, by collateral arrangement, or by other means.

SECTION 15. Section 13.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13.02. MANDATORY DISTRIBUTIONS PROHIBITED. A member or former member who has separated from service may not be required to receive an eligible rollover distribution, as defined in Section 13.01(b)(1) of this Act, without the member's consent unless the member or former member has attained the applicable age for minimum distributions required under Section 401(a)(9) of the Internal Revenue Code of 1986 (26 U.S.C. Section 401(a)(9)) [~~is at least 70 1/2 years of age~~].

SECTION 16. The following provisions of Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), are repealed:

(1) Section 5.04(b);

(2) Sections 6.01(c), (d), and (e);

(3) Section 6.02(b); and

(4) Section 7.02(b).

SECTION 17. (a) In this section, "police retirement board" has the meaning assigned by Section 1.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes).

(b) Section 3.02, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), does not affect the term of a member of the police retirement board appointed or elected under that section, as that section existed immediately before the effective date of this Act, and serving on the board on the effective date of this Act.

(c) When the terms of:

(1) the two members of the police retirement board elected under Section 3.02(a)(4), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), as that section existed immediately before the effective date of this Act, who have terms that expire in December 2021, expire:

(A) one of the resulting vacancies on the board shall be filled by appointment by the city council in accordance with Section 3.02(a)(6), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), as amended by this Act; and

(B) the other resulting vacancy shall be filled by election of the members in accordance with Sections 3.02(a)(4) and 3.03, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), as applicable; and

(2) the three members of the police retirement board elected under Section 3.02(a)(4), Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), as that section existed immediately before the effective date of this Act, who have terms that expire in December 2023, expire, the resulting vacancies on the board shall be filled by an election of the members in accordance with that section and Section 3.03, Chapter 452 (**SB 738**), Acts of the 72nd Legislature, Regular Session, 1991 (Article 6243n-1, Vernon's Texas Civil Statutes), as applicable, except that the member receiving the third highest number of votes in that election shall serve for a term of only two years with the member's term expiring in December 2025.

SECTION 18. This Act takes effect September 1, 2021.

HB 4611 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4611, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 206; granting a limited power of eminent domain; providing authority to impose a tax and issue bonds.

Representative Metcalf moved to concur in the senate amendments to **HB 4611**.

The motion to concur in the senate amendments to **HB 4611** prevailed by (Record 1670): 101 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burns; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo;

Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paddie; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burrows; Cain; Capriglione; Cason; Cook; Cyrier; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Landgraf; Leman; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Stucky; Swanson; Tinderholt; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anderson; Longoria; Pacheco; Toth; White.

STATEMENTS OF VOTE

When Record No. 1670 was taken, my vote failed to register. I would have voted no.

Anderson

When Record No. 1670 was taken, my vote failed to register. I would have voted yes.

White

Senate Committee Substitute

CSHB 4611, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 206; granting a limited power of eminent domain; providing authority to issue bonds.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7928A to read as follows:

CHAPTER 7928A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 206

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7928A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 206.

Sec. 7928A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7928A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7928A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7928A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7928A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7928A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7928A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7928A.0202, directors serve staggered four-year terms.

Sec. 7928A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7928A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7928A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7928A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7928A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7928A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7928A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7928A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7928A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. (a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

(b) In addition to all the rights and remedies provided by other law, if the district violates the terms of an ordinance or resolution described by Subsection (a), the municipality is entitled to injunctive relief or a writ of mandamus issued by a court requiring the district and the district's officials to observe and comply with the terms of the ordinance or resolution.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7928A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7928A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7928A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7928A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7928A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7928A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, tax increment payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7928A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7928A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 206 initially includes all the territory contained in the following area:

Being 92.833 acres of land located in the John Toops Survey, Abstract Number 563, Montgomery County, Texas, being all of that certain called 92.8344 acre tract described in the deed to Cliffstone Hills, LTD., by an instrument of record in Document Number 2020146551 of the Official Public Records of Montgomery County, Texas (M.C.O.P.R.), said 92.833 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, Central Zone, NAD83;

BEGINNING at a 1-inch pinched top iron pipe found marking the north corner of said 92.8344 acre tract, same being the east corner of that certain called 1.694 acre tract described in the deed to Break-Thru Performance Engineering, Inc., by an instrument of record under Document Number 2013102060, M.C.O.P.R., said point lying on the southwesterly right-of-way line of Loop 336 (width varies - as monumented);

Thence, along the northeast line of said 92.8344 acre tract and the southwesterly right- of-way line of said Loop 336 the following 8 (eight) courses and distances:

1. South 64° 54' 08" East, 438.00 feet to a 4" x 4" concrete TXDOT monument found for corner;

2. South 67° 53' 50" East, 100.00 feet to a to a 4" x 4" concrete TXDOT monument found for corner;

3. South 64° 56' 38" East, 999.89 feet to a 5/8-inch iron rod found for corner;

4. South 62° 10' 50" East, 200.00 feet to a bent 1/2-inch iron rod found for corner;

5. South 64° 40' 50" East, 197.70 feet to a point for corner, from which a bent 1/2-inch iron rod bears South 26° 02' 39" West, 0.74 feet;

6. South 67° 49' 50" East, 100.26 feet to a point for corner, from which a found broken 4" x 4" concrete TXDOT monument bears South 29° 29' 52" West, 0.59 feet;

7. South 65° 04' 49" East, 299.59 feet to a 4" x 4" concrete TXDOT monument found for corner;

8. South 67° 43' 26" East, 45.51 feet to a 5/8-inch iron rod with cap stamped "COTTON SURVEYING" found marking the east corner of said 92.8344 acre tract, same being the northwest corner of that certain called 186.0 acre tract described in the deed to Conroe ISD, by an instrument of record under File Number 2008034031, of the Official Public Records of Real Property of Montgomery County, Texas (M.C.O.P.R.R.P.);

Thence, South 25° 27' 45" West, along the southeast line of said 92.8344 acre tract and the northwesterly line of said 186.0 acre tract, 357.62 feet to a 5/8-inch iron rod with cap stamped "COTTON SURVEYING" found for corner;

Thence, South 56° 37' 50" West, continuing along said common line, 2,407.87 feet to a 5/8-inch iron rod with cap stamped "COTTON SURVEYING" found marking the south corner of said 92.8344 acre tract and the west corner of

said 186.0 acre tract, said point lying on the northeast right-of-way line of F.M. 3083 (called 120' wide) as described in Volume 283, Page 451 of the Montgomery County Deed Records (M.C.D.R.), and File Number 9045106, M.C.O.P.R.R.P.;

Thence, North 33° 15' 24" West, 1,220.07 feet to a point for corner, from which a brass disk in concrete stamped "TXDOT" bears North 09° 24' 11" West, 1.26 feet, the beginning of a non-tangent curve;

Thence, 215.57 feet continuing along said common line and the arc of a non-tangent curve to the right, having a radius of 3,010.63 feet, a central angle of 04° 06' 09", and a chord which bears North 31° 12' 54" West, 215.52 feet to the west corner of said 92.8344 acre tract, from which a 1/2-inch iron rod bears North 11° 00' 12" East, 1.03 feet, said point lying on the southeasterly line of that certain called 9.66 acre tract described in the deed to Louisiana Electrical Wholesalers, Inc. by an instrument of record under File Number 9826542, M.C.O.P.R.R.P.;

Thence, North 58° 28' 08" East, along a westerly line of said 92.8344 acre tract and a south line of said 9.66 acre tract, 817.51 feet to 1/2-inch iron rod found marking the east corner of said 9.66 acre tract and an interior westerly corner of said 92.8344 acre tract;

Thence, North 31° 23' 20" West, along a westerly line of said 92.8344 acre tract and the easterly lines of said 9.66 acre tract and that certain called 3.956 acre tract described in the deed to Conroe Reload Center by an instrument of record under File Number 9658151, M.C.O.P.R.R.P. 804.67 feet to the northwest corner of said 92.8344 acre tract, from which a 5/8-inch iron rod bears South 15° 41' 14" East, 0.85 feet, said point lying on the south line of that certain called 1.0 acre tract described in the deed to Agustin Ventura Gonzales by an instrument of record under Document Number 2011076381, M.C.O.P.R.R.P.;

Thence, North 56° 46' 10" East, along the north line of said 92.8344 acre tract and the south lines of said 1.0 acre tract, that certain called 5.650 acre tract described in the deed to Texas Outdoor Power Sales, Inc. by an instrument of record under Document Number 2019075494, M.C.O.P.R., and the aforementioned 1.694 acre tract, 610.16 feet to the POINT OF BEGINNING and containing 92.833 acres of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7928A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7928A.0306 to read as follows:

Sec. 7928A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 1558 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1558, A bill to be entitled An Act relating to the system by which an application for a low income housing tax credit is scored.

Representative Button moved to concur in the senate amendments to **HB 1558**.

The motion to concur in the senate amendments to **HB 1558** prevailed by (Record 1671): 100 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Beckley; Bernal; Biedermann; Bowers; Bucy; Button; Campos; Canales; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; 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.; Klick; Kuempel; Lambert; 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; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schofield; Sherman; Smithee; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Oliverson; Patterson; Paul; Price; Rogers; Sanford; Schaefer; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tinderholt; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Craddick; Pacheco; Parker; Toth.

Senate Committee Substitute

CSHB 1558, A bill to be entitled An Act relating to the system by which an application for a low income housing tax credit is scored.

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

SECTION 1. Section 2306.6710(b), Government Code, is amended to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of a resolution concerning the development that is voted on and adopted by the following, as applicable:

(i) the governing body of a municipality in which the proposed development site is to be located;

(ii) subject to Subparagraph (iii), the commissioners court of a county in which the proposed development site is to be located, if the proposed site is to be located in an area of a county that is not part of a municipality; or

(iii) the commissioners court of a county in which the proposed development site is to be located and the governing body of the applicable municipality, if the proposed site is to be located in the extraterritorial jurisdiction of a municipality;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) the rent levels of the units;

(F) the cost of the development by square foot;

(G) the services to be provided to tenants of the development;

(H) whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014;

(I) quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development site; and

(J) the level of community support for the application, evaluated on the basis of a written statement from the state representative who represents the district containing the proposed development site;

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement; [~~and~~]

(3) encourages applicants to provide free notary public service to the residents of the developments for which the allocation of housing tax credits is requested; and

(4) for an application concerning a development that is or will be located in a county with a population of 1 million or more but less than 4 million and that is or will be located not more than two miles from a veterans hospital, veterans affairs medical center, or veterans affairs health care center, encourages applicants to provide a preference for leasing units in the development to low income veterans.

SECTION 2. The change in law made by this Act applies only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that is based on the 2022 qualified allocation plan or a subsequent plan adopted by the governing board of the department. An application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.

HB 3665 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3665, A bill to be entitled An Act relating to expanding the definition of bicycle to include modifications necessary for adaptive riding by persons with disabilities.

Representative Ordaz Perez moved to concur in the senate amendments to **HB 3665**.

The motion to concur in the senate amendments to **HB 3665** prevailed by (Record 1672): 124 Yeas, 22 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; Cortez; Craddick; Crockett; Darby; Davis; 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, T.; Klick; 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; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Cook; Cyrier; Dean; Hefner; King, P.; Krause; Leman; Metcalf; Middleton; Oliverson; Paul; Rogers; Sanford; Schaefer; Shaheen; Slaton; Swanson; Tinderholt; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco; Toth.

STATEMENTS OF VOTE

When Record No. 1672 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 1672 was taken, I was shown voting no. I intended to vote yes.

P. King

When Record No. 1672 was taken, I was shown voting no. I intended to vote yes.

Rogers

When Record No. 1672 was taken, I was shown voting no. I intended to vote yes.

Swanson

When Record No. 1672 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

Senate Committee Substitute

CSHB 3665, A bill to be entitled An Act relating to expanding the definition of bicycle to include devices with more than two wheels, including to accommodate modifications necessary for adaptive riding by persons with disabilities.

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

SECTION 1. Section 541.201(2), Transportation Code, is amended to read as follows:

(2) "Bicycle" means a device, excluding a moped, that [~~a person may ride and that:~~

[~~(A)~~] is capable of being ridden solely using human power[~~;~~] and has either:

(A) [~~(B) has~~] two tandem wheels at least one of which is more than 14 inches in diameter;

(B) three wheels, two of which are in parallel, and at least one of the three wheels is more than 14 inches in diameter; or

(C) any number of wheels and adaptive technology that allows the device to be ridden by a person with a disability.

SECTION 2. This Act takes effect September 1, 2021.

HB 4651 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4651, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 203; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Toth moved to concur in the senate amendments to **HB 4651**.

The motion to concur in the senate amendments to **HB 4651** prevailed by (Record 1673): 85 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Clardy; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dutton; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Murphy; Ordaz Perez; Ortega; Paddie; Perez; Raney; Raymond; Reynolds; Rodriguez; Rose; Rosenthal; Sanford; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, S.; Toth; Turner, C.; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Canales; Capriglione; Cason; Cook; Craddick; Cyrier; Darby; Dean; Dominguez; Ellzey; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Kuempel; Landgraf; Leach; Leman; Lozano; Middleton; Muñoz; Murr; Neave; Noble; Oliverson; Parker; Patterson; Paul; Price; Ramos; Rogers; Romero; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Morales Shaw; Pacheco; Turner, J.

STATEMENTS OF VOTE

When Record No. 1673 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1673 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

Senate Committee Substitute

CSHB 4651, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 203; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7917A to read as follows:

CHAPTER 7917A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 203

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7917A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 203.

Sec. 7917A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7917A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7917A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7917A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7917A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7917A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7917A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7917A.0202, directors serve staggered four-year terms.

Sec. 7917A.0202. TEMPORARY DIRECTORS. (a) On or after September 1, 2021, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7917A.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 7917A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7917A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7917A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7917A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7917A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7917A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7917A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7917A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7917A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7917A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

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

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

(k) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7917A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7917A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7917A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7917A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7917A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7917A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7917A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7917A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7917A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 203 initially includes all the territory contained in the following area:

Being 46.673 acres (2,033,071 square feet) of land situated in the Montgomery County School Land Survey, A-350, Montgomery County, Texas and being all of a called 29.201 acre tract conveyed to Bali Real Estate, LLC, by Warranty Deed recorded under Clerk's File No. 2019110268 of the Official Public Records of Montgomery County, Texas (O.P.R. M.C.T.), and all of the called 18.2958 acre tract conveyed to Bali Real Estate, LLC, by Warranty Deed recorded under Clerk's File No. 2019078899 O.P.R. M.C.T., said 46.673 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pipe found in the west line of Lot 14B, Block 2, of Chateau Woods, Section Six, according to the Plat of same, recorded in Volume 7, Page 275, of the Map Records of Montgomery County, Texas (M.R. M.C.T.), for the southeast corner of Chateau Woods, according to the Plat of same, recorded in Cabinet Z, Sheet 536 M.R. M.C.T., and the northeast corner of said 18.2958 acre tract;

THENCE South 04°24'53" East, with the west line of said Section Six, a distance of 329.67 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the southwest corner of Lot 15C, of said Section Six, and an interior corner of the herein described tract;

THENCE North 85°44'01" East, with the south line of said Lot 15C, a distance of 155.60 feet to a 5/8 inch iron rod found in the west right of way (R.O.W.) line of Fairview Drive (60 foot wide R.O.W.) for the southeast corner of said Lot 15C, and an easterly northeast corner of the herein described tract;

THENCE South 03°49'04" East, with said west right of way line, a distance of 70.00 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the northeast corner of Lot 16B, of said Section Six and an easterly southeast corner of the herein described tract;

THENCE South 85°44'01" West, with the north line of said Lot 16B, a distance of 154.87 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set in the east line of the called 1.902 acre tract conveyed to Dennis E. Roach and Yvonne Roach by Warranty Deed recorded under Clerk's File No. 936940 O.P.R. M.C.T., for an interior southwest corner of the herein described tract;

THENCE North 04°24'49" West, with the east line of said 1.902 acre tract, a distance of 5.75 feet to a 5/8 inch iron rod found for the northeast corner of said 1.902 acre tract, and an interior corner of the herein described tract;

THENCE South 84°35'28" West, with the easterly north line of said 1.902 acre tract, a distance of 167.56 feet to a 5/8 inch iron rod found for the northerly northwest corner of said 1.902 acre tract, and an interior corner of the herein described tract;

THENCE South 00°23'18" East, with a northerly west line of said 1.902 acre tract a distance of 127.62 feet to a 5/8 inch iron rod found for an interior corner of said 1.902 acre tract;

THENCE South 89°36'42" West, with the westerly north line of said 1.902 acre tract, a distance of 114.45 feet to a 5/8 inch iron rod found for the westerly northwest corner of said 1.902 acre tract and an interior corner of the herein described tract;

THENCE South 02°14'20" East, with the west line of said 1.902 acre tract, a distance of 122.73 feet to a 1/2 inch iron rod found for the southwest corner of said 1.902 acre tract;

THENCE North 84°40'17" East, with the south line of said 1.902 acre tract, a distance of 295.36 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set in the west line of Lot 17B, of said Section Six, for a northeast corner of the herein described tract;

THENCE South 04°25'53" East, with the west line of said Section Six, a distance of 254.24 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the southwest corner of Lot 18B of said Section Six, and an interior corner of the herein described tract;

THENCE North 85°44'23" East, with the south line of said Lot 18B, a distance of 149.71 feet to a 5/8 inch iron rod found in the west right of way line of said Fairview Drive for the southeast corner of said Lot 18B, and a northeast corner of the herein described;

THENCE South 03°49'03" East, with said west right of way line, a distance of 70.00 feet to a 1/2 iron rod found for the northeast corner of Lot 19A, of said Section Six, and an easterly southeast corner of the herein described tract;

THENCE South 85°44'23" West, with the north line of said Lot 19A a distance of 148.96 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the northwest corner of said Lot 19A and an interior corner of the herein described tract;

THENCE South 04°25'53" East, with the west line of said Section Six, a distance of 600.26 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the northeast corner of the called 0.2784 acre Tract 4 conveyed to William Dana Fulton, by Warranty Deed recorded under Clerk's File

No. 2007-143377 O.P.R. M.C.T., for the southeast corner said 29.201 acre tract and the herein described tract, from which a found 1/2 inch iron rod bears North 87°05'51" East, a distance of 1.60 feet;

THENCE South 87°05'51" West, with the south line of said 29.201 acre tract, a distance of 2110.00 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the northwest corner of the remainder of a called 19.6 acre tract conveyed to Juanita Ann Stedman Crisp by Warranty Deed recorded in Volume 994, Page 33 of the Deed Records of Montgomery County, Texas (D.R. M.C.T.), and an interior corner of the herein described tract, from which a found 2 inch iron rod bears North 39°42'57" West, a distance of 0.89 feet;

THENCE North 02°54'09" West, a distance of 34.49 feet to a point for an interior corner of the herein described tract;

THENCE South 86°54'05" West, a distance of 15.07 feet to a 1/2 inch iron rod found for the southeast corner of said 3.00 acre tract and a southwest corner of the herein described tract;

THENCE North 04°24'02" West, with the east line of said 3.00 acre tract, a distance of 105.68 feet to a 5/8 inch iron rod found for the southwest corner of the called 2.0 acre tract conveyed to Julio E. Ortiz and Edgar S. Ortiz by Warranty Deed recorded under Clerk's File No. 2010102118 O.P.R. M.C.T. and the most westerly northwest corner of the herein described1.705 acre tract conveyed to tract;

THENCE North 87°05'51" East, with the south line of said 2.0 acre tract, a distance of 152.29 feet to a 5/8 inch iron rod found for the southeast corner of said 2.0 acre tract and an interior corner of the herein described tract ;

THENCE North 02°59'46" West, with the east line of said 2.0 acre tract, a distance of 286.50 feet to a 5/8 inch iron rod found for the southwest corner of the called 1.705 acre tract conveyed to Julio E. Ortiz and Edgar S. Ortiz by Warranty Deed recorded under Clerk's File No. 2010102117 O.P.R .M.C.T., and a northwest corner of the herein described tract;

THENCE North 87°05'51" East, with the south line of said 1.705 acre tract, a distance of 458.27 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the southeast corner of said 1.705 acre tract and an interior corner of the herein described tract;

THENCE North 03°54'02" West, with the east line of said 1.705 acre tract, a distance of 165.76 feet to a 5/8 inch iron rod found for the northeast corner of same, and a northwest corner of the herein described tract;

THENCE North 86°10'26" East, at 40.03 feet passing a 5/8 inch iron rod found for the southwest corner of a called 0.61 acre tract of land (Tract 10), recorded under Volume 814, Page 553 of the O.P.R. M.C.T., and continuing for a total distance of 279.28 feet to a 5/8 inch iron rod found for the southeast corner of said 0.61 acre tract and an interior corner of the herein described tract;

THENCE North 03°49'30" West, with the west lines of said 0.61 acre Tract 10, the called 0.61 acre tract conveyed to Reina Fuentes by Warranty Deed recorded under Clerk's File No. 2009049510 O.P.R.M.C.T., and the called 0.61 acre tract conveyed to Jonathan R. Farkasofsky, by Warranty Deed recorded

under Clerk's File No. 2009041278 O.P.R. M.C.T., a distance of 337.20 feet to a 5/8 inch iron rod found in the south right of way line of Springwood Drive (60 foot wide private R.O.W.), for a northwest corner of the herein described tract;

THENCE North 86°10'33" East, with the south line of said Springwood Drive, a distance of 473.19 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for an interior corner of the herein described tract;

THENCE North 03°49'30" West, with the east right of way line of said Springwood Drive, a distance of 59.97 feet to a 5/8 inch iron rod found in the south line of the called 0.6017 acre tract conveyed to Luis Martinez and Liana I. Martinez by Warranty Deed recorded under Clerk's File No. 2012038147 O.P.R. M.C.T., for a northwest corner of the herein described tract;

THENCE North 86°09'32" East, with the south line of said 0.6017 acre tract, a distance of 25.90 feet to a 5/8 inch iron rod found for the southeast corner of said 0.6017 acre tract and an interior corner of the herein described tract;

THENCE North 03°49'30" West, with the east line of said 0.6017 acre tract, a distance of 250.02 feet to a 5/8 inch iron rod with cap marked "Landpoint 10194172" set for the northeast corner of said 0.6017 acre tract and an interior corner of the herein described tract, from which a found 5/8 inch iron rod bears South 80°23'42" West, a distance of 1.39 feet;

THENCE South 86°10'34" West, with the north lines of said 0.6017 acre tract, the called 0.61 acre tract conveyed to Rigoberto Ruiz and Beatriz Ruiz, by Warranty Deed recorded under Clerk's File No. 2010015437 O.P.R. M.C.T., and the called 0.61 acre tract conveyed to Luis Martinez and Liana I. Martinez, by Warranty Deed recorded under Clerk's File No. 2012038147 O.P.R. M.C.T. a distance of 314.69 feet to a 5/8 inch iron rod found in the east line of the called 7.3167 acre tract conveyed to James H. Giammatteo by Warranty Deed recorded under Clerk's File No. 2001008111 O.P.R. M.C.T., for the northwest corner of said 0.61 acre Martinez tract, and a southwest corner of the herein described tract;

THENCE North 03°49'30" West, with the east line of said 7.3167 acre tract, a distance of 196.49 feet to a 1 inch iron pipe found in the south line of the called 1.580 acre tract conveyed to James H. Giammatteo, Jr., by Warranty Deed recorded under Clerk's File No. 2008037058 O.P.R. M.C.T. for the northeast corner of said called 7.3167 acre tract and a northwest corner of the herein described tract;

THENCE North 86°09'41" East, with the south line of said 1.580 acre tract, a distance of 30.70 feet to a 5/8 inch iron rod found for the southeast corner of said 1.580 acre tract and an interior corner of the herein described tract;

THENCE North 03°49'30" West, with the east line of said 1.580 acre tract, a distance of 97.99 feet to a 1/2 inch iron pipe found in the south line of Block 1 of said Chateau Woods, for the northeast corner of said 1.580 acre tract and the most northerly northwest corner of said 18.2958 acre tract and the herein described tract;

THENCE North 86°10'30" East, with the south line of said Chateau Woods, a distance of 1000.19 feet to the POINT OF BEGINNING, containing 46.673 acres (2,033,071 square feet) of land in Montgomery County, Texas.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7917A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7917A.0307 to read as follows:

Sec. 7917A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2021.

HB 671 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 671, A bill to be entitled An Act relating to establishment of the disaster identification system for a declared state of disaster.

Representative Martinez 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 671**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 671**: Martinez, chair; Canales, Guillen, Hull, and Sanford.

HCR 62 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HCR 62, Designating the second week in October as Indigenous Peoples' Week for a 10-year period beginning in 2021.

Representative Hunter moved to concur in the senate amendments to **HCR 62**.

The motion to concur in the senate amendments to **HCR 62** prevailed by (Record 1674): 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; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Lozano; Pacheco.

STATEMENT OF VOTE

When Record No. 1674 was taken, I was in the house but away from my desk. I would have voted yes.

Lozano

Senate Committee Substitute

CSHCR 62

WHEREAS, Since the early 1990s, dozens of cities and a growing number of states have adopted the observance of Indigenous Peoples' Day to celebrate the history and contributions of Native Americans; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 as part of the International Conference on Discrimination Against Indigenous Populations in the Americas; coinciding with Columbus Day, it has become an important means of focusing attention on the native peoples of the Americas, past and present, and some institutions have expanded the observance to encompass a full week; and

WHEREAS, Over the millennia, ancient peoples built empires, constructed sophisticated cities, and developed elaborate trade networks and complex social systems; the area now known as Texas became home to numerous indigenous tribes with their own unique cultures and ways of life; and

WHEREAS, Early inhabitants of our state's Gulf Coast included the semi-nomadic Atakapa, Karankawa, Mariame, and Akokisa, who lived on the shore for part of the year and moved some 30 to 40 miles inland on a seasonal basis; the Caddo in East Texas and Jumano in West Texas were farmers and traders, with economic ties to other tribes and, later, to Europeans; the Comanche and Apache were bison-hunting warriors who traversed large regions of the Southern Plains on horseback; a host of other groups inhabited the Plains area as well, among them Coahuiltecans, Cocoimes, Chisos, Tobosos, Tawakonis, Wacos, and Kiowas; and

WHEREAS, Today, the Lone Star State is home to Native Americans from diverse tribal nations, and the effort to retain ancestral memories, languages, and cultures is ongoing and vital; the observation of Indigenous Peoples' Week raises awareness of this rich heritage and the wide-ranging contributions Native Americans have made and continue to make to our state and nation; now, therefore, be it

RESOLVED, That the 87th Legislature of the State of Texas hereby designate the second week in October as Indigenous Peoples' Week; and, be it further

RESOLVED, That, in accordance with the provisions of Section 391.004(d), Government Code, this designation remain in effect until the 10th anniversary of the date that this resolution finally is passed by the legislature.

HB 1410 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1410, A bill to be entitled An Act relating to the issuance of bonds by certain conservation and reclamation districts.

Representative Murphy moved to concur in the senate amendments to **HB 1410**.

The motion to concur in the senate amendments to **HB 1410** prevailed by (Record 1675): 126 Yeas, 17 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; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; 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; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; Wu; Zwiener.

Nays — Cain; Hefner; Holland; Krause; Leman; Metcalf; Middleton; Patterson; Schaefer; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cook; Gates; Hernandez; Johnson, J.E.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1675 was taken, my vote failed to register. I would have voted no.

Cook

When Record No. 1675 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1675 was taken, I was shown voting yes. I intended to vote no.

Vasut

Senate Committee Substitute

CSHB 1410, A bill to be entitled An Act relating to the issuance of bonds by certain conservation and reclamation districts.

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

SECTION 1. Section 49.4645, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A district all or part of which is located in Bastrop County, Bexar County, Waller County, Travis County, Williamson County, Harris County, Galveston County, Brazoria County, Montgomery County, or Fort Bend County may issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the bonds are authorized by a majority vote of the voters of the district voting in an election held for that purpose. Except as provided by Subsection (a-1), the [~~The~~] outstanding principal amount of bonds, notes, and other obligations issued to finance parks and recreational facilities supported by ad valorem taxes may not exceed an amount equal to one percent of the value of the taxable property in the district [~~or, if supported by contract taxes under Section 49.108, may not exceed an amount equal to one percent of the value of the taxable property in the districts making payments under the contract~~] as shown by the tax rolls of the central appraisal district at the time of the issuance of the bonds, notes, and other obligations [~~or an~~

~~amount greater than the estimated cost provided in the park plan under Subsection (b), whichever is smaller~~]. To establish the value of the taxable property in a district under this section, the district may use an estimate of the value provided by the central appraisal district. The district may not issue bonds supported by ad valorem taxes to pay for the development and maintenance of:

(1) indoor or outdoor swimming pools; or

(2) golf courses.

(a-1) The outstanding principal amount of bonds, notes, and other obligations issued to finance a recreational facility under Subsection (a) may exceed an amount equal to one percent but not three percent of the value of the taxable property in the district or, if supported by contract taxes under Section 49.108, the value of the taxable property in the districts making payments under the contract, if the district has:

(1) a ratio of debt to certified assessed valuation of 10 percent or less;

(2) a credit rating that conforms to commission rules;

(3) a credit enhanced rating on the district's proposed bond issue that conforms to commission rules; or

(4) a contract with a political subdivision or an entity acting on behalf of a political subdivision under which the political subdivision or the entity agrees to provide to the district taxes or other revenues, as consideration for the district's development or acquisition of the facility, including a contract under Section 49.108.

SECTION 2. Section 54.016(e), Water Code, is amended to read as follows:

(e) A city may provide in its written consent to the inclusion of land in a district, that the district construct all facilities to serve the land in accordance with plans and specifications which have been approved by the city. The city may also provide in its written consent that the city shall have the right to inspect all facilities being constructed by a district. The city's consent to the inclusion of land in the district may also contain restrictions on the terms and provisions of the district's bonds and notes issued to provide service to the land and conditions on the sale of the district's bonds and notes if the restrictions and conditions do not generally render the bonds and notes of districts in the city's extraterritorial jurisdiction unmarketable. The city's consent to the inclusion of land in a district may restrict the purposes for which a district may issue bonds to [~~the~~] purposes authorized by law for the district [~~of the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:~~

[~~(1) provide a water supply for municipal uses, domestic uses and commercial purposes;~~

[~~(2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and~~

[~~(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction~~].

SECTION 3. The change in law made by this Act to Section 54.016(e), Water Code, does not affect the terms of a city's resolution or ordinance adopted before the effective date of this Act that constitutes a valid, written consent under Section 54.016 of that code for land that was included in a district prior to the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2357 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2357, A bill to be entitled An Act relating to an exception from required disclosure of information related to certain crime victims.

Representative Reynolds moved to concur in the senate amendments to **HB 2357**.

The motion to concur in the senate amendments to **HB 2357** prevailed by (Record 1676): 147 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; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa.

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

Amend **HB 2357** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 11, Article 49.25, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) The medical examiner may release a copy of an autopsy report of a deceased person to any organ and tissue procurement organization, hospital, or other covered entity as defined by Section 181.001, Health and Safety Code, that treated the deceased person before death or procured any anatomical gift from the body of the deceased person. The release of a report under this subsection is not considered a disclosure under Chapter 552, Government Code. A report obtained under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code.

HB 1468 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative K. Bell called up with senate amendments for consideration at this time,

HB 1468, A bill to be entitled An Act relating to a local remote learning program offered by a public school.

Representative K. Bell moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1468**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1468**: K. Bell, chair; Dutton, Huberty, K. King, and VanDeaver.

HB 2681 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2681, A bill to be entitled An Act relating to public school elective courses providing academic study of the Bible offered to certain students.

Representative Wilson moved to concur in the senate amendments to **HB 2681**.

The motion to concur in the senate amendments to **HB 2681** prevailed by (Record 1677): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; 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; 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; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; 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 — Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bucy; Harless; Johnson, J.D.; Raney.

STATEMENTS OF VOTE

When Record No. 1677 was taken, I was in the house but away from my desk. I would have voted yes.

J.D. Johnson

When Record No. 1677 was taken, I was shown voting yes. I intended to vote no.

Zwiener

Senate Committee Substitute

CSHB 2681, A bill to be entitled An Act relating to public school elective courses providing academic study of the Bible offered to certain students.

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

SECTION 1. Sections 28.011(a) and (f), Education Code, are amended to read as follows:

(a) A school district may offer to students in grade six [~~nine~~] or above:

(1) an elective course on the Hebrew Scriptures (Old Testament) and its impact and an elective course on the New Testament and its impact; or

(2) an elective course that combines the courses described by Subdivision (1).

(f) A teacher of a course offered under this section must hold a certificate [~~minimum of a High School Composite Certification~~] in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religion or biblical studies. A teacher selected to teach a course under this section shall successfully complete

staff development training outlined in Section 21.459. A course under this section may [~~only~~] be taught only by a teacher who has successfully completed training under Section 21.459.

SECTION 2. The State Board of Education is required to implement Sections 28.011(a) and (f), Education Code, as amended by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the State Board of Education may, but is not required to, implement Sections 28.011(a) and (f), Education Code, as amended by this Act, using other appropriations available for the purpose.

SECTION 3. This Act applies beginning with the 2021-2022 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3107 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3107, A bill to be entitled An Act relating to election practices and procedures.

Representative Clardy moved to concur in the senate amendments to **HB 3107**.

The motion to concur in the senate amendments to **HB 3107** prevailed by (Record 1678): 146 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; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Frank.

Senate Committee Substitute

CSHB 3107, A bill to be entitled An Act relating to election practices and procedures.

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

SECTION 1. Section 1.007(c), Election Code, is amended to read as follows:

(c) A delivery, submission, or filing of a document or paper under this code may be made by personal delivery, mail, telephonic facsimile machine, e-mail, or any other method of transmission.

SECTION 2. Section 2.002, Election Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

(b) Not later than the fifth day after the date the automatic recount required by Subsection (i) is completed or the final canvass following the automatic recount is completed, if applicable, the authority responsible for ordering the first election shall order the second election. The second election shall be held not earlier than the 20th day or later than the 45th [~~30th~~] day after the date the automatic recount required by Subsection (i) is completed or the final canvass following the automatic recount is completed, if applicable.

(j) If the recount does not resolve the tie, the tied candidates may:

(1) cast lots not later than the day before the date the authority must order the second election under Subsection (b); or

(2) withdraw from the election not later than 5 p.m. of the day after the date the automatic recount is held.

SECTION 3. Section 2.022(b), Election Code, is amended to read as follows:

(b) Sections 2.023, 2.025, and 2.028 supersede a law outside this subchapter to the extent of any conflict.

SECTION 4. Section 2.025(d), Election Code, is amended to read as follows:

(d) A runoff election for a special election to fill a vacancy in Congress or a special election to fill a vacancy in the legislature, except an election ordered as an emergency election under Section 41.0011 or an election held as an expedited election under Section 203.013, [~~to which Section 101.104 applies~~] shall be held not earlier than the 70th day or later than the 77th day after the date the final canvass of the main election is completed.

SECTION 5. Section 2.028(c), Election Code, is amended to read as follows:

(c) A tying candidate may resolve the tie by filing with the presiding officer of the final canvassing authority a written statement of withdrawal signed and sworn to [~~acknowledged~~] by the candidate. If the statement of withdrawal is received before the automatic recount is conducted, the remaining candidate is the winner, and the automatic recount is not conducted. If the statement of

withdrawal is received not later than 5 p.m. the day after the date the automatic recount is conducted [~~On receipt of the statement of withdrawal~~], the remaining candidate is the winner, and a casting of lots is not held.

SECTION 6. Section 2.051(b), Election Code, is amended to read as follows:

(b) In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no [~~at-large proposition or~~] opposed at-large race is to appear on the ballot. This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit.

SECTION 7. Section 3.005(d), Election Code, is amended to read as follows:

(d) Except as provided by Subsection (c), an [~~An~~] election under Section 26.08, Tax Code, to ratify a tax rate adopted by the governing body of a school district under Section 26.05(g) of that code shall be ordered not later than the 30th day before election day.

SECTION 8. Section 4.003(c), Election Code, is amended to read as follows:

(c) In addition to any other notice given, notice of an election ordered by the governor, by a county authority, [~~commissioners court~~] or by an authority of a city or school district must be given by the method prescribed by Subsection (a)(1).

SECTION 9. Section 4.004(a), Election Code, is amended to read as follows:

(a) The notice of a general or special election must state:

(1) the nature and date of the election;

(2) except as provided by Subsection (c), the location of each polling place;

(3) the hours that the polls will be open; [~~and~~]

(4) the Internet website of the authority conducting the election; and

(5) any other information required by other law.

SECTION 10. Section 13.002(i), Election Code, is amended to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit [~~include with the person's application~~]:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 11. Section 13.004(c), Election Code, as amended by Chapters 469 (**HB 4173**), 489 (**HB 3100**), and 1146 (**HB 2910**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1) a social security number;

(2) a Texas driver's license number;

(3) a number of a personal identification card issued by the Department of Public Safety;

(4) [~~an indication that an applicant is interested in working as an election judge;~~

[~~(5)~~] the residence address of the applicant, if the applicant is a federal judge or state judge, the spouse of a federal judge or state judge, the spouse of a peace officer as defined by Article 2.12, Code of Criminal Procedure, or an individual to whom Section 552.1175, Government Code, or Section 521.1211, Transportation Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(5) [~~(6)~~] the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

(6) [~~(7)~~] the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A) a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(7) [~~(8)~~] the residence address of the applicant, if the applicant:

(A) is a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure; and

(B) provided the registrar with proof of certification under Article 58.059, Code of Criminal Procedure; or

(8) [~~(9)~~] the telephone number of any applicant submitting documentation under Subdivision (4), (5), (6), or (7)[~~, or (8)~~].

SECTION 12. Section 13.072(d), Election Code, is amended to read as follows:

(d) If an application clearly indicates that the applicant resides in another county, the registrar shall forward the application to the other county's registrar not later than the second day after the date the application is received [~~and, if the other county is not contiguous, shall deliver written notice of that action to the applicant not later than the seventh day after the date the application is received~~]. The date of submission of a completed application to the wrong registrar is considered to be the date of submission to the proper registrar for purposes of determining the effective date of the registration.

SECTION 13. Section 13.142(a), Election Code, is amended to read as follows:

(a) After approval of a registration application, the registrar shall:

(1) prepare a voter registration certificate [~~in duplicate~~] and issue the original certificate to the applicant; and

(2) enter the applicant's county election precinct number and registration number on the applicant's registration application.

SECTION 14. Section 13.143(d-2), Election Code, is amended to read as follows:

(d-2) For a registration application submitted by telephonic facsimile machine to be effective, a copy of the original registration application containing the voter's original signature must be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

SECTION 15. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the [~~month, day, and~~] year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar.";

(15) the registrar's mailing address and telephone number; and

(16) the jurisdictional or distinguishing number for the following territorial units in which the voter resides, as determined by the voter registrar:

(A) congressional district;

(B) state senatorial district;

(C) state representative district;

(D) commissioners precinct;

(E) justice precinct;

(F) city election precinct; and

(G) school district election precinct.

SECTION 16. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of any affidavits executed under Section 63.006, following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; [~~or~~]

(8) after receipt of a registration application or change of address under Chapter 20; or

(9) after notification of a data entry error of which the voter registrar is made aware under Section 63.0051.

SECTION 17. Section 15.023, Election Code, is amended to read as follows:

Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST. If the name of a voter [~~whose residence is changed~~] on the list of registered voters [~~registration records to another county election precinct in the same county~~] appears on the suspense list, the voter's name shall be deleted from the list on the date the voter provides:

(1) a completed application to register to vote in accordance with Section 13.002; or

(2) a correction of information under Section 15.021(d) [~~voter's registration in the precinct of new residence becomes effective~~].

SECTION 18. Section 15.051(d), Election Code, is amended to read as follows:

(d) The registrar shall maintain with the voter's record an indication that a confirmation notice was sent to the voter [~~a list of the confirmation notices mailed to voters, which for each notice must include the voter's name and the date the notice is mailed. The registrar shall maintain and retain the list in accordance with rules prescribed by the secretary of state~~].

SECTION 19. Section 15.053(a), Election Code, is amended to read as follows:

(a) The [~~Not later than the 30th day after the date a confirmation notice is mailed, the~~] voter shall submit to the registrar a written, signed response to the notice that confirms the voter's current residence. The response must contain all of the information that a person must include in an application to register to vote under Section 13.002.

SECTION 20. Section 15.082(b), Election Code, is amended to read as follows:

(b) The [~~fee for each~~] list shall be provided in accordance with Chapter 552, Government Code [~~or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses~~].

SECTION 21. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b), [~~or~~] 15.021, or 18.0681(d) or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6) notice from the early voting clerk under Section 101.053 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION 22. Section 16.032, Election Code, is amended to read as follows:

Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD. If on November 30 following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list a registered voter's name appears on the suspense list, the registrar shall cancel the voter's registration unless the name is to be deleted from the list under Section 15.022 or 15.023.

SECTION 23. Section 16.0921(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051, unless the residential address provided in the challenge for the voter is different from the voter's current residential address indicated on the registration records.

SECTION 24. Section 18.002(c), Election Code, is amended to read as follows:

(c) An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 25. Section 18.003(c), Election Code, is amended to read as follows:

(c) An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 26. Section 18.005(a), Election Code, is amended to read as follows:

(a) Each original and supplemental list of registered voters must:

(1) contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;

(2) contain the voter's residence address, except as provided by Subsections (b) and (c) [~~or Section 18.0051~~];

(3) be arranged alphabetically by voter name; and

(4) contain the notation required by Section 15.111.

SECTION 27. Sections 18.061(b) and (d), Election Code, are amended to read as follows:

(b) The statewide computerized voter registration list must:

(1) contain the name and registration information of each voter registered in the state;

(2) assign a unique identifier to each registered voter; and

(3) be available to any county election official in the state through immediate electronic access.

(d) The secretary of state may contract with counties to provide them with electronic data services to facilitate the implementation and maintenance of the statewide computerized voter registration list. The secretary shall use funds collected under the contracts to defray expenses incurred in implementing and maintaining the statewide computerized voter registration list.

SECTION 28. Section 18.0681(d), Election Code, is amended to read as follows:

(d) If the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, the secretary shall send notice of the determination to the voter registrar of the [~~each~~] county with the oldest registration record in which the voter is registered to vote. If the voter records identified are:

(1) located in the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022; or

(2) located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with Section 15.051 or cancel the registration of the voter in accordance with Section 16.031(a)(1), provided that the voter's record in the county with the newest registration record is not on the suspense list.

SECTION 29. Section 18.069, Election Code, is amended to read as follows:

Sec. 18.069. VOTING HISTORY. Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the general custodian of election records [~~registrar~~] shall electronically submit to the secretary of state the record of each voter participating in the election. The record must include a notation of whether the voter voted on election day, voted early by personal appearance, voted early by mail under Chapter 86, or voted early by mail under Chapter 101.

SECTION 30. Section 31.093(a), Election Code, is amended to read as follows:

(a) Subject to Section 41.001(d), if [~~If~~] requested to do so by a political subdivision, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION 31. Section 31.096, Election Code, is amended to read as follows:

Sec. 31.096. NONTRANSFERABLE FUNCTIONS. An election services contract may not change:

(1) the authority with whom applications of candidates for a place on a ballot are filed;

(2) the authority with whom documents are filed under Title 15; or

(3) the political subdivision's requirement to maintain office hours under Section 31.122 [~~authority to serve as custodian of voted ballots or other election records, except that a contract with a political subdivision other than a city may provide that the county election officer will be the custodian of voted ballots~~].

SECTION 32. Section 31.124(a), Election Code, is amended to read as follows:

(a) A county election officer of each county shall hold a meeting with the county chair of each political party to discuss, as appropriate, the following for each primary election or general election for state and county officers:

(1) the lists provided by each political party under Section 85.009;

(2) the lists provided by each political party under Section 87.002(c); [~~and~~]

(3) the implementation of Subchapters A, B, C, and D, Chapter 87; and

(4) holding a joint primary, entering into an election services contract, and polling place locations.

SECTION 33. Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. The training program must include specific procedures related to the early voting ballot board and the central counting station, as applicable. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 34. Section 33.054, Election Code, is amended to read as follows:

Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) A watcher serving at the meeting place of an early voting ballot board or signature verification committee may be present at any time the board or

committee is processing or counting ballots and until the board or committee completes its duties. The watcher may serve during the hours the watcher chooses, except as provided by Subsection (b).

(b) A watcher serving at the meeting place of an early voting ballot board may not leave during voting hours on election day without the presiding judge's permission if the board has recorded any votes cast on voting machines or counted any ballots, unless the board has completed its duties and has been dismissed by the presiding judge.

SECTION 35. Sections 41.001(a) and (b), Election Code, are amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the first Saturday in May in an odd-numbered year;

(2) the first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county, or ordered by the governor; or

(3) the first Tuesday after the first Monday in November.

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

(1) a runoff election;

(2) an election to resolve a tie vote;

(3) an election held under an order of a court or other tribunal;

(4) an emergency election ordered under Section 41.0011 or any resulting runoff;

(5) an expedited election to fill a vacancy in the legislature held under Section 203.013;

(6) an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election; or

(7) the initial election of the members of the governing body of a newly incorporated city.

SECTION 36. Sections 43.007(a) and (m), Election Code, are amended to read as follows:

(a) The secretary of state shall implement a program to allow each commissioners court participating in the program to eliminate county election precinct polling places and establish countywide polling places for:

(1) any election required to be conducted by the county [~~each general election for state and county officers~~];

(2) any election held as part of a joint election agreement with a county under Chapter 271 [~~each election held on the uniform election date in May and any resulting runoff~~];

(3) any election held under contract for election services with a county under Subchapter D, Chapter 31 [~~each election on a proposed constitutional amendment~~];

(4) each primary election and runoff primary election if:

(A) the county chair or county executive committee of each political party participating in a joint primary election under Section 172.126 agrees to the use of countywide polling places; or

(B) the county chair or county executive committee of each political party required to nominate candidates by primary election agrees to use the same countywide polling places; and

(5) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision [~~(1), (2),~~] (3)[~~,~~] or (4).

(m) In adopting a methodology under Subsection (f), the county must ensure that:

(1) each county commissioners precinct contains at least one countywide polling place; and

(2) the total number of [~~permanent branch and temporary branch~~] polling places open for voting in a county commissioners precinct does not exceed more than twice the number of [~~permanent branch and temporary branch~~] polling places in another county commissioners precinct.

SECTION 37. Section 52.070, Election Code, is amended by amending Subsections (a), (b), and (e) and adding Subsection (f) to read as follows:

(a) A shape [~~square~~] for voting shall be printed to the left of each candidate's name on a ballot.

(b) Immediately below "OFFICIAL BALLOT," the following instruction shall be printed: "Vote for the candidate of your choice in each race by placing an 'X' or filling in the shape [~~square~~] beside the candidate's name."

(e) A shape [~~square~~] shall be printed to the left of each line provided for write-in voting under Section 52.066(c), but failure to place a mark in the shape [~~square~~] does not affect the counting of a write-in vote.

(f) Any variation from this instruction must be approved by the secretary of state.

SECTION 38. Section 52.094(d), Election Code, is amended to read as follows:

(d) The [~~For an election held at county expense or a city election, on receipt of a candidate's written request accompanied by a stamped, self-addressed envelope, the authority conducting the drawing shall mail written notice of the date, hour, and place of the drawing to the candidate. For an election held by any other political subdivision, the~~] authority conducting the drawing shall provide [~~mail written~~] notice of the date, hour, and place of the drawing to each candidate by:

(1) written notice:

(A) mailed to[~~, at~~] the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or

(B) provided at the time the candidate files an application with the appropriate authority;

(2) telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or

(3) e-mail, if an e-mail address is provided on the candidate's application for a place on the ballot.

SECTION 39. Chapter 63, Election Code, is amended by adding Sections 63.005 and 63.0051 to read as follows:

Sec. 63.005. REGISTRATION OMISSIONS LIST. (a) A registration omissions list shall be maintained by an election officer at the polling place.

(b) With respect to each voter who is accepted for voting but whose name is not on the list of registered voters for the precinct in which the voter is accepted, the election officer shall record:

(1) the voter's name, residence address, and voter registration number, if known; and

(2) a notation of the section of this code under which the voter is accepted that provides for accepting voters who are not on the list.

Sec. 63.0051. CONFIRMING REGISTRATION STATUS OF VOTER. (a) If the name of a voter who is offering to vote is not on the precinct list of registered voters, an election officer may contact the voter registrar regarding the voter's registration status.

(b) If the election officer determines the voter is a registered voter of the territory covered by the election but is offering to vote in the incorrect precinct, the election officer shall provide the correct precinct location information to the voter.

(c) Notwithstanding Section 63.009, a voter shall be accepted for voting if the voter's identity has been verified from documentation as required by Section 63.001(b) and it can be determined from the voter registrar that:

(1) the voter's registration was improperly canceled and has been reinstated under Section 16.037;

(2) an error in the voter registration record caused the voter's name to not appear on the list of registered voters, and the error has been corrected under Section 15.022; or

(3) the voter's name has been inadvertently left off the list of registered voters for the precinct.

(d) After the voter is accepted under Subsection (c), an election officer shall enter the voter's name on the registration omissions list.

(e) The voter shall be accepted for provisional voting under Section 63.011 if the election officer cannot determine that the voter is a registered voter of the territory covered by the election in which the voter is offering to vote.

SECTION 40. Section 65.052, Election Code, is amended to read as follows:

Sec. 65.052. DUTY OF VOTER REGISTRAR. The secretary of state shall prescribe procedures by which the voter registrar of the county in which a provisional ballot is cast shall provide assistance to the early voting ballot board in executing its authority under this subchapter. In an election described by Section 65.051(a-1), the procedures must allow for 10 [~~seven~~] calendar days for the voter registrar to review a provisional voter's eligibility.

SECTION 41. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0581 to read as follows:

Sec. 65.0581. PUBLIC INSPECTION OF PROVISIONAL VOTING RECORDS. Provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes

the verification and counting of provisional ballots under Section 65.051 and delivers the provisional ballots and other provisional voting records to the general custodian of election records.

SECTION 42. Chapter 82, Election Code, is amended by adding Section 82.008 to read as follows:

Sec. 82.008. INVOLUNTARY CIVIL COMMITMENT. A qualified voter is eligible for early voting by mail if, at the time the voter's early voting ballot application is submitted, the voter is a person who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and is ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office.

SECTION 43. Section 83.010, Election Code, is amended to read as follows:

Sec. 83.010. PUBLIC NOTICE OF CLERK'S MAILING ADDRESS. An election order and the election notice must state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and Internet website, if the early voting clerk has an Internet website[~~, except for an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005~~].

SECTION 44. Section 84.002(a), Election Code, is amended to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail on the ground of age or disability, the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

(4) for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5) for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; [~~and~~]

(6) an indication of the ground of eligibility for early voting; and

(7) for an application for a ballot to be voted by mail on the ground of involuntary civil commitment, the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the degree of consanguinity described by Subdivision (3).

SECTION 45. Section 84.007(e), Election Code, is amended to read as follows:

(e) The early voting clerk shall designate an e-mail address for receipt of an application under Subsection (b)(4). The secretary of state shall include the e-mail address designated by each early voting clerk [~~addresses~~] on the secretary of state's website.

SECTION 46. Section 84.008(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this code, an [~~An~~] applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) [~~close of regular business in the clerk's office on the day before the first day of the period for early voting by personal appearance~~].

SECTION 47. Section 84.011(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail or involuntary civil commitment to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4) or (7), if applicable;

(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H) a statement informing the applicant of the condition prescribed by Section 81.005; and

(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 48. Section 85.004, Election Code, is amended to read as follows:

Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION. The election order and the election notice must designate and state the location of the main early voting polling place.

SECTION 49. Section 85.007(d), Election Code, is amended to read as follows:

(d) Any notice required under this section must also be posted:

(1) on the Internet website of the authority ordering the election, if the authority maintains a website; and

(2) for a primary election or the general election for state and county officers, by the secretary of state on the secretary's Internet website.

SECTION 50. Section 85.062(d), Election Code, is amended to read as follows:

(d) In a primary election, the general election for state and county officers, or a special election to fill a vacancy in the legislature or in congress:

(1) the commissioners court of a county with a population of 400,000 or more shall establish one or more early voting polling places other than the main early voting polling place in each state representative district containing territory covered by the election, except that the polling place or places shall be established in the state senatorial or congressional district, as applicable, in a special election to fill a vacancy in the office of state senator or United States representative;

(2) the commissioners court of a county with a population of 120,000 or more but less than 400,000 shall establish one or more early voting polling places other than the main early voting polling place in each commissioners precinct containing territory covered by the election; and

(3) the early voting clerk [~~commissioners court~~] of a county with a population of 100,000 or more but less than 120,000 shall establish one or more early voting polling places as described by Subdivision (2) in each precinct for which the early voting clerk [~~commissioners court~~] receives in time to enable compliance with Section 85.067 a written request for that action submitted by at least 15 registered voters of that precinct.

SECTION 51. Section 86.0015(c), Election Code, is amended to read as follows:

(c) In an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, the county clerk shall provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section along with copies of the applications

submitted by those voters. The early voting clerk shall provide a ballot to be voted by mail to each voter on the list for whom the early voting clerk received a copy of an application submitted under this section.

SECTION 52. Section 86.002(f), Election Code, is amended to read as follows:

(f) The clerk shall include with the balloting materials:

(1) a notice of the clerk's physical address for purposes of return by common or contract carrier or personal delivery in accordance with Section 86.006(a-1); and

(2) the list of declared write-in candidates for the election, if applicable.

SECTION 53. Sections 86.003(c) and (d), Election Code, are amended to read as follows:

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the ground for voting by mail is:

(1) absence from the county of residence, in which case the address must be an address outside the voter's county of residence;

(2) confinement in jail, in which case the address must be the address of the jail or of a relative described by Section 84.002(a)(4); [~~or~~]

(3) age or disability and the voter is living at a hospital, nursing home or other long-term care facility, or retirement center, or with a relative described by Section 84.002(a)(3), in which case the address must be the address of that facility or relative; or

(4) involuntary civil commitment, in which case the address must be the address of the facility or of a relative described by Section 84.002(a)(7).

(d) If the applicable address specified in a voter's application is an address other than that prescribed by Subsection (c) or subject to Section 86.002(a), the voter's application shall be rejected in accordance with Section 86.001(c).

SECTION 54. Section 86.009, Election Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) Except as provided by Subsection (f), a [~~A~~] voter's defective ballot that is timely returned to the clerk as a marked ballot shall be treated as:

(1) a marked ballot not timely returned if the corrected ballot is timely returned as a marked ballot by the close of the polls on election day; or

(2) as the voter's ballot for the election if the corrected ballot is not timely returned by the close of the polls on election day.

(f) A ballot to be voted by mail under Chapter 101 corrected under this section may be counted if it is timely returned as required by Section 101.057.

SECTION 55. Section 87.0222(a), Election Code, is amended to read as follows:

(a) Notwithstanding Section 87.024, in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services, the jacket envelopes containing the early voting ballots voted by mail may be delivered to the board between the end of the ninth day before the

last day of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

SECTION 56. Section 87.0241(b), Election Code, is amended to read as follows:

(b) The board may not count early voting ballots until:

(1) the polls open on election day; or

(2) in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services, the end of the period for early voting by personal appearance.

SECTION 57. Section 101.001, Election Code, is amended to read as follows:

Sec. 101.001. ELIGIBILITY. A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member;

(B-1) a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the president of the United States or activated on state orders, or the spouse or dependent of a member; or

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

SECTION 58. Section 101.003(1), Election Code, is amended to read as follows:

(1) "Federal postcard application" means an application for a ballot to be voted under this chapter submitted on the official federal form prescribed under the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~].

SECTION 59. Section 101.008, Election Code, is amended to read as follows:

Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The secretary of state, in coordination with county [~~local~~] election officials, shall implement an electronic free-access system by which a person eligible for early voting by mail under this chapter or Chapter 114 may determine by telephone, by e-mail, or over the Internet whether:

(1) the person's federal postcard application or other registration or ballot application has been received and accepted; and

(2) the person's ballot has been received and the current status of the ballot.

SECTION 60. Sections 101.052(a-1) and (c), Election Code, are amended to read as follows:

(a-1) A federal postcard application must be submitted by:

(1) mail; [~~or~~]

(2) electronic transmission of an image of the application under procedures prescribed by the secretary of state;

(3) in-person delivery in accordance with Section 84.008; or

(4) common or contract carrier.

(c) An application is considered submitted in the following calendar year for purposes of this section if:

(1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election [~~A federal postcard application requesting a ballot for an election to be held in January or February may be submitted in the preceding calendar year but not earlier than the earliest date for submitting a regular application for a ballot to be voted by mail~~].

SECTION 61. Section 101.054(c), Election Code, is amended to read as follows:

(c) An application shall be treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested, including a runoff election that occurs in the next calendar year.

SECTION 62. Section 101.056(a), Election Code, is amended to read as follows:

(a) The balloting materials provided under this subchapter shall be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~], in an envelope labeled "Official Election Balloting Material - via Airmail." The secretary of state shall provide early voting clerks with instructions on compliance with this subsection.

SECTION 63. Section 101.057(b), Election Code, is amended to read as follows:

(b) A ballot voted by a voter described by Section 101.001(2)(A), [~~or~~] (B), or (B-1) shall be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

SECTION 64. Section 101.058, Election Code, is amended to read as follows:

Sec. 101.058. OFFICIAL CARRIER ENVELOPE. The officially prescribed carrier envelope for voting under this subchapter shall be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~], and must contain the

label prescribed by Section 101.056(a) for the envelope in which the balloting materials are sent to a voter. The secretary of state shall provide early voting clerks with instructions on compliance with this section.

SECTION 65. Section 101.102(b), Election Code, is amended to read as follows:

(b) The early voting clerk shall grant a request made under this section for the e-mail transmission of balloting materials if:

(1) the requestor has submitted a valid federal postcard application and:

(A) if the requestor is a person described by Section 101.001(2)(C), has provided a current mailing address that is located outside the United States; or

(B) if the requestor is a person described by Section 101.001(2)(A), [~~or~~] (B), or (B-1), has provided a current mailing address that is located outside the requestor's county of residence;

(2) the requestor provides an e-mail address:

(A) that corresponds to the address on file with the requestor's federal postcard application; or

(B) stated on a newly submitted federal postcard application;

(3) the request is submitted on or before the deadline prescribed by Section 84.007 [~~seventh day before the date of the election~~]; and

(4) a marked ballot for the election from the requestor has not been received by the early voting clerk.

SECTION 66. Section 101.107(a), Election Code, is amended to read as follows:

(a) A voter described by Section 101.001(2)(A), [~~or~~] (B), or (B-1) must be voting from outside the voter's county of residence. A voter described by Section 101.001(2)(C) must be voting from outside the United States.

SECTION 67. Section 102.002, Election Code, is amended to read as follows:

Sec. 102.002. CONTENTS OF APPLICATION. An application for a late ballot must comply with the applicable provisions of Section 84.002 and must include or be accompanied by a certificate of a licensed physician or chiropractor or accredited Christian Science practitioner in substantially the following form:

"This is to certify that I know that _____ has a sickness or physical condition that will prevent him or her from appearing at the polling place for an election to be held on the _____ day of _____, 20 [~~19~~]___, without a likelihood of needing personal assistance or of injuring his or her health and that the sickness or physical condition originated on or after _____.

"Witness my hand at _____, Texas, this _____ day of _____, 20 [~~19~~]___.

_____

(signature of physician,
chiropractor, or practitioner)"

SECTION 68. Section 113.003, Election Code, is amended to read as follows:

Sec. 113.003. SUBMITTING APPLICATION FOR MAIL BALLOT. An application for a presidential ballot to be voted by mail must be submitted to the early voting clerk serving the county of the applicant's most recent registration to vote by the deadline prescribed by Section 84.007.

SECTION 69. Section 141.032(g), Election Code, is amended to read as follows:

(g) Except as otherwise provided by this code [~~After the filing deadline~~]:

(1) a candidate may not amend an application filed under Section 141.031; and

(2) the authority with whom the application is filed may not accept an amendment to an application filed under Section 141.031.

SECTION 70. Section 141.034(a), Election Code, is amended to read as follows:

(a) An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the 50th day before the date of [~~day before any ballot to be voted early by mail is mailed to an address in the authority's jurisdiction for~~] the election for which the application is made.

SECTION 71. The heading to Section 141.040, Election Code, is amended to read as follows:

Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

SECTION 72. Section 141.040, Election Code, is amended by adding Subsection (c) to read as follows:

(c) An authority shall designate an e-mail address in the notice required by this section for the purpose of filing an application for a place on the ballot under Section 143.004.

SECTION 73. Section 141.063, Election Code, is amended by adding Subsection (e) to read as follows:

(e) The signer's residence address and registration address are not required to be the same if the signer would otherwise be able to vote for that office under Section 11.004 or 112.002.

SECTION 74. Chapter 141, Election Code, is amended by adding Subchapter D, and a heading is added to that subchapter to read as follows:

SUBCHAPTER D. COERCION OF CANDIDACY

SECTION 75. Section 2.054, Election Code, is transferred to Subchapter D, Chapter 141, Election Code, as added by this Act, redesignated as Section 141.101, Election Code, and amended to read as follows:

Sec. 141.101 [~~2.054~~]. COERCION AGAINST CANDIDACY PROHIBITED. (a) A [~~In an election that may be subject to this subchapter, a~~] person commits an offense if by intimidation or by means of coercion the person influences or attempts to influence a person to:

(1) not file an application for a place on the ballot or a declaration of write-in candidacy; or

(2) withdraw as a candidate.

(b) In this section, "coercion" has the meaning assigned by Section 1.07, Penal Code.

(c) An offense under this section is a Class A misdemeanor unless the intimidation or coercion is a threat to commit a felony, in which event it is a felony of the third degree.

SECTION 76. Section 143.004, Election Code, is amended to read as follows:

Sec. 143.004. APPLICATION REQUIRED. (a) Subject to Section 143.005, to be entitled to a place on the ballot, a candidate must make an application for a place on the ballot.

(b) An application, other than an application required to be accompanied by fee, may be filed through e-mail transmission of the completed application in a scanned format to the e-mail address designated by the filing authority in the notice required under Section 141.040.

SECTION 77. Section 144.003(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by law, to be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through e-mail transmission of the completed application in a scanned format to the e-mail address designated by the filing authority in the notice required under Section 141.040.

SECTION 78. Section 145.003, Election Code, is amended by adding Subsection (j) to read as follows:

(j) This section does not apply to a challenge on an application under Section 141.034.

SECTION 79. Section 192.033(d), Election Code, is amended to read as follows:

(d) In conjunction with the certification required under Subsection (a), the secretary of state shall include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under the federal Voting Rights Act (52 U.S.C. Section 10503) [~~42 U.S.C. Section 1973aa-1a~~].

SECTION 80. Subchapter B, Chapter 201, Election Code, is amended by adding Section 201.030 to read as follows:

Sec. 201.030. VACANCY RESULTING FROM RECALL ELECTION. For cities conducting recall elections, a vacancy in the officer's office occurs on the date of the final canvass of a successful recall election.

SECTION 81. Section 203.004(b), Election Code, is amended to read as follows:

(b) If the election is to be held as an emergency election, it shall be held on a Tuesday or Saturday occurring on or after the 36th day and on or before the 64th [~~50th~~] day after the date the election is ordered.

SECTION 82. Section 212.001, Election Code, is amended to read as follows:

Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT DOCUMENT. A recount document submitted under this title must:

(1) be in writing;

(2) identify the office or measure for which a recount is desired;

(3) state the grounds for the recount;

(4) state the side of the measure that the person requesting the recount represents, if applicable;

(5) identify the election precincts, grouped by county or other appropriate territorial unit if the election involves more than one local canvassing authority, for which a recount is desired and must indicate the method of voting used in each precinct;

(6) be signed by:

(A) the person requesting the recount or, if there is more than one, any one or more of them; or

(B) an agent of the person requesting the recount;

(7) state each requesting person's name, residence address, and, if authorization to obtain the recount is based on eligibility to vote in the election, voter registration number, and county of registration if the election covers territory in more than one county;

(8) designate an agent who is a resident of this state to receive notice under this title on behalf of the person requesting the recount if:

(A) the person requesting the recount is not a resident of this state; or

(B) there is more than one person requesting the recount;

(9) state the mailing address and at least one telephone number, if any, at which the person requesting the recount or an agent, identified by name, may receive notice given under this title;

(10) state the mailing address, e-mail address, if any, and at least one telephone number, if any, at which the opposing candidates for the office or their agents, identified by name, may receive notice given under this title; and

(11) be accompanied by a deposit as provided by Subchapter E.

SECTION 83. Section 212.002(b), Election Code, is amended to read as follows:

(b) The designation is not effective unless the document states the designee's name, address, e-mail address, if any, and telephone number, if any.

SECTION 84. Section 212.028(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a petition for an initial recount must be submitted by [~~the later of:~~

[~~(1) 5 p.m. of the fifth day after election day; or~~

[~~(2)~~] 5 p.m. of the second day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns.

SECTION 85. Section 212.031(a), Election Code, is amended to read as follows:

(a) If a recount petition complies with the applicable requirements, the recount coordinator shall approve the petition and note on the petition its approved status and the date of the approval. The recount coordinator shall immediately notify the recount supervisor of the approval. The recount supervisor

shall, with the written approval of the recount coordinator, order the recount to be held on the later of [~~a date occurring not later than~~] the seventh day after the date the petition is determined to comply with the applicable requirements or the day after all ballots have been delivered to the general custodian of election records.

SECTION 86. Section 212.083, Election Code, is amended to read as follows:

Sec. 212.083. DEADLINE FOR SUBMITTING PETITION. The deadline for submitting a recount petition under this subchapter is [~~the later of:~~

[~~(1) 2 p.m. of the third day after election day; or~~

[~~(2)~~] 2 p.m. of the first day after the date of the local canvass.

SECTION 87. Section 212.112, Election Code, is amended to read as follows:

Sec. 212.112. AMOUNT OF DEPOSIT. The amount of the recount deposit is:

(1) $60 for each election day polling location or precinct, whichever results in a smaller amount, in which regular paper ballots were used; and

(2) $100 for each election day polling location or precinct, whichever results in a smaller amount, in which an electronic voting system was used.

SECTION 88. Section 216.003, Election Code, is amended to read as follows:

Sec. 216.003. INITIATING AUTOMATIC RECOUNT. For purposes of initiating an automatic recount, the authority designated under Section 212.026 shall order the recount [~~request the recount in the same manner as a recount petitioner under this title~~].

SECTION 89. Section 272.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) To be eligible to serve as a clerk under this section, a person must:

(1) be a qualified voter of the state and satisfy any additional eligibility requirements prescribed by written order of the commissioners court; or

(2) meet the eligibility requirements of a student election clerk under Section 32.0511.

SECTION 90. Section 277.002, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The signer's residence address and the address listed on the signer's registration are not required to be the same if the signer is eligible to vote under Section 11.004 or 112.002.

SECTION 91. Section 277.0024, Election Code, is amended to read as follows:

Sec. 277.0024. COMPUTING NUMBER OF SIGNATURES. (a) Except as provided by Subsection (b), if [~~If~~] the minimum number of signatures required for a petition is determined by a computation applied to the number of registered voters of a particular territory, voters whose names appear on the list of registered voters with the notation "S", or a similar notation, shall be excluded from the computation.

(b) The signature of a voter whose name appears on the list of registered voters with the notation "S", or a similar notation, is considered valid if the voter:

(1) is otherwise eligible to vote in the territory; and

(2) provides a residence address located in the territory.

SECTION 92. The following provisions of the Election Code are repealed:

(1) Sections 15.082(c) and (d);

(2) Subchapter F, Chapter 15;

(3) Section 18.0051;

(4) Section 18.008(c);

(5) Section 31.099(b);

(6) Section 42.061(c);

(7) Section 84.008(b); and

(8) Section 105.002.

SECTION 93. This Act takes effect September 1, 2021.

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

Amend **CSHB 3107** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. The heading to Section 31.005, Election Code, is amended to read as follows:

Sec. 31.005. PROTECTION OF VOTING RIGHTS; ENFORCEMENT.

SECTION ____. Section 31.005, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The secretary of state may order [~~If the secretary determines that~~] a person performing official functions in the administration of any part of the electoral processes to correct offending conduct if the secretary determines that the person is exercising the powers vested in that person in a manner that:

(1) impedes the free exercise of a citizen's voting rights; or

(2) unless acting under an order of a court of competent jurisdiction, delays or cancels an election that the person does not have specific statutory authority to delay or cancel.

(c)[~~, the secretary may order the person to correct the offending conduct.~~] If a [~~the~~] person described by Subsection (b) fails to comply with an order from the secretary of state under this section, the secretary may seek enforcement of the order by a temporary restraining order or a writ of injunction or mandamus obtained through the attorney general.

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

Amend **CSHB 3107** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 63.0011, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The statement described by Subsection (c) must include a field for the voter to enter the voter's current county of residence.

SECTION ____. As soon as practicable after the effective date of this Act, the secretary of state shall adopt a statement of residence form as required by Section 63.0011, Election Code, as amended by this Act.

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

Amend **CSHB 3107** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. The heading to Section 85.064, Election Code, is amended to read as follows:

Sec. 85.064. DAYS AND HOURS FOR VOTING: TEMPORARY BRANCH IN POPULOUS COUNTY.

SECTION ____. Section 85.064, Election Code, is amended by adding Subsection (a) to read as follows:

(a) This section applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more.

SECTION ____. Subchapter C, Chapter 85, Election Code, is amended by adding Section 85.065 to read as follows:

Sec. 85.065. DAYS AND HOURS FOR VOTING: TEMPORARY BRANCH IN LESS POPULOUS COUNTY. (a) This section applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

(b) Except as provided by Subsection (c), voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Section 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

(c) Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

(d) The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

SECTION ____. Section 85.068(a), Election Code, is amended to read as follows:

(a) The early voting clerk shall post notice for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Section 85.064(d) or 85.065(b), if the early voting clerk is a county clerk or city secretary under Section 83.002 or 83.005.

HB 3121 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3121, A bill to be entitled An Act relating to a voluntary quality standards certification process for certain private residential psychiatric treatment facilities that provide treatments and services to youth; imposing fees; authorizing civil and administrative penalties.

Representative J. Turner moved to concur in the senate amendments to **HB 3121**.

The motion to concur in the senate amendments to **HB 3121** prevailed by (Record 1679): 95 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smith; Stephenson; Stucky; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Bonnen; Burrows; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Dean; Ellzey; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; King, P.; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Paul; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smithee; Spiller; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENTS OF VOTE

When Record No. 1679 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1679 was taken, I was shown voting yes. I intended to vote no.

Stucky

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

Amend **HB 3121** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 577A.001(3), Health and Safety Code (page 1, line 39), strike "that meets criteria to be" and substitute "is".

(2) In added Section 577A.003, Health and Safety Code (page 1, line 53), between "of" and "a", add "or create a separate license for".

(3) In added Section 577A.051, Health and Safety Code (page 1, line 59), between "shall" and "develop", add ", using existing resources to the extent feasible,".

(4) In added Section 577A.054(a), Health and Safety Code (page 2, line 16), immediately following "rules.", add "The commission may not issue to an applicant a certificate under this chapter unless the applicant is licensed as a general residential operation under Chapter 42, Human Resources Code.".

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

Amend **HB 3121** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. If the legislature does not appropriate money specifically for the purpose of implementing a provision of this Act, the Health and Human Services Commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

HB 2205 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2205, A bill to be entitled An Act relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.

Representative Romero moved to concur in the senate amendments to **HB 2205**.

The motion to concur in the senate amendments to **HB 2205** prevailed by (Record 1680): 132 Yeas, 14 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; 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; 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; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose;

Rosenthal; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Hefner; Krause; Leman; Oliverson; Patterson; Sanford; Schaefer; Shaheen; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Hernandez.

STATEMENTS OF VOTE

When Record No. 1680 was taken, I was shown voting no. I intended to vote yes.

Swanson

When Record No. 1680 was taken, I was shown voting no. I intended to vote yes.

Tinderholt

When Record No. 1680 was taken, I was shown voting no. I intended to vote yes.

Toth

When Record No. 1680 was taken, I was shown voting present, not voting. I intended to vote no.

White

Senate Committee Substitute

CSHB 2205, A bill to be entitled An Act relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.

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

SECTION 1. Section 341.0645, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(b) The executive commissioner shall adopt by rule pool safety standards necessary to prevent drowning. The standards must:

(1) be at least as stringent as those imposed under the federal Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. Section 8001 et seq.); and

(2) comply with and adopt by reference a version of the International Swimming Pool and Spa Code, as defined by Section 214.103, Local Government Code, that is not older than the version in effect on May 1, 2019, regarding all construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas.

(c) Notwithstanding Subsection (b), the department is not required to adopt Chapter 1 of the International Swimming Pool and Spa Code.

(d) Subsection (b) does not affect requirements for pool yard enclosure imposed under Chapter 757.

(e) The executive commissioner by rule shall authorize a minor addition, alteration, renovation, or repair to an existing pool or spa and related mechanical, electrical, and plumbing systems in the same manner and arrangement as the executive commissioner authorized the construction of the pool or spa and related mechanical, electrical, and plumbing systems.

(f) A person may use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date.

(g) Notwithstanding Subsection (b)(2), this section does not affect the authority of the executive commissioner to adopt rules regarding pool operation and management, water quality, safety standards unrelated to design and construction, signage, and enclosures.

SECTION 2. Section 214.103, Local Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) To protect the public health, safety, and welfare, the International Swimming Pool and Spa Code, as it existed on May 1, 2019, is adopted as the municipal swimming pool and spa code in this state. A municipality may adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality.

(b-1) To the extent a provision of a code adopted by a municipality under Subsection (b) conflicts with a law of this state or a regulation on pool operation and management, water quality, safety standards unrelated to design and construction, signage, or enclosures, the law or regulation controls.

SECTION 3. This Act takes effect September 1, 2021.

HB 4609 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4609, A bill to be entitled An Act relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Wilson moved to concur in the senate amendments to **HB 4609**.

The motion to concur in the senate amendments to **HB 4609** prevailed by (Record 1681): 97 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Bowers; Bucy; Button; Campos; Canales; Cason; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Johnson,

A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; 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; Sanford; Sherman; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Allison; Ashby; Bell, K.; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Clardy; Cook; Cyrier; Darby; Dean; Ellzey; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Paul; Price; Rogers; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa.

Senate Committee Substitute

CSHB 4609, A bill to be entitled An Act relating to the creation of the Williamson County Municipal Utility District No. 40; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8141 to read as follows:

CHAPTER 8141. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8141.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Williamson County Municipal Utility District No. 40.

Sec. 8141.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8141.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8141.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8141.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8141.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8141.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8141.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8141.0202, directors serve staggered four-year terms.

Sec. 8141.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8141.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 8141.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8141.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8141.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8141.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8141.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8141.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8141.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8141.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8141.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8141.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

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

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

(k) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8141.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8141.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8141.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8141.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8141.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8141.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8141.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8141.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8141.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Williamson County Municipal Utility District No. 40 initially includes all the territory contained in the following area:

BEING 1229.695 acres of land, situated in the E. Leichtle Survey No. 5, Abstract No. 382 in Williamson County, Texas and Abstract No. 524 in Burnet County, Texas, being all of that certain tract of land called to contain 950.635 acres in a Warranty Deed with Vendor's Lien to Higher Ground Capital, LLC as described in Document No. 2020149480, all of that certain tract of land called to contain 171.85 acres in a Warranty Deed with Vendor's Lien to Higher Ground Capital, LLC as described in Document No. 2020149349 of the Official Public Records of Williamson County, Texas and all of that certain tract of land called to contain 107.21 acres to Todd Cox as described in a General Warranty Deed with Vendor's Lien in Document No. 2019023574 of the Official Public Records of Williamson County, Texas and 201911838 of the Official Public Records of Burnet County, Texas; said 1229.695 acres being more particularly described as follows, with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING: at a calculated point on the Northeastern right-of-way of State Highway No. 29 (ROW Varies) for the westernmost southwestern corner of the said 171.85-acre tract, a corner of the said 950.635-acre tract;

THENCE: Along the Northeasterly right-of-way of said State Highway 29 with the three (3) following courses and distances;

(1) North 51°06'07" West a distance of 296.61 feet to a calculated point for corner;

(2) North 51°39'07" West a distance of 1356.59 feet to a calculated point for the southeastern corner of the said 107.21-acre tract, the southwestern corner of the said 950.635-acre tract, for a corner of this herein described tract;

(3) North 51°19'37" West a distance of 635.82 feet to a calculated point for the southwestern corner of the said 107.21-acre tract, the southeastern corner of that certain tract of land called to contain 20.01 acres in a General Warranty Deed to Good Neighbor Storage, LLC in Document No. 2014097763 of the Official Public Records of Williamson County, Texas, for the southwestern corner of this herein described tract;

THENCE: North 00°25'08" East a distance of 2138.38 feet along the Eastern line of the said 20.01-acre tract, a line of the said 107.21-acre tract to a calculated point for the northeastern corner of the said 20.01-acre tract, a corner of the said 107.21-acre tract, for a corner of this herein described tract;

THENCE: North 89°23'42" West a distance of 1686.80 feet along a southern line of the said 107.21 acre tract, the northern line of the said 20.01 acre tract, the northern line of that certain tract of land called to contain 10.02 acres to Esmaeil Rowshan as described in a Warranty Deed with Vendor's Lien in Document No. 2006078138 of the Official Public Records of Williamson County, Texas to a calculated point on the northeastern line of Burnet County Road 266, for the westernmost southwestern corner of the said 107.21 acre tract, the northwestern corner of the said 10.02 acre tract, for a corner of this herein described tract;

THENCE: North 20°55'38" West a distance of 1337.12 feet along a western line of the said 107.21 acre tract, the northeastern line of said Burnet County Road 266 to a calculated point for the westernmost corner of the said 107.21 acre tract, the southwestern corner of that certain tract of land called to contain 12.94 acres to Howard Coursey as described in a General Warranty Deed in Document No. 2020149480 of the Official Public Records of Burnet County, Texas, for a corner of this herein described tract;

THENCE: South 71°18'58" East a distance of 690.80 feet along the southern line of the said 12.94-acre tract, a line of the said 107.21-acre tract to a calculated point for the southeastern corner of the said 12.94-acre tract, an interior corner of the said 107.21-acre tract, for a corner of this herein described tract;

THENCE: North 18°42'55" East a distance of 674.10 feet along a western line of the said 107.21-acre tract, to a calculated point for the northeastern corner of the said 12.94-acre tract, the southeastern corner of that certain tract of land called to contain 13.50 acres to Edward F. Clark as described in a Warranty Deed in Document No. 201703973 of the Official Public Records of Burnet County, Texas, for a corner of this herein described tract;

THENCE: North 18°37'00" East a distance of 450.79 feet continuing with a western line of the said 107.21-acre tract to a calculated point for a corner of the said 107.21-acre tract, the northeastern corner of the said 13.50-acre tract, for a corner of this herein described tract;

THENCE: North 71°19'01" West a distance of 50.03 feet along a line of the said 107.21-acre tract, the northern line of the said 13.50-acre tract to a calculated point for a corner of the said 107.21-acre tract, the southeastern corner of that certain tract of land called to contain 5.59 acres to Brazos L. Cardwell as described in a General Warranty Deed in Document No. 201605277 of the Official Public Records of Burnet County, Texas, for a corner of this herein described tract;

THENCE: North 18°42'39" East a distance of 1219.14 feet along a western line of the said 107.21-acre tract, the eastern line of the said 5.59-acre tract to a calculated point on the southern line of Burnet County Road 264, for the northeastern corner of the said 5.59-acre tract, the northernmost northwestern corner of the said 107.21-acre tract, for a corner of this herein described tract;

THENCE: South 71°25'54" East a distance of 49.97 feet along the southern line of said Burnet County Road 264 to a calculated point for the northernmost northeastern corner of the said 107.21-acre tract, the northwestern corner of that certain tract of land called to contain 3.10 acres to Louise Dalton as described in a Warranty Deed in Document No. 200709836 of the Official Public Records of Burnet County, Texas;

THENCE: South 18°41'18" West a distance of 1149.99 feet along a line of the said 107.21 acre tract, the western line of the said 3.10 acre, the western line of that certain tract of land being the remainder of a called 19.66 acres to Marsha Johnson as described in a Special Warranty Deed with Vendor's Lien in Volume 1348, Page 405 of the Official Public Records of Burnet County, Texas to a calculated point for the southwestern corner of the said 19.66 acre tract, a corner of the said 107.21 acre tract, for a corner of this herein described tract;

THENCE: South 70°12'07" East a distance of 476.31 feet along the southern line of the said 19.66 acre tract, a line of the remainder of a 16.64 acre tract in Volume 658, Page 200 of the Deed Records of Williamson County, Texas to a calculated point for the westernmost corner of that certain tract of land called to contain 21.113 acres to David S. Karpenske as described in Document No. 2018059486 of the Official Public Records of Williamson County, Texas, a corner of the said 107.21 acre tract, for a corner of this herein described tract;

THENCE: along the common lines of the said 107.21-acre tract and the said 21.113-acre tract with the following four (4) courses and distances;

(1) South 45°17'39" East a distance of 487.78 feet to a calculated point for a corner of this herein described tract;

(2) South 07°31'40" East a distance of 790.14 feet to a calculated point for a corner of this herein described tract;

(3) North 79°56'03" East a distance of 320.49 feet to a calculated point for a corner of this herein described tract;

(4) North 88°03'43" East a distance of 417.90 feet to a calculated point on the Western line of the said 950.635-acre tract, for the southeastern corner of the said 21.113-acre tract, for a corner of this herein described tract;

THENCE: North 00°26'00" East a distance of 1913.53 feet along the eastern line of the said 21.113-acre tract, the eastern line of that certain tract of land called to contain 10.663 acres to Clinton C. Hamilton as described in a Receiver's

Deed in Document No. 2019097604 of the Official Public Records of Williamson County, Texas, to a calculated point on the southwesterly right-of-way of the Southern Pacific Railroad (100' Right-of-way) for the northeastern corner of the said 10.663 acres, the northwestern corner of the said 950.635 acre tract, for the Northwestern corner of this herein described tract;

THENCE: Along the southwestern right-of-way of the said Southern Pacific Railroad with the seven (7) following courses and distances;

(1) South 71°25'42" East a distance of 7871.28 feet to a calculated point for corner;

(2) South 71°30'49" East a distance of 877.87 feet to a calculated point for corner;

(3) South 71°28'50" East a distance of 1044.93 feet to a calculated point for corner;

(4) South 69°26'50" East a distance of 218.43 feet to a calculated point for corner;

(5) South 62°26'50" East a distance of 194.63 feet to a calculated point for corner;

(6) South 59°27'52" East a distance of 1288.91 feet to a calculated point for corner;

(7) South 59°25'43" East a distance of 919.44 feet to a calculated point for the most northern corner of that certain tract of land called to contain 22.005 acres to Edena Bray Harris as described in an Executor's Deed in Document No. 2018052583 of the Official Public Records of Williamson County, Texas, for the easternmost corner of the said 950.635-acre tract, for the easternmost corner of this herein described tract;

THENCE: South 68°43'21" West a distance of 291.70 feet departing the southwesterly right-of-way line of said Southern Pacific Railroad and the along the northerly line of the said 22.005-acre tract to a calculated point for the northwestern corner of the said 22.005-acre tract, the northern most corner of that certain tract of land called to contain 546.33 acres to Butler Family Partnership, Ltd as described in Document No. 2010087926 of the Official Public Record of Williamson County, Texas, for a corner of this herein described tract;

THENCE: along the northwesterly line of the said 546.33-acre tract, with the following three (3) courses and distances;

(1) South 68°42'10" West a distance of 401.10 feet to a calculated point for corner;

(2) South 67°54'46" West a distance of 681.61 feet to a calculated point for corner;

(3) South 69°38'35" West a distance of 380.63 feet to a calculated point for corner;

THENCE: South 69°40'05" West a distance of 1081.10 feet continuing along the northwesterly line of the said 546.33-acre tract and the northwesterly of the certain tract of land called to contain 134.741 acres to Dinah Beth Brothers in a Warranty Deed with Vendor's Lien in Document No. 2008063553 of the Official Public Records of Williamson County, Texas, to a calculated point for a corner of this herein described tract;

THENCE: continuing along the northwesterly line of the said 134.741-acre tract with the following seven (7) courses and distances;

(1) North 54°17'26" West a distance of 18.60 feet to a calculated point for corner;

(2) South 68°44'09" West a distance of 948.36 feet to a calculated point for corner;

(3) South 68°11'18" West a distance of 602.77 feet to a calculated point for corner;

(4) South 68°35'55" West a distance of 588.11 feet to a calculated point for corner;

(5) South 77°19'22" West a distance of 35.17 feet to a calculated point for corner;

(6) South 45°15'34" West a distance of 10.93 feet to a calculated point for corner;

(7) South 68°37'50" West a distance of 835.61 feet to a calculated point for the northwesterly corner of the said 134.741-acre tract, the same being the northernmost corner of that certain tract of land called to contain 76.00 acres of land to LH29 Land Holdings, LLC as described in a General Warranty Deed in Document NO. 2015110967 of the Official Public Records of Williamson County, Texas for a corner of this herein described tract;

THENCE: along the northwesterly line of the said 76.00 -acre tract of land with the following four (4) courses and distances;

(1) South 68°50'47" West a distance of 289.93 feet to a calculated point for corner;

(2) South 69°12'48" West a distance of 766.35 feet to a calculated point for corner;

(3) South 69°26'08" West a distance of 160.97 feet to a calculated point for corner;

(4) South 68°27'56" West a distance of 417.26 feet to a calculated point for the northwesterly corner of the said 76.00-acre tract, the northernmost corner of that certain tract of land called to contain 43.88 acres to Wilson Lay & Theary Korng as described in a General Warranty Deed with Vendor's Lien in Document No. 2015099491 of the Official Public Records of Williamson County, Texas, for a corner of this herein described tract;

THENCE: South 69°02'02" West a distance of 131.00 feet along the northwesterly line of the said 43.88-acre tract to a calculated point for the easternmost corner of the said 171.85-acre tract, for a corner of this herein described tract;

THENCE: South 69°22'52" West a distance of 1724.86 feet continuing along the southeasterly line of the said 171.85-acre tract, the northwestern line of the said 43.88-acre tract to a calculated point on the northeastern right-of-way line of said State Highway 29 for the northwestern corner of the said 43.88-acre tract, the southernmost corner of the said 171.85-acre tract, for the southernmost corner of this herein described tract;

THENCE: along the northeasterly line of said State Highway 29, the southwestern line of the said 171.85-acre tract with the following four (4) courses and distances;

(1) North 54°31'00" West a distance of 278.88 feet to a calculated point for corner;

(2) North 48°34'12" West a distance of 301.11 feet to a calculated point for corner;

(3) North 54°15'16" West a distance of 201.54 feet to a calculated point for corner;

(4) North 48°39'46" West a distance of 1017.60 feet to a calculated point for corner;

THENCE: Continuing along the northeastern line of said State Highway 29, the southwestern line of the said 171.85-acre tract with a curve to the left having a Delta angle of 01°15'37", a Radius of 11519.16 feet, an Arc length of 253.39 feet with the chord of the curve North 48°37'54" West a distance of 253.38 feet to the POINT OF BEGINNING and CONTAINING an area of 1229.695 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8141, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8141.0307 to read as follows:

Sec. 8141.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3324 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3324, A bill to be entitled An Act relating to the designation of certain rest areas in Culberson County as the U.S. Border Patrol Agent Rogelio Martinez rest area.

Representative E. Morales moved to concur in the senate amendments to **HB 3324**.

The motion to concur in the senate amendments to **HB 3324** prevailed by (Record 1682): 145 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; 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cason; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa.

STATEMENT OF VOTE

When Record No. 1682 was taken, I was shown voting no. I intended to vote yes.

Toth

Senate Committee Substitute

CSHB 3324, A bill to be entitled An Act relating to the designation of a portion of Interstate Highway 10 as the U.S. Border Patrol Agent Rogelio Martinez Memorial Highway.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.190 to read as follows:

Sec. 225.190. U.S. BORDER PATROL AGENT ROGELIO MARTINEZ MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 10 in Culberson County between mile marker 150 and mile marker 155 is designated as the U.S. Border Patrol Agent Rogelio Martinez Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the U.S. Border Patrol Agent Rogelio Martinez Memorial Highway and any other appropriate information; and

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

SECTION 2. This Act takes effect September 1, 2021.

HB 4124 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 4124, A bill to be entitled An Act relating to student enrollment in certain special-purpose districts and the allotment under the public school finance system for those districts.

Representative Hinojosa 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 4124**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4124**: Hinojosa, chair; Hernandez, Ortega, Price, and Raymond.

HB 4580 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4580, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 202; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Metcalf moved to concur in the senate amendments to **HB 4580**.

The motion to concur in the senate amendments to **HB 4580** prevailed by (Record 1683): 93 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Fierro; 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; King, K.; King, P.; King, T.; Klick; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sherman; Smith; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Ashby; Bell, K.; Bonnen; Buckley; Burns; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Kuempel; Landgraf; Leach; Leman; Middleton; Murr; Noble; Oliverson; Patterson; Price; Rogers; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Biedermann; Dutton; Harless; Raney.

STATEMENTS OF VOTE

When Record No. 1683 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1683 was taken, I was shown voting no. I intended to vote yes.

Craddick

Senate Committee Substitute

CSHB 4580, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 202; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8051 to read as follows:

CHAPTER 8051. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 202

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8051.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 202.

Sec. 8051.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8051.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8051.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8051.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8051.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8051.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8051.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8051.0202, directors serve staggered four-year terms.

Sec. 8051.0202. TEMPORARY DIRECTORS. (a) On or after September 1, 2021, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that

the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8051.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 8051.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8051.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8051.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8051.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8051.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8051.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8051.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8051.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8051.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8051.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8051.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8051.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8051.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8051.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8051.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8051.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8051.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8051.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8051.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 202 initially includes all the territory contained in the following area:

Fieldnotes for 106.040 acre tract in the William Starrock Survey, A-486

Being 106.040 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in

Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.

COMMENCING at the easternmost corner of the William Starrock Survey, A-486, said point being a 3/4" iron pipe found in the west line of the Jonathan C. Pitts Survey, A-28, and the northwesterly line of the John Montgomery Survey, A-349;

THENCE S42°17'06"W along the south line of the Starrock Survey a distance of 767.10 feet to a disturbed iron pipe found for the BEGINNING corner of the tract herein described;

THENCE S42°17'06"W continuing along the common line to the Starrock and Montgomery surveys a distance of 2,546.55 feet to a 5/8" iron rod stamped "JNS ENGINEERS" was found in the east line of that certain called 32.4713 acre tract conveyed to Montgomery County in MCCF 8842541;

THENCE along the east line of the called 32.4713 acre tract N48°22'15"W a distance of 666.24 feet to the southeastern corner of that certain called 29.4157 acre tract conveyed to Montgomery County as recorded in MCCF 2009109715 and a 5/8" iron rod with cap stamped "W E SMITH 1982" found for corner;

THENCE N28°31'44"W along the east line of the called 29.4157 acre tract 705.32 feet to a 5/8" iron rod stamped "W E SMITH 1982" was found for corner at the northeast corner of the called 29.4157 acre tract and the southeast line of that certain called 20.0872 acre tract conveyed to Montgomery County as recorded in MCCF 2009109716;

THENCE N37°02'56"W along the east line of the called 20.0872 acre tract, at a distance of 500.03 feet pass the northeast corner of the called 20.0872 acre tract, same being the southeast corner of that certain called 20.0872 acre tract conveyed to Montgomery County in MCCF 2010003943, and continuing along the east line of the second called 20.0872 acre tract at a distance of 1,000.06 feet pass the northeast corner of said second called 20.0872 acre tract and continuing for a total distance of 1,163.71 feet to a 5/8" iron rod with plastic cap stamped "W E SMITH 1982" found for corner in the south line of FM 1484, a variable width right of way;

THENCE along the southeastern right of way of FM 1484 as follows:

THENCE N60°14'59"E a distance of 23.87 feet to a TXDOT Monument found for corner;

THENCE N33°56'50"E a distance of 81.35 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;

THENCE along a curve to the right, said curve having a radius of 1,829.86 feet, a central angle of 26°18'42", an arc length of 840.32 feet, and a chord bearing N76°26'04"E a distance of 832.96 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;

THENCE N89°37'22"E a distance of 251.48 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;

THENCE S60°22'35"E a distance of 160.00 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;
THENCE N89°37'22"E a distance of 182.87 feet to a TXDOT Monument found for corner;
THENCE N59°37'19"E a distance of 160.00 feet to a 5/8" iron rod found for corner;
THENCE N89°37'22"E a distance of 140.98 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" found for corner;
THENCE along a curve to the left, said curve having a radius of 1,989.00 feet, a central angle of 21°34'42", an arc length of 749.08 feet, and a chord bearing N78°50'01"E a distance of 744.66 feet to a 5/8" iron rod found for corner;
THENCE S81°57'27"E along the south right of way line a distance of 96.57 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" found for corner;
THENCE along a curve to the left, said curve having a radius of 2,039.00, a central angle of 3°24'08", an arc distance of 121.08' and a chord bearing N63°59'33"E a distance of 121.06 feet to a TXDOT Monument found for corner;
THENCE N29°56'31"E a distance of 96.57 feet to a TXDOT Monument found for corner;
THENCE along a curve to the left, said curve having a radius of 1,989.00 feet, a central angle of 20°23'02", an arc length of 707.62 feet, and a chord bearing N49°44'56"E a distance of 703.89 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;
THENCE N87°26'42"E a distance of 52.98 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;
THENCE along a curve to the right, said curve having a radius of 170.00 feet, a central angle of 43°38'56", an arc length of 129.51 feet, and a chord which bears S15°27'26"E a distance of 126.40 feet to a TXDOT Disk for corner;
THENCE S83°33'23"E a distance of 20.05 feet to a TXDOT Disk for corner;
THENCE S06°08'31"W a distance of 993.19 feet to the place of BEGINNING, containing 106.040 acres of land, more or less.
Fieldnotes for 92.255 acre tract in the William Starrock Survey, A-486
Being 92.255 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:
The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.
BEGINNING at a 5/8" iron rod with cap stamped "PAPE-DAWSON" set for the northernmost corner of Restricted Reserve "A", Block 3, of R A Deison Technology Park, the map of which is recorded in Cabinet Z, Sheets 2332-2336 of the Map Records of Montgomery County, Texas, said point falling in the southwest line of Technology Park Drive, based on a width of 120 feet;

THENCE S37°42'35"W along the northwesterly line of said Restricted Reserve "A" a distance of 354.47 feet to a 1/2" iron rod with cap found for corner;

THENCE S03°25'17"W continuing along the northwesterly line of said Restricted Reserve "A" a distance of 1,319.73 feet to a 1/2" iron rod with cap stamped "JONES & CARTER" found for corner at the southwest corner of said Restricted Reserve "A", said point also being in the north line of that certain called 60.000 acre tract conveyed Montgomery County as recorded in MCCF 99012455;

THENCE S75°22'50"W along the north line of said called 60.000 acre tract a distance of 1,431.77 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner in the easterly line of FM 1484, a variable width right of way;

THENCE along the easterly line of said FM 1484 as follows:

N03°26'27"E a distance of 61.50 feet to a 5/8" iron rod with plastic cap stamped "PAPEDAWSON";

N33°26'32"E a distance of 60.61 feet to a TXDOT Monument;

N03°29'58"E a distance of 56.09 feet to a TXDOT Monument;

N26°33'35"W a distance of 60.72 feet to a 5/8" iron rod with plastic cap stamped "PAPEDAWSON";

N03°26'27"E a distance of 479.16 feet a 5/8" iron rod with plastic cap stamped "PAPEDAWSON";

N33°26'32"E a distance of 40.26 feet to a TXDO Monument;

N03°26'27"E a distance of 180.92 feet to a 5/8" iron rod with plastic cap stamped "PAPEDAWSON";

N26°41'45"W a distance of 40.10 feet to a 5/8" iron rod;

N03°26'27"E a distance of 1,416.78 feet to a TXDOT Monument marking a point of curve of a curve to the right;

THENCE along said curve to the right, a radius of 2,920.00 feet, a central angle of 26°42'33", an arc length of 1,361.20 feet, and a chord bearing N16°47'43"E a distance of 1,348.91 feet to a 5/8" iron rod found for corner at a cutback corner to the intersection with the southwesterly line of Technology Park Drive;

THENCE along said cutback N76°07'24"E a distance of 34.90 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;

THENCE continuing along the southwesterly line of Technology Park Drive S58°08'54"E a distance of 124.35 feet to a 1/2" iron rod with cap stamped "MOON" set at the point of curve of a curve to the right;

THENCE along said curve to the right, having a radius of 930.00 feet, a central angle of 36°23'11", an arc length of 590.61 feet, and a chord bearing S39°57'19"E a distance of 580.73 feet to a 1/2" iron rod with cap stamped "MOON" found at the point of tangency of said curve;

THENCE continuing along the southwesterly line of Technology Park Drive S21°45'43"E a distance of 801.94 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set at the point of curve of a curve to the left;

THENCE along the southwesterly line of Technology Park Drive, along a curve to the left, said curve having a radius of 1,070.00 feet, a central angle of 30°31'41", an arc length of 570.11 feet, and a chord bearing S37°01'34"E a distance of 563.39 feet to the place of BEGINNING, containing 92.255 acres of land, more or less.

Fieldnotes for 311.056 acre tract in the William Starrock Survey, A-486

Being 311.056 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.

BEGINNING at a 5/8" iron rod stamped "Moyer", said point being the intersection of the southwesterly line of the Starrock Survey and the northeasterly line of the Lewis Neal Survey, A395, with the east line of Conroe Park North, Section 6, the map of which is recorded in Cabinet Z, sheets 1691 to 1705 of the map records of Montgomery County, Texas, and being the southwest corner of the called 1,932.293 acre tract;

THENCE N05°42/06"W along the east line of Conroe Park North, Section 6, a distance of 3,592.66 feet to a 5/8" iron rod with cap stamped "Arborleaf" found for corner at the intersection of said line and the southerly line of Proposed League Line Road Extension;

THENCE along the southerly line of Proposed League Line Road Extension as follows:

N84°34'39"E a distance of 285.69 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf found for corner at the point of curve of a curve to the right:

THENCE along said curve to the right, having a radius of 4,935.00 feet, a central angle of 9°5151", an arc length of 849.62 feet, and a chord bearing N89°30'34"E 848.57 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;

THENCE S87°53'02"E a distance of 98.88 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;

THENCE along a curve to the right, said curve having a radius of 4,940.00 feet, central angle of 5°43'47", an arc length of 494.00 feet, and a chord bearing S81°32'52"E 493.80 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;

THENCE S75°12'41"E a distance of 98.87 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;

THENCE along a curve to the right, said curve having a radius of 4,935.00 feet, central angle of 10°18'48", an arc length of 888.30 feet, and a chord bearing S72°22'49"E 887.10 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;

THENCE S69°32'57"E a distance of 98.87 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;
THENCE along a curve to the right, said curve having a radius of 4,940.00 feet, a central angle of 7°53'38", an arc length of 680.61 feet and a chord bearing S62°07'51"E 680.07 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner;
THENCE S58°11'02"E a distance of 227.95 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf" found for corner at the cutback with the intersection of the southerly line of the Proposed Extension of League Line Road and the westerly line of FM 1484;
THENCE along said cutback S13°51'27"E a distance of 35.77 feet to a 5/8" iron rod°° with plastic cap stamped "Arborleaf" found in the westerly line of FM 1484;
THENCE along the westerly line of FM 1484 along a curve to the left, said curve having a radius of 3,080.00 feet, an central angle of 26°47'39", an arc length of 1,440.35 feet and a chord bearing S16°50'16"W a distance of 1,427.26 feet to a TxDOT Aluminum Disk found for corner;
THENCE continuing along the west line of FM 1484 as follows:

S03°25'57"W a distance of 1436.77 feet to a to a 5/8" iron rod found for corner;
S33°20'39"W a distance of 40.06 feet to a TxDOT Aluminum Disk found for corner;
S03°25'25"W a distance of 110.86 feet to a TxDOT Aluminum Disk found for corner;
S26°43'05"E a distance of 39.84 feet to a TxDOT Aluminum Disk found for corner;
S03°26'27"W a distance of 570.00 feet to 5/8" iron rod found for corner;
S33°26'31"W a distance of 60.00 feet to a TxDOT Aluminum Disk found for corner;
S03°26'28"W a distance of 91.44 feet to a TxDOT Aluminum Disk found for corner;
S26°33'35"E a distance of 99.43 feet to a TxDOT Aluminum Disk found for corner;
S03°26'27"W a distance of 183.03 feet to a 5/8" iron rod with plastic cap stamped "PAPEDAWSON" set for corner;

THENCE continuing along the west line of FM 1484, along a curve to the right, said curve having a radius of 1,940.00 feet, a central angle of 23°50'05", an arc length of 807.03 feet, and a chord bearing S15°21'29"W a distance of 801.22 feet to a TxDOT Aluminum Disk found for corner;
THENCE S55°51'13"W a distance of 63.92 feet to a TxDOT Aluminum Disk found for corner;
THENCE along a curve to the right, said curve having a radius of 1,910.00 feet, a central angle of 01°45'17", an arc length of 58.50 feet, and a chord bearing S29°47'27"W a distance of 58.50 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;

THENCE S02°09'03"W a distance of 48.99 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner in the southwesterly line of the called 1,932.293 acre tract and the common line to the William Starrock Surey and the Lewis Neal Survey;

THENCE N47°45'37"W along said common line a distance of 3,180.95 feet to the place of BEGINNING, containing 311.056 acres of land, more or less.

Fieldnotes for 192.043 acre tract in the William Starrock Survey, A-486

Being 192.043 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.

BEGINNING at a railroad rail marking the southernmost corner of that certain called 347.029 acre tract conveyed to Dameon M. Doyle by Donald Dosedlo as recorded in MCCF 2013 012364, said point being an interior corner of the above said called 1,932.293 acre tract;

THENCE N43°06'54"E along the southeasterly line of said Doyle tract a distance of 1,994.22 feet (called N43°06'29"E 1,992.88 feet) to an axle found for corner at an easterly corner of said Doyle tract, same being an interior corner of the called 1,932.293 acre tract;

THENCE N46°56'45"W (called N46°53'41"W) along the interior line of the called 1,932.292 acre tract and an easterly line of the Doyle Tract, a distance of 936.83 feet (called 937.04 feet) to a 5/8" iron rod with cap stamped "1535 4035" to a point for corner at an angle point in the called 1,932.292 acre tract and the Doyle tract;

THENCE N42°54'27"E (called N42°54'43"E) along the south line of the Doyle tract a distance of 1,398.90 feet (called 1,397.59 feet) to a 5/8" iron rod with cap stamped "1535 4035" found at the easternmost corner of the Doyle tract and being in the common line to the William Starrock Survey, A-486, and the Jonathan C. Pitts Survey, A-28;

THENCE S48°41'56"E (called S48°43'41"E) along the common line to the Starrock and Pitts Surveys, along the west line of an unrecorded subdivision known as Northridge a distance of 2,948.84 feet to a 5/8" iron rod marked "JNS ENGINEERS" for corner;

THENCE a jog in said common line N62°21'02"E (called N63°26'58"E 16.59 feet) a distance of 16.99 feet to a 5/8" iron rod marked "JNS ENGINEERS";

THENCE S48°47'46"E (called S48°43'41"E) along the common line to the Starrock and Pitts Surveys, and along the northeasterly line of the called 1,932.293 acre tract a distance of 816.33 feet to a Bent 5/8" Iron Rod found for corner in the northerly line of FM 1484;

THENCE along the northerly line of FM 1484 the following:

THENCE along a curve to the right, said curve having a radius of 1,829.00 feet, a central angle of 17°10'58", an arc length of 548.51 feet, and a chord which bears S43°32'27"W 546.45 feet to a 5/8" Iron Rod with Plastic Cap Marked "PAPE-DAWSON" set for corner;
THENCE S82°08'06"W a distance of 61.58 feet to a 5/8" Iron Rod with Plastic Cap Marked "PAPE-DAWSON" set for corner;
THENCE along a curve to the right, said curve having a radius of 1,799.00 feet, a central angle of 4°24'21", an arc length of 138.33 feet, and a chord bearing S56°02'01"W a distance of 138.30 feet to a 5/8" Iron Rod with Plastic Cap Marked "PAPE-DAWSON" set for corner;
THENCE S29°56'32"W a distance of 61.59 feet to a 5/8" Iron Rod with Plastic Cap Marked "PAPE-DAWSON" set for corner;
THENCE along a curve to the right, said curve having a radius of 1,829.00 feet, a central angle of 24°36'38", an arc length of 785.62 feet, and a chord which bears S72°14/28"W 779.59 feet to a TxDOT Aluminum Disk found for corner;
THENCE N65°29'19"W a distance of 173.06 feet to a TxDOT Aluminum Disk found for corner;
THENCE along a curve to the right, said curve having a radius of 1,749.00 feet, a central angle of 00°09'14", an arc length of 4.70' and a chord bearing S89°32'27"W 4.70' feet to a TxDOT Aluminum disk found for corner;
THENCE S89°30'43"W a distance of 132.46 feet to a TxDOT Aluminum disk found for corner;
THENCE S59°44'14"W a distance of 160.04 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;
THENCE S89°37'22"W a distance of 581.48 feet to a 5/8" iron rod found for corner;
THENCE along a curve to the left, said curve having a central angle of 28°34'16", a radius of 1,989.86 feet, an arc length of 992.26 feet, and a chord bearing S75°18'17"W 982.01 feet to a TxDOT Aluminum disk found for corner;
THENCE S61°03'31"W a distance of 46.39 feet to a 5/8" iron rod found for corner;
THENCE N88°35'54"W a distance of 79.77 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for corner;
THENCE S61°03'31"W a distance of 161.43 feet to a TxDOT Aluminum Disk found for corner;
THENCE S31°16'32"W a distance of 79.86 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" found for corner;
THENCE S61°03'31"W a distance of 502.02 feet to a 5/8" iron rod with cap stamped "ARBORLEAF" found for corner
THENCE N28°56'29"W a distance of 916.40 feet to the place of BEGINNING, containing 192.043 acres, more or less.
Fieldnotes for 577.557 acre tract in the William Starrock Survey, A-486
Being 577.557 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in

Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.

BEGINNING at the most westerly corner of that certain called 347.029 acre tract conveyed to Dameon M. Doyle as recorded in MCCF 2013012364, said point being a corner of that certain called 610.2467 acre tract conveyed to Conroe Industrial Development Corporation as recorded in MCCF 2018035428;

THENCE S10°25'27"E (called S10°18'59"E) along the southwesterly line of the called 347.029 acre tract a distance of 146.95 feet (called 147.20 feet) to a 5/8" iron rod with plastic cap stamped "JNS ENGINEERS" found for an angle point;

THENCE S02°42'53"W (called S02°41'01"W) along the southwesterly line of said called 347.029 acre tract a distance of 388.94 (called 388.90 feet) to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for an angle point;

THENCE S47°04'56"E (called S47°13'51"E along the southwesterly line of the called 347.029 acre tract a distance of 3,614.37 feet (called 4,541.87 feet) to a railroad iron found for angle point in said line;

THENCE S47°34'35"E continuing along the southwesterly line of the called 347.029 acre tract a distance of 927.08 feet to a railroad iron found for the most southerly corner of the called 347.029 acre tract;

THENCE S28°56'29"E a distance of 916.40 feet to a 5/8" iron rod found for corner in the northwesterly line of FM 1484 a variable width right of way;

THENCE along the northwesterly line of FM 1484 as follows:

THENCE S61°03'31"W a distance of 557.98 feet to a TxDOT Aluminum disk found for corner;

THENCE N89°15'07"W a distance of 39.98 feet to a 5/8" iron rod found for corner;

THENCE S61°18'07"W a distance of 70.63 feet to a 5/8" iron rod found for corner:

THENCE S30°45'56"W a distance of 40.11 feet to a 5/8" iron rod found for corner; THENCE S61°07'54"W a distance of 609.29 feet to a 5/8" iron rod found for corner;

THENCE N88°56'26"W a distance of 60.00 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" found for corner;

THENCE S61°03'31"W a distance of 96.08 feet to a 5/8" iron rod found for corner;

THENCE S31°18'57"W a distance of 61.14 feet to a 5/8" iron rod found for corner;

THENCE S61°02'09"W a distance of 816.02 feet to a 5/8" iron rod with plastic cap stamped "PAPE-DAWSON" set for the point of curve of a curve to the left:

THENCE along said curve to the left, a radius of 3,080.00 feet, a central angle of 27°40'15", an arc length of 1,487.47 feet, and a chord bearing S47°13'58"W 1,473.06 feet to a 5/8" iron rod with plastic cap stamped "Arborleaf found for corner at a cutback corner at the intersection of the northwesterly line of FM 1484 and the extension of League Line Road;

THENCE along the northerly line of the extension of League Line Road S77°29'29"W a distance of 35.77 feet to a 5/8" iron rod found for corner;
THENCE N58°11'02"W a distance of 227.95 feet to a 5/8" iron rod found for corner at the point of curve of a curve to the left;
THENCE along said curve, a radius of 5,060.00 feet, a central angle of 07°53'38", an arc length of 697.14 feet, and a chord which bears N62°07'51"W a distance of 696.59 feet to a 5/8" iron rod found for corner;
THENCE N63°49'26"W a distance of 101.37 feet to a 5/8" iron rod found for corner;
THENCE along a curve to the left, said curve having a radius of 5,065.00 feet, a central angle of 10°18'48", an arc length of 911.70 feet, and a chord bearing N72°22'49"W a distance of 910.47 feet to a 5/8" iron rod found for corner;
THENCE N80°56'13"W a distance of 101.37 feet to a 5/8" iron rod found for corner;
THENCE along a curve to the left, said curve having a radius of 5,060.00 feet, a central angle of 05°43'46", an arc length of 506.00 feet, and a chord bearing N81°32'52"W a distance of 505.79 feet to a 5/8" iron rod found for corner;
THENCE N82°09'30"W a distance of 101.37 feet to a 5/8" iron rod found for corner;
THENCE along a curve to the left, said curve having a radius of 5,065.00 feet, a central angle of 09°51'51", an arc length of 872.00 feet and a chord bearing S89°30'34"W a distance of 870.92 feet to a 5/8" iron rod found for corner;
THENCE S84°34'39"W a distance of 286.32 feet to a 5/8" iron rod found for corner in the east line of Conroe Park North, Section 6, the map of which is recorded in Cab Z, Sheets 1691 to 1705 of the Map Records of Montgomery County, Texas;
THENCE N05°42'06"W along the east line of Conroe Park North, Section 6, at a distance of 2,386.07 feet to a 5/8" iron rod with plastic cap stamped "Moyer" found for the northeast corner of Conroe Park North, Section 6, said point marking the southernmost corner of the previously referenced called 610.2467 acre tract conveyed to Conroe Industrial Development Corporation as recorded in MCCF 2018035428;
THENCE N43°59'58"E along the southeasterly line of said called 610.2467 acre tract a distance of 4,649.21 feet to the place of BEGINNING, containing 577.557 acres of land, more or less.
Fieldnotes for 12.979 acre tract in the William Starrock Survey, A-486
Being 12.979 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:
The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.

BEGINNING at a 5/8" iron rod with plastic cap marked "W E SMITH 1982" found at the northeasterly corner of that certain called 20.0872 acre tract conveyed to Montgomery County in deed recorded in MCCF 2010-003943 of the deed records of Montgomery County, Texas;

THENCE S52°57'04"W along the northwesterly line of said called 20.0872 acre tract a distance of 1,750.11 feet to a 5/8" iron rod with plastic cap marked "W E SMITH 1982" found for corner at the northwesterly corner of said called 20.0872 acre tract, same being in the northeasterly line of that called 284.006 acre tract conveyed to Conroe Industrial Development Corporation by Judy C. Campbell as recorded in MCCF 2010111233;

THENCE along the northeasterly line of said called 284.006 acre tract N37°02'56"W a distance of 451.88 feet to a 1/2" iron rod with plastic cap marked "JEFF MOON RPLS 4936" found for corner in the southeasterly line of FM 1484, a variable width right of way;

THENCE along the southeasterly line of FM 1484 as follows:

N61°09'07"E a distance of 180.52 feet to a 1/2" iron rod found for corner;

S88°56'26"E a distance of 40.00 feet to a TxDOT Aluminum Disc found for corner;

N61°09'07"E a distance of 70.72 feet to a TxDOT Aluminum Disc found for corner;

N31°03'28"E a distance of 40.00 feet to a 5/8" iron rod with plastic cap marked "PAPEDAWSON" set for corner;

N61°03'31"E a distance of 1,300.00 feet to a 5/8" iron rod with plastic cap marked "PAPEDAWSON" set for corner;

S89°08'33"E a distance of 80.27 feet to a 5/8" iron rod with plastic cap marked "PAPE-DAWSON" set for corner;

N60°14'59"E a distance of 83.18 feet to a 5/8" iron rod with plastic cap marked "ARBORLEAF RPLS 1982";

THENCE S37°02'56"E a distance of 163.05 feet to the place of BEGINNING, containing 12.979 acres of land, more or less.

Fieldnotes for 18.933 acre tract in the William Starrock Survey, A-486

Being 18.933 acres out of the William Starrock Survey, A-486, Montgomery County, Texas, and being out of and a part of that certain called 1,932.293 acre tract described in deed from Judy C. Campbell to Judy Carol Campbell, as Trustee of the JCC Living Trust dated December 15, 2011, as recorded in Montgomery County Clerk's File (MCCF) 2012031320 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

The bearings in this description are based on The Texas State Plane Coordinate System, NAD 83, Central Zone.

BEGINNING at a 5/8" iron rod found at the northern end of a cutback corner for the intersection of the southeasterly line of FM 1484, a variable width right of way, and the northeasterly line of Technology Parkway (League Line Road), the donation deed of which is recorded in MCCF 2011017945;

THENCE along the southeasterly line of FM 1484 along a curve to the right, said curve having a radius of 2,920.00, a central angle of 27°34'56", an arc length of 1,405.69 feet, and a chord bearing N47°16'37"E a distance of 1,392.16 feet to a 5/8" iron rod with cap stamped "PAPEDAWSON" set for corner;
THENCE N60°59/317E a distance of 390.88 feet to a 5/8" iron rod with cap stamped "MOON" found for corner at the most northerly northwest corner of Restricted Reserve "C", Block 1 of R A Deison Technology Park, the map of which is recorded in Cabinet Z, Sheets 2332-2336 of the Map Records of Montgomery County, Texas;
THENCE S28°54'30"E along the southwesterly line of said Restricted Reserve "C" a distance of 350.00 feet to a 1/2" iron rod with cap found for corner;
THENCE S61°05'30"W continuing along the northwest line of Restricted Reserve "C" a distance of 816.24 feet to a 1/2" iron rod with cap found for corner;
THENCE S04°28'01" continuing along the northwesterly line of Restricted Reserve "C" a distance of 418.29 feet to a 1/2" iron rod with cap found for corner;
THENCE S37°54'03"W continuing along the northwesterly line of Restricted Reserve "C" a distance of 618.87 feet to a 5/8" iron rod with cap stamped "PAPE-DAWSON" set corner in the northeasterly line of Technology Parkway;
THENCE along the northeasterly line of Technology Parkway, along a curve to the left, said curve having a radius of 1,050.00 feet, a central angle of 28°30'04", an arc length of 522.31 feet, and a chord bearing N43°53'52"W a distance of 516.94 feet to a 5/8" iron rod with cap stamped "PAPE-DAWSON" set for corner;
THENCE N58°08'54"W along the northeasterly line of Technology Parkway a distance of 124.42 feet to a 5/8" iron rod found for the beginning of a cutback corner to FM 1484;
THENCE N12°27'14"W along said cutback a distance of 34.92 feet to the place of BEGINNING, containing 18.933 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8051, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8051.0307 to read as follows:

Sec. 8051.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2021.

HB 1027 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1027, A bill to be entitled An Act relating to the disclosure of certain information regarding course materials by public institutions of higher education.

HB 1027 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RANEY: Representative Parker, Subsection (e) of your bill ensures that any agreement in which an institution or entity is allowed to assess a fee or charge to students for course materials is public information. Is that correct?

REPRESENTATIVE PARKER: That's correct, Representative Raney. That's correct.

RANEY: As you know, institutions sometimes enter into agreements with businesses through a bidding process in responding to RFPs. Is it your legislation's intent that a vendor's response to a bid process be subject to this public information?

PARKER: No, it would not be subject. The use of any agreement in Subsection (e) is intended to include only pricing information in those agreements in which the institution agrees to assess or allows an entity to assess a fee or charge for course materials and not tangential portions or attachments to such agreement. And furthermore, my bill excludes a bidding vendor's response to a bid process and all of the other information which may be exempt from disclosure under Chapter 552.

REMARKS ORDERED PRINTED

Representative Raney moved to print remarks between Representative Parker and Representative Raney on **HB 1027**.

The motion prevailed.

Representative Parker moved to concur in the senate amendments to **HB 1027**.

The motion to concur in the senate amendments to **HB 1027** prevailed by (Record 1684): 131 Yeas, 16 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; 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; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Hefner; Krause; Metcalf; Middleton; Oliverson; Patterson; Schaefer; Schofield; Shaheen; Slaton; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1684 was taken, I was shown voting no. I intended to vote yes.

Middleton

Senate Committee Substitute

CSHB 1027, A bill to be entitled An Act relating to the disclosure of certain information regarding course materials by public institutions of higher education.

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

SECTION 1. Subchapter I, Chapter 51, Education Code, is amended by adding Section 51.4521 to read as follows:

Sec. 51.4521. PUBLIC INSTITUTIONS: DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED COURSE MATERIALS. (a) In this section:

(1) "Course material" means a textbook, supplemental material, or open educational resource.

(2) "Institution of higher education," notwithstanding Section 51.451, has the meaning assigned by Section 61.003.

(b) Not later than the 30th day before the first day that classes are conducted for each semester or academic term, each institution of higher education shall:

(1) compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students;

(2) with respect to each course, include with the schedule, or provide in a prominent location in the schedule a link to an Internet website, such as the Internet website of a college bookstore, that contains, a list of the required and recommended course materials that specifies, to the extent practicable, the following information for each course material, as applicable:

(A) the retail price;

(B) the author;

(C) the publisher or provider;

(D) the most recent copyright date;

(E) the International Standard Book Number assigned, if any;

(F) whether the course material is an open educational resource; and

(G) any associated fee or charge, such as a technology cost, library use cost, or printing or publication fee;

(3) in a prominent location in the schedule, state or provide an Internet website link to:

(A) the full amount of any fee or charge for course materials assessed by the institution or another entity under an agreement with the institution, including a statement regarding whether the fee or charge is included in the cost of tuition;

(B) if a course material is in a primarily electronic format, the terms under which the publisher or provider collects and uses student data obtained through a student's use of the course material; and

(C) any provision that allows the student to opt out of a fee or charge described by Paragraph (A); and

(4) make information regarding the cost of course materials on the course materials list under Subdivision (2) available to college bookstores and other providers of course materials that serve the students of the institution.

(c) As soon as practicable after the information becomes available, each institution of higher education shall make available specific information regarding any revisions to the institution's course schedule and course materials list.

(d) An institution of higher education shall itemize a fee or charge for course materials assessed by the institution or another entity under an agreement with the institution separately from any other fees or charges assessed for a course or course section in the institution's billing to the student. This subsection may not be construed to prohibit an institution of higher education from including the cost of course materials as part of the institution's tuition.

(e) Any agreement between an institution of higher education and an entity under which the institution agrees to assess or allows the entity to assess a fee or charge for course materials to students enrolled at the institution is public information under Chapter 552, Government Code.

(f) To allow for timely placement of course material orders by students, each institution of higher education shall establish a deadline by which faculty members must submit information to be included in the course schedule and course materials list required by Subsection (b).

(g) If an institution of higher education or a college bookstore publishes a course materials list with a course schedule on an Internet website that provides a search function, the institution or bookstore must:

(1) ensure that the search function permits a search based on whether a course or section of a course requires or recommends only open educational resources; or

(2) provide a searchable list of courses and sections of courses that require or recommend only open educational resources.

(h) If an institution of higher education designates in the institution's course schedule certain courses or sections of courses as having low course material costs or a similar designation, the institution shall, in a prominent location in the schedule, state or provide an Internet website link to the criteria for that designation.

(i) This section may not be construed to affect any authority granted to a faculty member by an institution of higher education to select course materials for courses taught by the faculty member.

SECTION 2. Section 51.451, Education Code, is amended by amending Subdivision (4) and adding Subdivision (4-b) to read as follows:

(4) "Institution of higher education" means:

(A) an institution of higher education as defined by Section 61.003; or

(B) a private or independent institution of higher education [~~as defined by Section 61.003~~].

(4-b) "Private or independent institution of higher education" has the meaning assigned by Section 61.003.

SECTION 3. Section 51.452, Education Code, is amended to read as follows:

Sec. 51.452. PRIVATE INSTITUTIONS: DISSEMINATION OF COURSE SCHEDULE AND LIST OF REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each private or independent institution of higher education shall:

(1) for each semester or academic term, compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students;

(2) with respect to each course, include with the schedule a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each textbook:

(A) the retail price;

(B) the author;

(C) the publisher;

(D) the most recent copyright date;

(E) the International Standard Book Number assigned, if any; and

(F) whether the textbook is an open educational resource;

(3) except as provided by Subsection (b), at the time required by Subsection (c)(2):

(A) publish the textbook list with the course schedule on the institution's Internet website and with any course schedule the institution provides in hard copy format to the students of the institution; and

(B) make that information available to college bookstores and other bookstores that generally serve the students of the institution; and

(4) except as provided by Subsection (b), as soon as practicable after the information becomes available disseminate as required by Subdivision (3) specific information regarding any revisions to the institution's course schedule and textbook list.

(b) A private or independent [~~An~~] institution of higher education is not required to publish a textbook list as described by Subsection (a)(3)(A) or any revisions to that textbook list as described by Subsection (a)(4) if a college bookstore publishes that list and any revisions to that list on the bookstore's Internet website on behalf of the institution at the appropriate times required by this section.

(c) To allow for timely placement of textbook orders by students, each private or independent institution of higher education shall:

(1) establish a deadline by which faculty members must submit information to be included in the course schedule and textbook list required by Subsection (a); and

(2) disseminate the institution's course schedule and textbook list as required by Subsection (a)(3) as soon as practicable after the institution has compiled the schedule and list but not later than the 30th day before the first day that classes are conducted for the semester or other academic term for which the schedule and list are compiled.

(d) If a private or independent [~~an~~] institution of higher education or a college bookstore publishes a textbook list with a course schedule on an Internet website that provides a search function, the institution or bookstore must:

(1) ensure that the search function permits a search based on whether a course or section of a course requires or recommends only open educational resources; or

(2) provide a searchable list of courses and sections of courses that require or recommend only open educational resources.

SECTION 4. Section 51.452, Education Code, as amended by this Act, and Section 51.4521, Education Code, as added by this Act, apply beginning with the 2022 fall semester.

SECTION 5. This Act takes effect September 1, 2021.

HB 3880 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 3880, A bill to be entitled An Act relating to a student's eligibility for special education services provided by a school district, including services for dyslexia and related disorders.

Representative Dutton 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 3880**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3880**: Dutton, chair; Huberty, Meyer, Parker, and Toth.

HB 3512 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3512, A bill to be entitled An Act relating to highway memorial signs for certain deceased peace officers.

Representative Canales moved to concur in the senate amendments to **HB 3512**.

The motion to concur in the senate amendments to **HB 3512** prevailed by (Record 1685): 148 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Senate Committee Substitute

CSHB 3512, A bill to be entitled An Act relating to the designation of portions of the state highway system as memorial highways for certain deceased peace officers.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Sections 225.190, 225.191, 225.192, 225.193, 225.194, 225.195, 225.196, 225.197, 225.198, 225.199, and 225.200 to read as follows:

Sec. 225.190. TROOPER CHAD M. WALKER MEMORIAL HIGHWAY. (a) The portion of State Highway 164 in Limestone County between its intersection with Farm-to-Market Road 1953 and its intersection with County Road 789 is designated as the Trooper Chad M. Walker Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Trooper Chad M. Walker Memorial Highway and any other appropriate information; and

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

Sec. 225.191. TROOPER MOISES SANCHEZ MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 69C in Hidalgo County between its intersection with Farm-to-Market Road 1925 and its intersection with Trenton Road is designated as the Trooper Moises Sanchez Memorial Highway. The designation is in addition to any other designation.

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

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

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

Sec. 225.192. TROOPER TROY HOGUE MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 20 in Howard County between mile marker 173 and mile marker 190 is designated as the Trooper Troy Hogue Memorial Highway. The designation is in addition to any other designation.

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

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

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

Sec. 225.193. CORPORAL WILLIE DALE TAYLOR MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 10 in Crockett County between mile marker 363 and mile marker 368 is designated as the Corporal Willie Dale Taylor Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Corporal Willie Dale Taylor Memorial Highway and any other appropriate information; and

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

Sec. 225.194. TROOPER JAVIER ARANA JR. MEMORIAL HIGHWAY. (a) The portion of State Highway Loop 375 in El Paso County between mile marker 41 and mile marker 44 is designated as the Trooper Javier Arana Jr. Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Trooper Javier Arana Jr. Memorial Highway and any other appropriate information; and

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

Sec. 225.195. SERGEANT WILLIAM KUHNLE JR. AND TROOPER RALPH G. ZERDA MEMORIAL HIGHWAY. (a) The portion of United States Highway 90 in Bexar County between its intersection with State Highway 211 and its intersection with Montgomery Road is designated as the Sergeant William Kuhnle Jr. and Trooper Ralph G. Zerda Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Sergeant William Kuhnle Jr. and Trooper Ralph G. Zerda Memorial Highway and any other appropriate information; and

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

Sec. 225.196. TROOPER RICHARD DALE COTTLE MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 35 in McLennan County between mile marker 341 and mile marker 351 is designated as the Trooper Richard Dale Cottle Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Trooper Richard Dale Cottle Memorial Highway and any other appropriate information; and

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

Sec. 225.197. TROOPER TIMOTHY WADE MCDERMOTT MEMORIAL HIGHWAY. (a) The portion of United States Highway 80 in Gregg and Harrison Counties between its intersection with United States Highway 259 and its intersection with State Loop 281 is designated as the Trooper Timothy Wade McDermott Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Trooper Timothy Wade McDermott Memorial Highway and any other appropriate information; and

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

Sec. 225.198. TROOPER MARK JEFFREY PHEBUS MEMORIAL HIGHWAY. (a) The portion of Farm-to-Market Road 1774 in Montgomery County between its intersection with Misty Meadow Drive and its intersection with Hunters Road is designated as the Trooper Mark Jeffrey Phebus Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Trooper Mark Jeffrey Phebus Memorial Highway and any other appropriate information; and

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

Sec. 225.199. TROOPER DAVID IRVINE RUCKER MEMORIAL HIGHWAY. (a) The portion of State Highway 100 in Cameron County between its intersection with Farm-to-Market Road 523 and its intersection with Farm-to-Market Road 3069 is designated as the Trooper David Irvine Rucker Memorial Highway. The designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Trooper David Irvine Rucker Memorial Highway and any other appropriate information; and

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

Sec. 225.200. TROOPER DANIEL HIGDON MEMORIAL HIGHWAY. (a) The portion of Interstate Highway 20 in Smith County between mile marker 571 and mile marker 575 is designated as the Trooper Daniel Higdon Memorial Highway. The designation is in addition to any other designation.

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

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

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

SECTION 2. This Act takes effect September 1, 2021.

HB 4374 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4374, A bill to be entitled An Act relating to the use of executory contracts for the purchase of land to be used as a residence in certain counties.

Representative Cyrier moved to concur in the senate amendments to **HB 4374**.

The motion to concur in the senate amendments to **HB 4374** prevailed by (Record 1686): 145 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; 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; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; 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 — Middleton; Schaefer.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa.

STATEMENT OF VOTE

When Record No. 1686 was taken, I was shown voting yes. I intended to vote no.

Swanson

Senate Committee Substitute

CSHB 4374, A bill to be entitled An Act relating to the use of executory contracts for the purchase of land to be used as a residence in certain counties.

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

SECTION 1. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.0622 to read as follows:

Sec. 5.0622. ADDITIONAL APPLICABILITY: CERTAIN COUNTIES. (a) This section applies only to a county with a population of less than 100,000 that is located in a metropolitan statistical area as defined by the federal Office of Management and Budget:

(1) with a population of more than 1.5 million; and

(2) adjacent to a different metropolitan statistical area as defined by the federal Office of Management and Budget with a population of more than 2 million.

(b) The commissioners court of a county may adopt an order requiring an executory contract for the conveyance of land used or to be used as a residence located in the county to be subject to this subchapter. The order must specify a method for determining whether the land is used or to be used as a residence.

(c) The order may not include an executory contract for the conveyance of land:

(1) described by Section 5.062(b), (c), or (d); or

(2) that is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution, and for which no part of the land is to be used as a residence.

(d) If a tract described by Subsection (c)(2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, or any part of the land is used as a residence, the executory contract for the conveyance of the land may be included in an order authorized by this section.

SECTION 2. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.087 to read as follows:

Sec. 5.087. ADDITIONAL PROVISIONS: CERTAIN COUNTIES. (a) This section applies only to a county adopting an order under Section 5.0622.

(b) The commissioners court may not modify the provisions of this subchapter except the commissioners court may provide in the order that an executory contract to which the order applies may not be used to purchase land for residential purposes unless the conversion authorized by Section 5.081 is required to occur not later than three years after the date the executory contract is entered into.

SECTION 3. Sections 5.0622 and 5.087, Property Code, as added by this Act, apply only to an executory contract entered into on or after the date the commissioners court adopts an order authorized by this Act.

SECTION 4. This Act takes effect September 1, 2021.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

HB 1480 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1480, A bill to be entitled An Act relating to the protection of animal and crop facilities; creating a criminal offense.

Representative Cyrier moved to concur in the senate amendments to **HB 1480**.

The motion to concur in the senate amendments to **HB 1480** prevailed by (Record 1687): 136 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; 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.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; Vasut; Vo; Walle; White; Wilson; Wu.

Nays — Beckley; Collier; González, M.; Goodwin; Longoria; Morales Shaw; Rose; Sherman; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Burns; Dutton; VanDeaver.

STATEMENT OF VOTE

When Record No. 1687 was taken, I was shown voting yes. I intended to vote no.

Allen

Senate Committee Substitute

CSHB 1480, A bill to be entitled An Act relating to the protection of animal and crop facilities; creating a criminal offense.

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

SECTION 1. Title 8, Agriculture Code, is amended by adding Chapter 252 to read as follows:

CHAPTER 252. ANIMAL AND CROP FACILITIES

Sec. 252.001. DEFINITIONS. In this chapter:

(1) "Animal" means poultry, livestock, and other domestic and wild animals. The term does not include an animal used for illegal gaming.

(2) "Animal or crop facility" means a facility that is used in the agricultural production of animals or crops. The term includes:

(A) a tractor, trailer, farm implement of husbandry, building, greenhouse, structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located;

(B) a managed bee colony; and

(C) a livestock market.

(3) "Crop" includes a shrub, vine, tree, seedling, shoot, slip, or other plant capable of producing food, fiber, medicine, nursery stock, floral products, or aesthetic beauty.

Sec. 252.002. CRIMINAL OFFENSE. (a) Except as provided by Subsection (b), a person commits an offense if the person:

(1) intentionally releases, steals, destroys, or otherwise causes the loss of an animal or crop from an animal or crop facility without the consent of the owner or operator of the animal or crop facility;

(2) damages, vandalizes, or steals any property on or from an animal or crop facility;

(3) breaks and enters into an animal or crop facility with the intent to destroy or alter records, data, materials, equipment, animals, or crops; or

(4) enters or remains on an animal or crop facility with the intent to commit an act prohibited under this section.

(b) An actor's conduct described by Subsection (a) does not constitute an offense under this section if the actor causes a loss to the animal or crop facility in an amount less than $500.

(c) An offense under this section is:

(1) a Class B misdemeanor if the actor causes a loss to the animal or crop facility in an amount of at least $500 but not more than $2,500; or

(2) a Class A misdemeanor if the actor causes a loss to the animal or crop facility in an amount more than $2,500.

(d) Except as provided by Subsection (e), if conduct constituting an offense under this section also constitutes an offense under another provision of law, the person may be prosecuted under either this section or the other provision.

(e) If conduct that constitutes an offense under this section also constitutes a felony under Section 28.03 or 31.03, Penal Code, the actor may be prosecuted only under Section 28.03 or 31.03, Penal Code.

Sec. 252.003. MANDATORY RESTITUTION. (a) The court shall order a defendant convicted of an offense under Section 252.002 to pay restitution to the owner or operator of the animal or crop facility in an amount equal to the amount of the loss caused by the actor, including the value of any animal or crop damaged, destroyed, or lost.

(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the defendant must pay the restitution.

(c) A restitution order issued under Subsection (a) may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action. A victim may recover court costs and reasonable attorney's fees incurred in enforcing a restitution order as provided by this subsection.

(d) The court may hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (a) if the defendant fails to pay the victim named in the order in the manner specified by the court.

Sec. 252.004. INJUNCTIVE RELIEF. (a) The owner or operator of an animal or crop facility may bring an action for injunctive relief against a person who engages or threatens to engage in conduct that constitutes an offense under Section 252.002.

(b) The action may be brought in a district court in a county in which any part of the conduct or threatened conduct occurs.

(c) The court may grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order, temporary injunction, or permanent injunction.

SECTION 2. This Act takes effect September 1, 2021.

HB 1535 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1535, A bill to be entitled An Act relating to the medical use of low-THC cannabis by patients with certain medical conditions and the establishment of compassionate-use institutional review boards to evaluate and approve proposed research programs to study the medical use of low-THC cannabis in the treatment of certain patients.

Representative Klick moved to concur in the senate amendments to **HB 1535**.

The motion to concur in the senate amendments to **HB 1535** prevailed by (Record 1688): 119 Yeas, 25 Nays, 1 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burrows; Button; Cain; Campos; Canales; Cason; Clardy; Cole; Cook; Cortez; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; 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; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Neave; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rosenthal; Schaefer; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Allen; Bell, C.; Bowers; Capriglione; Collier; Craddick; Ellzey; Gates; González, M.; Hefner; Hinojosa; Longoria; Metcalf; Morales Shaw; Murr; Noble; Paul; Rose; Sanford; Shaheen; Sherman; Slaton; Thompson, E.; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Burns; Dutton; Schofield; VanDeaver.

STATEMENT OF VOTE

When Record No. 1688 was taken, I was shown voting yes. I intended to vote no.

Anderson

Senate Committee Substitute

CSHB 1535, A bill to be entitled An Act relating to the medical use of low-THC cannabis by patients with certain medical conditions and the establishment of compassionate-use institutional review boards to evaluate and approve proposed research programs to study the medical use of low-THC cannabis in the treatment of certain patients.

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

SECTION 1. Chapter 487, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. COMPASSIONATE-USE RESEARCH AND REPORTING

Sec. 487.251. DEFINITIONS. In this subchapter:

(1) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(2) "Institutional review board" means a compassionate-use institutional review board established under Section 487.253.

Sec. 487.252. RULES. (a) Except as otherwise provided by Subsection (b), the executive commissioner shall adopt all necessary rules to implement this subchapter, including rules designating the medical conditions for which a patient may be treated with low-THC cannabis as part of an approved research program conducted under this subchapter.

(b) The Texas Medical Board may adopt rules regarding the certification of a physician by an institutional review board.

Sec. 487.253. COMPASSIONATE-USE INSTITUTIONAL REVIEW BOARDS. (a) One or more compassionate-use institutional review boards may be established to:

(1) evaluate and approve proposed research programs to study the medical use of low-THC cannabis in treating a medical condition designated by rule of the executive commissioner under Section 487.252(a); and

(2) oversee patient treatment undertaken as part of an approved research program, including the certification of treating physicians.

(b) An institutional review board must be affiliated with a dispensing organization and meet one of the following conditions:

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

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

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

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

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

Sec. 487.254. REPORTS BY INSTITUTIONAL REVIEW BOARDS. Each institutional review board shall submit written reports that describe and assess the research findings of each approved research program to:

(1) the Health and Human Services Commission, not later than October 1 of each year; and

(2) the legislature, not later than October 1 of each even-numbered year.

Sec. 487.255. PATIENT TREATMENT. (a) Patient treatment provided as part of an approved research program under this subchapter may be administered only by a physician certified by an institutional review board to participate in the program.

(b) A patient participating in a research program under this subchapter must be a permanent resident of this state.

Sec. 487.256. INFORMED CONSENT. (a) Before receiving treatment under an approved research program, each patient must sign a written informed consent form.

(b) If the patient is a minor or lacks the mental capacity to provide informed consent, a parent, guardian, or conservator may provide informed consent on the patient's behalf.

(c) An institutional review board overseeing a research program under this subchapter may adopt a form to be used for the informed consent required by this section.

SECTION 2. Section 169.001(3), Occupations Code, is amended to read as follows:

(3) "Low-THC cannabis" means the plant Cannabis sativa L., and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains not more than one [~~0.5~~] percent by weight of tetrahydrocannabinols.

SECTION 3. Section 169.002, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A physician is qualified to prescribe low-THC cannabis for the treatment of a patient with a medical condition approved by rule of the executive commissioner of the Health and Human Services Commission for treatment in an approved research program conducted under Subchapter F, Chapter 487, Health and Safety Code, if the physician is:

(1) licensed under this subtitle; and

(2) certified by a compassionate-use institutional review board created under Section 487.253, Health and Safety Code, that oversees patient treatment undertaken as part of that approved research program.

SECTION 4. Section 169.003, Occupations Code, is amended to read as follows:

Sec. 169.003. PRESCRIPTION OF LOW-THC CANNABIS. A physician described by Section 169.002 may prescribe low-THC cannabis to a patient if:

(1) the patient is a permanent resident of the state;

(2) the physician complies with the registration requirements of Section 169.004; and

(3) the physician certifies to the department that:

(A) the patient is diagnosed with:

(i) epilepsy;

(ii) a seizure disorder;

(iii) multiple sclerosis;

(iv) spasticity;

(v) amyotrophic lateral sclerosis;

(vi) autism;

(vii) [~~terminal~~] cancer; [~~or~~]

(viii) an incurable neurodegenerative disease;

(ix) post-traumatic stress disorder; or

(x) a medical condition that is approved for a research program under Subchapter F, Chapter 487, Health and Safety Code, and for which the patient is receiving treatment under that program; and

(B) the physician determines the risk of the medical use of low-THC cannabis by the patient is reasonable in light of the potential benefit for the patient.

SECTION 5. Section 169.001(6), Occupations Code, is repealed.

SECTION 6. (a) Not later than December 1, 2021, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary under Section 487.252, Health and Safety Code, as added by this Act.

(b) Not later than December 1, 2021, the public safety director of the Department of Public Safety shall adopt or amend department rules regarding the cultivation, processing, and dispensing of low-THC cannabis by a licensed dispensing organization under Chapter 487, Health and Safety Code.

SECTION 7. This Act takes effect September 1, 2021.

HB 4545 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4545, A bill to be entitled An Act relating to the assessment of public school students, the establishment of a strong foundations grant program, and providing accelerated instruction for students who fail to achieve satisfactory performance on certain assessment instruments.

Representative Dutton moved to concur in the senate amendments to **HB 4545**.

The motion to concur in the senate amendments to **HB 4545** prevailed by (Record 1689): 104 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Frank; Frullo; Geren; González, J.; González, M.; Guerra; Guillen; Harless; Hefner; Herrero; Hinojosa; Holland; Huberty; Hull; Hunter; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morrison; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Pacheco; Parker; Patterson; Paul; Perez; Raney; Raymond; Rogers; Romero; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; VanDeaver; Vasut; Vo; Walle; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Buckley; Bucy; Cole; Collier; Crockett; Davis; Ellzey; Gates; Gervin-Hawkins; Goldman; Goodwin; Harris; Hernandez; Howard; Israel; Johnson, A.; King, T.; Longoria; Lopez; Lucio; Martinez Fischer; Minjarez; Morales Shaw; Muñoz; Ortega; Price; Ramos; Reynolds; Rodriguez; Rose; Rosenthal; Sherman; Turner, C.; Turner, J.; Wu; Zwiener.

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

Absent, Excused — Coleman.

Absent — Fierro; Johnson, J.D.

STATEMENTS OF VOTE

When Record No. 1689 was taken, I was shown voting no. I intended to vote yes.

Gervin-Hawkins

When Record No. 1689 was taken, I was shown voting no. I intended to vote yes.

Goldman

When Record No. 1689 was taken, I was shown voting yes. I intended to vote no.

J. González

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

Amend **HB 4545** (senate committee printing) in SECTION 2 of the bill, by striking added Section 28.0211(a-5), Education Code (page 2, lines 44 through 49), and substituting the following:

(a-5) Each school district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available.

HB 1863 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1863, A bill to be entitled An Act relating to the issuance of Make-A-Wish specialty license plates.

Representative Bucy moved to concur in the senate amendments to **HB 1863**.

The motion to concur in the senate amendments to **HB 1863** prevailed by (Record 1690): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Biedermann.

Senate Committee Substitute

CSHB 1863, A bill to be entitled An Act relating to the issuance of Make-A-Wish specialty license plates.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.675 to read as follows:

Sec. 504.675. MAKE-A-WISH LICENSE PLATES. (a) The department shall issue specialty license plates that include the words "Make-A-Wish" and an image of the blue Make-A-Wish logo. The department shall design the plates in consultation with the Central and South Texas chapter of Make-A-Wish.

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account created by the comptroller in the manner provided by Section 504.6012(b). Money deposited to that account may be used only by the Health and Human Services Commission to make grants to a nonprofit organization that has a history of providing services to children diagnosed with a critical illness for the purpose of providing those services.

SECTION 2. This Act takes effect September 1, 2021.

HB 3286 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3286, A bill to be entitled An Act relating to the overnight parking of a commercial motor vehicle near certain apartment complexes.

Representative Schofield moved to concur in the senate amendments to **HB 3286**.

The motion to concur in the senate amendments to **HB 3286** prevailed by (Record 1691): 136 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; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Cyrier; Krause; Patterson; Schaefer; Shaheen; Slaton; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

STATEMENT OF VOTE

When Record No. 1691 was taken, I was shown voting yes. I intended to vote no.

Hefner

Senate Committee Substitute

CSHB 3286, A bill to be entitled An Act relating to the overnight parking of a commercial motor vehicle near certain apartment complexes.

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

SECTION 1. Subchapter G, Chapter 545, Transportation Code, is amended by adding Section 545.3075 to read as follows:

Sec. 545.3075. OVERNIGHT PARKING OF COMMERCIAL MOTOR VEHICLE NEAR CERTAIN APARTMENT COMPLEXES. (a) In this section:

(1) "Apartment complex" means two or more dwellings in one or more buildings that are owned by the same owner, located on the same lot or tract, and managed by the same owner, agent, or management company.

(2) "Commercial motor vehicle" has the meaning assigned by Section 545.307.

(b) This section applies only to the unincorporated area of a county with a population of more than 3.3 million.

(c) The owner or manager of an apartment complex may make a request to the county in which the apartment complex is located for the posting of official signs prohibiting the parking of a commercial motor vehicle in a public right-of-way adjacent to the complex after 10 p.m. and before 6 a.m. A request under this subsection must be signed and in writing.

(d) A county receiving a request under Subsection (c) may post one or more signs as requested or as the county determines to be necessary.

(e) A sign posted under Subsection (d) must:

(1) be posted in the public right-of-way:

(A) not more than 10 feet from the property line of the apartment complex; and

(B) facing the roadway; and

(2) include:

(A) a statement, in letters at least two inches in height, that parking of a commercial motor vehicle is prohibited from 10 p.m. to 6 a.m. in the public right-of-way or portion of the public right-of-way; and

(B) arrows clearly indicating the area of the public right-of-way subject to the parking restriction.

(f) This section does not apply to a vehicle owned by a commercial establishment that is parked in the public right-of-way adjacent to the property where the establishment is located.

(g) This section does not apply to public rights-of-way that are part of the state highway system.

SECTION 2. This Act takes effect September 1, 2021.

HB 2315 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2315, A bill to be entitled An Act relating to the forfeiture of contraband relating to the criminal offense of racing on a highway.

Representative J. Turner 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 2315**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2315**: J. Turner, chair; Collier, Meyer, Murr, and Rose.

HB 3140 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3140, A bill to be entitled An Act relating to the creation of the Harris-Waller Counties Municipal Utility District No. 5; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative C. Bell moved to concur in the senate amendments to **HB 3140**.

The motion to concur in the senate amendments to **HB 3140** prevailed by (Record 1692): 100 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burns; Button; Campos; Canales; Cason; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; 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; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sherman; Smith; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Anchia; Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burrows; Cain; Capriglione; Clardy; Cook; Cyrier; Darby; Dean; Ellzey; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Landgraf; Leach;

Leman; Middleton; Murr; Noble; Parker; Patterson; Price; Rogers; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smithee; Stucky; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Senate Committee Substitute

CSHB 3140, A bill to be entitled An Act relating to the creation of the Harris-Waller Counties Municipal Utility District No. 7; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7903A to read as follows:

CHAPTER 7903A. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 7

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7903A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris-Waller Counties Municipal Utility District No. 7.

Sec. 7903A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7903A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7903A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7903A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7903A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7903A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7903A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7903A.0202, directors serve staggered four-year terms.

Sec. 7903A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Josh Trlicek;

(2) Sarah Sessum;

(3) Courtney Wilcox;

(4) Jonathan Corb; and

(5) Tyler Brown.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7903A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7903A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7903A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7903A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7903A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7903A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7903A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7903A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7903A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7903A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7903A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7903A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7903A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7903A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7903A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7903A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Harris-Waller Counties Municipal Utility District No. 7 initially includes all the territory contained in the following area:

Being a tract of land containing 45.924 acres (2,000,467 square feet) located in the J. Gibbons, Abstract Number (No.) 133 in Harris County and the J. Gibbons Survey, Abstract No. 286 in Waller County, Texas; Said 45.924 acre tract being all of a called 45.7143 acre tract recorded in the name of Thomas F. Mathis, Jr., Ronald Gene Mathis and Cathy Mathis Willhoite in Volume 339, Page 6 of the Waller County Deed Records (W.C.D.R.) and in Harris County Clerk's File Number (H.C.C.F. No.) H603706, (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, per GPS observations):

Beginning at a 1-inch iron pipe found on the occupied West Right-Of-Way (R.O.W.) line of Mathis Road (called 99 feet wide in Volume 17, Page 222 of the Harris County Deed Records (H.C.D.R.) and shown as 66 feet wide on the Harris County Engineering Department R.O.W. Map No. 3912, Sec. 1, 1984), said pipe being at the northeast corner of a called 45.86 acre tract recorded in the name of Laretta Rena Callaway in H.C.C.F. No. U998001, for the southeast corner of the herein described tract, from which found 1/2-inch iron pipe for the southeast corner of said 45.86 acre tract bears South 02 degrees 31 minutes 13 seconds East, a distance of 605.89 feet;

Thence, with the line common to said 45.86 acre tract and said 45.7143 acre tract, South 87 degrees 45 minutes 20 seconds West, a distance of 3314.83 feet (called 3297.22 feet) to a 5/8-inch iron rod with a Miller Survey Group (MSG)

cap set on the east line of a called 36.3038 acre tract, recorded in the name of Leslie W. Lofton and Catherine A. Lofton in Volume 670, Page 885 of the W.C.D.R., same being the northwest corner of said 45.86 acre tract for the southwest corner of said 45.7143 acre tract and the herein described tract, from which a found 3/4-inch pinch top pipe bears South 01 degrees 57 minutes 35 seconds East, a distance of 604.28 feet;

Thence, with the line common to said 36.3038 acre tract and said 45.7143 acre tract, North 01 degrees 57 minutes 35 seconds West, a distance of 603.94 feet to a 5/8-inch iron rod with a MSG cap set at the southwest corner of a called 37.759 acre tract of land recorded in the name of Brandon J. Cotton, et.al. in H.C.C.F. No. W570059, for the northwest corner of said 45.7143 acre tract and the herein described tract, from which a found 5/8-inch iron rod at the northwest corner of said 37.759 acre tract bears North 01 degrees 57 minutes 35 seconds West, a distance of 697.56 feet and from which a found 5/8-inch iron rod bears North 07 degrees 06 minutes West, a distance of 7.0 feet;

Thence, with the south line of a called 37.759 acre tract and the south line of a called 5.7142 acre tract recorded in the name of Jesus Duran in RP-2016-303676 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), same being the north line of said 45.7143 acre tract, North 87 degrees 45 minutes 20 seconds East, at a distance of 1649.83 feet pass a found 2-inch iron pipe at the common south corner of said 37.759 acre tract and said 5.7142 acre tract, and continue for a total distance of 3309.87 feet (called 3297.22 feet) to a 5/8-inch iron rod with a MSG cap set on the west R.O.W. line of said Mathis Road, at the southeast corner of said 5.7142 acre tract, for the northeast corner of said 45.7143 acre tract and the herein described tract, from which a found 3/4-inch iron pipe at the northeast corner of said 5.7142 acre tract, bears North 02 degrees 25 minutes 47 seconds West, a distance of 150.00 feet;

Thence, with the west R.O.W. line of said Mathis Road, same being the east line of said 45.7143 acre tract, South 02 degrees 25 minutes 47 seconds East, a distance of 603.94 feet to the Point of Beginning and containing 45.924 acres (2,000,467 square feet) of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7903A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7903A.0306 to read as follows:

Sec. 7903A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 4646 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4646, A bill to be entitled An Act relating to the creation of the Creedmoor Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Rodriguez moved to concur in the senate amendments to **HB 4646**.

The motion to concur in the senate amendments to **HB 4646** prevailed by (Record 1693): 99 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Cyrier; Davis; Deshotel; Dominguez; Dutton; Fierro; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; Kuempel; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smith; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Ashby; Bailes; Bell, K.; Bonnen; Buckley; Cain; Cook; Darby; Dean; Ellzey; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; Jetton; Krause; Leach; Leman; Metcalf; Middleton; Noble; Oliverson; Patterson; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smithee; Stucky; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anderson; Biedermann; Burns; Geren; King, T.; Klick.

STATEMENT OF VOTE

When Record No. 1693 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

Senate Committee Substitute

CSHB 4646, A bill to be entitled An Act relating to the creation of the Creedmoor Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7951A to read as follows:

CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7951A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Creedmoor Municipal Utility District.

Sec. 7951A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7951A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7951A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7951A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7951A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7951A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7951A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7951A.0202, directors serve staggered four-year terms.

Sec. 7951A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7951A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7951A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7951A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7951A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7951A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7951A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7951A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7951A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7951A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7951A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7951A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7951A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7951A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7951A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7951A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7951A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Creedmoor Municipal Utility District initially includes all the territory contained in the following area:

TRACT I

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 134.000 acres situated in the Elijah Caples League Survey No. 7, Abstract No. 155, Travis County, Texas, being a portion of that certain 148.94 acre tract, conveyed to C. L. Thomas Holdings, LLC as recorded in Document No. 2014173787 of the Official Public Records of Travis County, Texas; the said 134.000 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron pipe found for the northeast corner of the said 148.94 acre tract, same being the southeast corner of the remainder of that certain 74.8 acre tract, conveyed to Humbert R. Ventura by probate as recorded in Volume 12557, Page 35 of the Real Property Records of Travis County, Texas and being on the northwesterly line of that certain 22.325 acre tract described as Tract 3, conveyed to JMJ LLC as recorded in Document No. 2018066108 of the said Official Public Records;

THENCE, S42°13'26"W, leaving the southwesterly line of the said 74.8 acre tract, with the southeasterly line of the said 148.94 acre tract and northwesterly line of the said Tract 3 and the northwesterly line of that certain 22.325 acre tract (Tract III) conveyed to JMJ LLC as recorded in Document No. 2017146247 of the said Official Public Records, for a distance of 2266.21 feet to a concrete

monument found for the common southeast corner of the aforesaid 148.94 acre tract and the said 22.325 acre tract, on the existing northeasterly right-of-way line of Old Lockhart Road (right-of-way varies);

THENCE, N63°07'05"E, leaving the northwesterly line of the said Tract III and with the southwesterly line of the said 148.94 acre tract and the northeasterly right-of-way line of Old Lockhart Road, for a distance of 3685.69 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set;

THENCE, N26°52'55"E, leaving the northeasterly right-of-way line of Old Lockhart Road, across the said 148.94 acre tract, for a distance of 704.72 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set on the northerly line of the said 148.94 acre tract same being the southerly right-of-way line of State Highway 45 (SH 45) (right-of-way varies), as described to the State of Texas (47.679 acres - Parcel 714) in Document No. 2007143559 of the said Official Public Records, from which TxDOT brass disk found on the southerly right-of-way line bears N71°13'19"W, 146.00 feet;

THENCE, with the common northerly line of the said 148.94 acre tract and the southerly right-of-way line of SH 45, for the following seven (7) courses:

1) S71°13'19"E, 50.52 feet to a TxDOT brass disk found;

2) S74°24'20"E. 225.01 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set;

3) S76°44'38"E, 237.76 feet to a TxDOT brass disk found for the point of curvature for a non-tangent curve to the left;

4) With said non-tangent curve to the left, having a central angle of 24°35'52", a radius of 4174.50 feet, a chord distance of 1778.43 (chord bears S85°28'34"E), passing a TxDOT brass disk found at an arc distance of 807.02, for a total arc distance 1792.16 feet to a TxDOT brass disk found for the point of tangency;

5) N82°13'31"E, passing a TxDOT brass disk at 160.58 feet, for a total distance of 380.81 feet to a TxDOT brass disk found for the point of curvature for a non-tangent curve to the left;

6) With said non-tangent curve to the left, having a central angle of 04°12'53", a radius of 12,000.00 feet, a chord distance of 882.55 feet (chord bears N84°14'58"E), for an arc distance of 882.75 feet to a TxDOT brass disk found for a point non-tangency;

7) N56°45'06"E, 72.87 feet to a 1/2" iron rod, with TxDOT aluminum cap, found for the most easterly north corner of the said 148.94 tract, same being the westerly corner of the remainder of that certain 0.682 acres, described as Tract 2, recorded in Document 2018156843 of the said Official Public Records;

THENCE, S59°42'07"E, leaving the southerly right-of-way line of SH 45, with the common northeasterly line of the said 148.94 acre tract and the southwesterly line of the said 0.682 acre tract, for a distance of 277.84 feet to a 1/2" iron pipe found for the southeast corner of the said 0.682 acre tract and southwesterly corner of the aforesaid 74.8 acre tract;

THENCE, S59°59'13"E, with the common northwesterly line of the said 148.94 acre tract and southwesterly line of the said 74.84 acre tract, for a distance of 769.85 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 134.000 acres of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

TRACT II

FIELDNOTE DESCRIPTION of a tract or parcel of land containing 78.934 acres situated in the William P. Corbin League Survey, Abstract No. 159, Travis County, Texas, being the remainder of that 87 acre tract, described as Tracts 1, 2 and 3 in the deed conveyed to Veleria Graef Hohertz and Arlon Wayne Graef as recorded in Document No. 2017122621 of the Official Public Records of Travis County, Texas; the said 78.934 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod, without cap, found for the southeast corner of the herein described tract, same being the southwest corner of that 2.728 acre tract conveyed to George A. Soria by deed recorded in Volume 10335, Page 141 of the Real Property Records of Travis County, Texas, and a point on the existing northerly right-of-way line of Turnersville Road (right-of-way varies);

THENCE, N62°19'41"W, leaving the westerly line of the said 2.728 acre tract, with the common southerly line of the said 87 acre tract and northerly right-of-way line of Turnersville Road, for a distance of 1136.36 feet to a 1/2" iron rod, with cap, found for the southeast corner of that 1.82 acre tract conveyed to Richard A. Schmidt by deed recorded in Document No. 2019020106 of the said Official Public Records;

THENCE, N00°29'43"W, leaving the northerly right-of-way line of Turnersville Road, across the said remainder of the 87 acre tract, with the easterly line of the said 1.82 acre tract, for a distance of 421.83 feet to a calculated point.for the northeast corner of the aforesaid 1.82 acre tract, being the southeast corner of that 2.18 acre remainder of that 4.0 acre tract conveyed to Robert A. Schmidt by deed recorded in Document No. 2019017058 of the said Official Public Records;

THENCE, N00°29'43"W, leaving the northerly line of the said 1.82 acre tract and continuing across the said 87 acre tract, with the easterly line of the said 2.18 acre tract, for a distance of 195.16 feet to a 1/2" iron pipe found for the northeast corner of the aforesaid 2.18 acre tract, same being in the southerly line of that 2.50 acre tract (Remainder of 4.00 acre Tracts 1 and 2), conveyed to Jorge Ruiz Sanchez by deed recorded in Document No. 2006008601 of the said Official Public Records;

THENCE, leaving the southerly line of the said 2.18 tract, and continuing across the said 87 acre tract, with the southerly and easterly line of the said 2.50 acre tract, for the following three (3) courses

1) S65°36'06"E, 41.42 feet to a 1/2" iron rod pipe found for the most southerly corner of the aforesaid 2.50 acre tract;

2) N12°03'22"E, 311.02 feet to a fence post for an angle point;

3) N03°45'59"E, 91.37 feet to a 1/2" iron pin found, no cap, for the northeast corner of the aforesaid 2.50 acre tract, same being the southwest corner of that 1.50 acre tract conveyed to Valentin Benitez-Benitez by deed recorded in Document No. 2014109464 of the said Official Public Records;

THENCE, leaving the northerly line of the said 2.50 acre tract, across the said 87 acre tract, with the easterly and northerly line of the said 1.50 acre tract, for the following two (2) courses:

1) N03°45'59"E, 187.42 feet to a fence corner post found for corner;

2) N86°49'20"W, 355.99 feet to a 1" iron rod, without cap, found for the northwest corner of the aforesaid 1.50 acre tract, same being on the common occupied westerly line of the 87 acre tract and easterly right-of-way line of Williamson Road (right-of-way varies);

THENCE, N00°33'27"W, leaving the northerly line of the 1.50 acre tract, across the said 87 acre tract, with the easterly right-of-way line of Williamson Road, for a distance of 914.74 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for the most northerly corner of the herein described tract, same being on the occupied southwest right-of way line of Old Lockhart Highway (right-of-way varies);

THENCE, S63°21'38"E, leaving the southerly right-of-way of Williamson Road, across the said 87 acre tract, with the southwest right-of-way line of the Old Lockhart Highway, 2802.82 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for the most easterly corner of the herein described tract, same being the northwest corner of that 7.728 acre tract conveyed to Linda Thompson and Larry D. Thompson by deed recorded in Document No. 2008094501 of the said Official Public Records;

THENCE, leaving the southwest right-of-way line of Old Lockhart Highway along the southeast line of the said 87 acre tract, being the northwest line of the said 7.728 acre tract and the aforesaid 2.728 acre tract, for the following four (4) courses:

1) S42°01'19"W, 786.97 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set, from which a 1/2" iron rod found, no cap, bears N06°44'11"E, 1.37 feet;

2) S41°46'24"W, passing at 406.30 feet the northwest corner of the aforesaid 2.728 acre tract for a total distance of 449.42 feet;

3) S42°05'30"W, 328.50 feet to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set;

4) S42°17'24"W, 302.91 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 78.934 acres of land area.

Basis of Bearing is the Texas State Plane Coordinate System, Central Zone, NAD83 (Grid).

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7951A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7951A.0306 to read as follows:

Sec. 7951A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2064 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2064, A bill to be entitled An Act relating to the amount of a hospital or physician lien on certain causes of action or claims.

Representative Leach moved to concur in the senate amendments to **HB 2064**.

The motion to concur in the senate amendments to **HB 2064** prevailed by (Record 1694): 147 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; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez;

Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Zwiener.

Senate Committee Substitute

CSHB 2064, A bill to be entitled An Act relating to the amount of a hospital or physician lien on certain causes of action or claims.

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

SECTION 1. Section 55.004(b), Property Code, is amended to read as follows:

(b) A hospital lien described by Section 55.002(a) is for the lesser of:

(1) the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization; [~~or~~]

(2) 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement described by Section 55.003(a); or

(3) if the trier of fact specifies the amount awarded for hospital charges for services provided to the injured individual, the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of reasonable attorney's fees and expenses the injured individual incurred in pursing the claim.

SECTION 2. The change in law made by this Act applies only to a lien for services provided to an injured individual on or after the effective date of this Act. A lien for services provided before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 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 3388 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3388, A bill to be entitled An Act relating to information regarding state agency vehicle fleets.

Representative E. Thompson moved to concur in the senate amendments to **HB 3388**.

The motion to concur in the senate amendments to **HB 3388** prevailed by (Record 1695): 144 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; 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; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; 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); Campos.

Absent, Excused — Coleman.

Absent — Harless; Raney; Thompson, S.

STATEMENT OF VOTE

When Record No. 1695 was taken, I was shown voting present, not voting. I intended to vote yes.

Campos

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

Amend **HB 3388** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Section 2205.036(c), Government Code, is amended to read as follows:

(c) The department may not provide aircraft transportation to a destination unless:

(1) the destination is not served by a commercial carrier;

(2) the aircraft transportation is the most cost-effective travel arrangement in accordance with Section 660.007(a);

(3) the time required to use a commercial carrier interferes with passenger obligations;

(4) a representative of the Department of Public Safety determines that security concerns for a passenger warrant the use of a state aircraft;

(5) the number of passengers traveling makes the use of a state aircraft cost-effective; or

(6) [~~(4)~~] emergency circumstances necessitate the use of a state aircraft.

HB 4272 - WITH SENATE AMENDMENTS

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

HB 4272, A bill to be entitled An Act relating to requirements for information contained in the immunization registry.

HB 4272 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of the senate amendments to **HB 4272** under Rule 11, Section 2, of the House Rules on the grounds that senate amendments are not germane.

(Paddie in the chair)

The point of order was withdrawn.

HB 4272 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Klick 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 4272**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4272**: Klick, chair; Howard, Jetton, Oliverson, and Zwiener.

HB 3898 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3898, A bill to be entitled An Act relating to the funding of public retirement systems.

Representative Anchia moved to concur in the senate amendments to **HB 3898**.

The motion to concur in the senate amendments to **HB 3898** prevailed by (Record 1696): 122 Yeas, 23 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; 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; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.;

Klick; Kuempel; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Slawson; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Hefner; Holland; Krause; Lambert; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Oliverson; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Smith; Swanson; Tinderholt; Toth; Wilson.

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

Absent, Excused — Coleman.

Absent — Morales Shaw; Vasut.

STATEMENTS OF VOTE

When Record No. 1696 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1696 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 1696 was taken, I was in the house but away from my desk. I would have voted no.

Vasut

Senate Committee Substitute

CSHB 3898, A bill to be entitled An Act relating to the funding of public retirement systems.

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

SECTION 1. Section 28(h), Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) A retirement system established under this Act is exempt from Subchapter C, Chapter 802, Government Code, except Sections 802.2011, 802.2015, 802.202, 802.205, and 802.207.

SECTION 2. Section 802.2011, Government Code, is amended to read as follows:

Sec. 802.2011. FUNDING POLICY. (a) In this section:

(1) "Funded ratio" means the ratio of a public retirement system's actuarial value of assets divided by the system's actuarial accrued liability.

(2) "Governmental entity" has the meaning assigned by Section 802.1012.

(3) "Statewide retirement system" means:

(A) the Employees Retirement System of Texas, including a retirement system administered by that system;

(B) the Teacher Retirement System of Texas;

(C) the Texas County and District Retirement System;

(D) the Texas Emergency Services Retirement System; and

(E) the Texas Municipal Retirement System.

(b) The governing body of a public retirement system and, if the system is not a statewide retirement system, its associated governmental entity shall:

(1) jointly, if applicable:

(A) develop and adopt a written funding policy that details a [~~the governing body's~~] plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; and

(B) timely revise the policy to reflect any significant changes to the policy, including changes required as a result of formulating and implementing a funding soundness restoration plan, including a revised funding soundness restoration plan, under Section 802.2015 or 802.2016;

(2) maintain for public review at its main office a copy of the policy;

(3) file a copy of the policy and each change to the policy with the board not later than the 31st day after the date the policy or change, as applicable, is adopted; and

(4) post [~~submit~~] a copy of the most recent edition of the policy on a publicly available Internet website in accordance with Section 802.107(c)(2) [~~and each change to the policy to the system's associated governmental entity not later than the 31st day after the date the policy or change is adopted~~].

(c) For purposes of Subsection (b)(1)(B), the written funding policy must outline any automatic contribution or benefit changes designed to prevent having to formulate a revised funding soundness restoration plan under Section 802.2015(d), including any automatic risk-sharing mechanisms that have been implemented, the adoption of an actuarially determined contribution structure, and other adjustable benefit or contribution mechanisms.

(d) The board may adopt rules necessary to implement this section.

SECTION 3. Section 802.2015, Government Code, is amended by amending Subsections (a), (c), (d), (e), (f), and (g) and adding Subsections (d-1), (e-1), (e-2), (e-3), (e-4), and (h) to read as follows:

(a) In this section:

(1) "Funded ratio" has the meaning assigned by Section 802.2011.

(2) "Governmental [~~, "governmental~~] entity" has the meaning assigned by Section 802.1012.

(c) A public retirement system shall notify the associated governmental entity in writing if the [~~retirement~~] system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to amortize the unfunded actuarial accrued liability within 30 [~~40~~] years. The [~~If a public retirement system's actuarial valuation shows that the system's amortization period has exceeded 40 years for three consecutive annual actuarial valuations, or two consecutive actuarial valuations in the case of a system that conducts the valuations every two or three years, the~~] governing body of the public retirement

system and the governing body of the associated governmental entity shall jointly formulate a funding soundness restoration plan under Subsection (e) if the system's actuarial valuation shows that the system's expected funding period:

(1) has exceeded 30 years for three consecutive annual actuarial valuations, or two consecutive annual actuarial valuations in the case of a system that conducts the valuations every two or three years; or

(2) effective September 1, 2025:

(A) exceeds 40 years; or

(B) exceeds 30 years and the funded ratio of the system is less than 65 percent [~~in accordance with the system's governing statute~~].

(d) Except as provided by Subsection (d-1), the [~~The~~] governing body of a public retirement system and the governing body of the associated governmental entity that have an existing [~~formulated a~~] funding soundness restoration plan under Subsection (e) shall formulate a revised funding soundness restoration plan under Subsection (e-1) [~~that subsection, in accordance with the system's governing statute,~~] if the system becomes subject to Subsection (c) before the 10th anniversary of the date prescribed by Subsection (e)(2)(A) or (B), as applicable [~~conducts an actuarial valuation showing that:~~

[~~(1) the system's amortization period exceeds 40 years; and~~

[~~(2) the previously formulated funding soundness restoration plan has not been adhered to~~].

(d-1) The governing body of a public retirement system and the governing body of the associated governmental entity are not subject to Subsection (d) if:

(1) the system's actuarial valuation shows that the system's expected funding period exceeds 30 years but is less than or equal to 40 years; and

(2) the system is:

(A) adhering to an existing funding soundness restoration plan that was formulated before September 1, 2025; or

(B) implementing a contribution rate structure that uses or will ultimately use an actuarially determined contribution structure and the system's actuarial valuation shows that the system is expected to achieve full funding.

(e) A funding soundness restoration plan formulated under this section must:

(1) be developed by the public retirement system and the associated governmental entity in accordance with the system's governing statute; [~~and~~]

(2) be designed to achieve a contribution rate that will be sufficient to amortize the unfunded actuarial accrued liability within 30 [~~40~~] years not later than the later of:

(A) the second [~~10th~~] anniversary of the valuation date stated in the actuarial valuation that required formulation of the plan under this subsection; or

(B) September 1, 2025;

(3) be based on actions agreed to be taken by the system and entity that were approved by the respective governing bodies of both the system and the entity before the plan was adopted; and

(4) be adopted at open meetings of the respective governing bodies of the system and the entity not later than the second anniversary of the date the actuarial valuation that required application of this subsection was adopted by the governing body of the system [~~on which the final version of a funding soundness restoration plan is agreed to~~].

(e-1) A revised funding soundness restoration plan formulated under this section must:

(1) be developed by the public retirement system and the associated governmental entity in accordance with the system's governing statute;

(2) be designed to achieve a contribution rate that will be sufficient to amortize the unfunded actuarial accrued liability within 25 years not later than the second anniversary of the valuation date stated in the actuarial valuation that required formulation of a revised plan under this subsection;

(3) be based on actions, including automatic risk-sharing mechanisms, an actuarially determined contribution structure, and other adjustable benefit or contribution mechanisms, agreed to be taken by the system and entity that were approved by the respective governing bodies of both the system and the entity before the plan was adopted; and

(4) be adopted at open meetings by the respective governing bodies of the system and the entity not later than the second anniversary of the date the actuarial valuation that required application of this subsection was adopted by the governing body of the system.

(e-2) Not later than the 90th day after the date on which the plan is adopted by both the governing body of the system and the governing body of the associated governmental entity, a system may submit to the board an actuarial valuation required under Section 802.101(a) or other law that shows the combined impact of all changes to a funding soundness restoration plan adopted under this section, including a revised funding soundness restoration plan adopted under Subsection (e-1). If a system does not provide an actuarial valuation to the board in accordance with this subsection, the board may request that the system provide a separate analysis of the combined impact of all changes to a funding soundness restoration plan adopted under this section not later than the 90th day after the date the board makes the request. An actuarial valuation or separate analysis conducted under this subsection must include:

(1) an actuarial projection of the public retirement system's expected future assets and liabilities between the valuation date described by Subsection (e)(2)(A) or (e-1)(2), as applicable, and the date at which the plan is expected to achieve full funding; and

(2) a description of all assumptions and methods used to perform the analysis which must comply with actuarial standards of practice.

(e-3) The associated governmental entity may pay all or part of the costs of the separate analysis required under Subsection (e-2). The public retirement system shall pay any costs for the analysis not paid by the associated governmental entity.

(e-4) A funding soundness restoration plan adopted under this section, including a revised funding soundness restoration plan adopted under Subsection (e-1), may not include actions that are subject to future approval by the governing bodies of either the public retirement system or the associated governmental entity.

(f) A public retirement system and the associated governmental entity required to [~~that~~] formulate a funding soundness restoration plan under this section, including a revised funding soundness restoration plan, shall provide a report to the board on [~~any updates of~~] progress made by the system and entity in formulating the plan, including a draft of any plan and a description of any changes under consideration for inclusion in a plan, not later than the first anniversary of the date of the actuarial valuation that required formulation of the plan under Subsection (e) or (e-1) and each subsequent six-month period until the plan is submitted to the board under this section [~~entities toward improved actuarial soundness to the board every two years~~].

(g) Each public retirement system that formulates a funding soundness restoration plan as provided by this section shall submit a copy of that plan to the board and any change to the plan not later than the 31st day after the date on which the plan is adopted by both the governing body of the system and the governing body of the associated governmental entity or the date the change is agreed to.

(h) The board may adopt rules necessary to implement this section.

SECTION 4. Section 802.2016, Government Code, is amended to read as follows:

Sec. 802.2016. FUNDING SOUNDNESS RESTORATION PLAN FOR CERTAIN PUBLIC RETIREMENT SYSTEMS. (a) In this section:

(1) "Funded ratio" has the meaning assigned by Section 802.2011.

(2) "Governmental [~~, "governmental~~] entity" has the meaning assigned by Section 802.1012.

(b) This section applies only to a public retirement system that is governed by Article 6243i, Revised Statutes, and its associated governmental entity.

(c) A public retirement system shall notify the associated governmental entity in writing if the [~~retirement~~] system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to amortize the unfunded actuarial accrued liability within 30 [~~40~~] years. The governing body of [~~If a public retirement system's actuarial valuation shows that the system's amortization period has exceeded 40 years for three consecutive annual actuarial valuations, or two consecutive actuarial valuations in the case of a system that conducts the valuations every two or three years,~~] the associated governmental entity shall formulate a funding soundness restoration plan under Subsection (e) if the system's actuarial valuation shows that the system's expected funding period:

(1) has exceeded 30 years for three consecutive annual actuarial valuations, or two consecutive annual actuarial valuations in the case of a system that conducts the valuations every two or three years; or

(2) effective September 1, 2025:

(A) exceeds 40 years; or

(B) exceeds 30 years and the funded ratio of the system is less than 65 percent [~~in accordance with the public retirement system's governing statute~~].

(d) Except as provided by Subsection (d-1), the governing body of an [~~An~~] associated governmental entity that has an existing [~~formulated a~~] funding soundness restoration plan under Subsection (e) shall formulate a revised funding soundness restoration plan under Subsection (e-1) [~~that subsection, in accordance with the public retirement system's governing statute,~~] if the system becomes subject to Subsection (c) before the 10th anniversary of the date prescribed by Subsection (e)(2)(A) or (B), as applicable [~~conducts an actuarial valuation showing that:~~

[~~(1) the system's amortization period exceeds 40 years; and~~

[~~(2) the previously formulated funding soundness restoration plan has not been adhered to~~].

(d-1) The associated governmental entity is not subject to Subsection (d) if:

(1) the system's actuarial valuation shows that the system's expected funding period exceeds 30 years but is less than or equal to 40 years; and

(2) the system is:

(A) adhering to an existing funding soundness restoration plan that was formulated before September 1, 2025; or

(B) implementing a contribution rate structure that uses or will ultimately use an actuarially determined contribution structure and the system's actuarial valuation shows that the system is expected to achieve full funding.

(e) A funding soundness restoration plan formulated under this section must:

(1) be developed in accordance with the public retirement system's governing statute by the associated governmental entity; [~~and~~]

(2) be designed to achieve a contribution rate that will be sufficient to amortize the unfunded actuarial accrued liability within 30 [~~40~~] years not later than the later of:

(A) the second [~~10th~~] anniversary of the valuation date stated in the actuarial valuation that required formulation of the plan under this subsection; or

(B) September 1, 2025;

(3) be based on actions, including automatic risk-sharing mechanisms, an actuarially determined contribution structure, and other adjustable benefit or contribution mechanisms, agreed to be taken by the system and entity that were approved by the governing body of the associated governmental entity before the plan was adopted; and

(4) be adopted at an open meeting of the governing body of the associated governmental entity not later than the second anniversary of the date the actuarial valuation that required application of this subsection was adopted by the governing body of the system [~~on which the final version of a funding soundness restoration plan is formulated~~].

(e-1) A revised funding soundness restoration plan formulated under this section must:

(1) be developed by the associated governmental entity in accordance with the system's governing statute;

(2) be designed to achieve a contribution rate that will be sufficient to amortize the unfunded actuarial accrued liability within 25 years not later than the second anniversary of the valuation date stated in the actuarial valuation that required formulation of a revised plan under this subsection;

(3) be based on actions agreed to be taken by the system and entity that were approved by the governing body of the associated governmental entity before the plan was adopted; and

(4) be adopted at an open meeting of the governing body of the associated governmental entity not later than the second anniversary of the date the actuarial valuation that required application of this subsection was adopted by the governing body of the system.

(e-2) Not later than the 90th day after the date on which the plan is adopted by the governing body of the associated governmental entity, a system may submit to the board an actuarial valuation required under Section 802.101(a) or other law that shows the combined impact of all changes to a funding soundness restoration plan adopted under this section, including a revised funding soundness restoration plan adopted under Subsection (e-1). If a system does not provide an actuarial valuation to the board in accordance with this subsection, the board may request that the system provide a separate analysis of the combined impact of all changes to a funding soundness restoration plan adopted under this section not later than the 90th day after the date the board makes the request. An actuarial valuation or the separate analysis conducted under this subsection must include:

(1) an actuarial projection of the public retirement system's expected future assets and liabilities between the valuation date described by Subsection (e)(2)(A) or (e-1)(2), as applicable, and the date at which the plan is expected to achieve full funding; and

(2) a description of all assumptions and methods used to perform the analysis which must comply with actuarial standards of practice.

(e-3) The associated governmental entity may pay all or part of the costs of the separate analysis required under Subsection (e-2). The public retirement system shall pay any costs for the analysis not paid by the associated governmental entity.

(e-4) A funding soundness restoration plan adopted under this section, including a revised funding soundness restoration plan adopted under Subsection (e-1), may not include actions that are subject to future approval by the governing body of the associated governmental entity.

(f) An associated governmental entity required to formulate [~~that formulates~~] a funding soundness restoration plan under this section, including a revised funding soundness restoration plan, shall provide a report to the board on [~~any updates of~~] progress made by the [~~public retirement system and~~] associated governmental entity in formulating the plan, including a draft of any plan and a description of any changes under consideration for inclusion in a plan, not later than the first anniversary of the date of the actuarial valuation that required

formulation of the plan under Subsection (e) or (e-1) and each subsequent six-month period until the plan is submitted to the board under this section [~~toward improved actuarial soundness to the board every two years~~].

(g) An associated governmental entity that formulates a funding soundness restoration plan as provided by this section shall submit a copy of that plan to the board and any change to the plan not later than the 31st day after the date on which the plan is adopted by the governing body of the associated governmental entity or the date the change is formulated.

(h) The board may adopt rules necessary to implement this section.

SECTION 5. The changes in law made by this Act apply to a funding soundness restoration plan that is formulated or revised under Section 802.2015 or 802.2016, Government Code, as applicable, on or after the effective date of this Act. A funding soundness restoration plan formulated or revised before the effective date of this Act other than a plan that is subject to Section 802.2015(d-1) or Section 802.2016(d-1), Government Code, as added by this Act, is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose, except if:

(1) the public retirement system and its associated governmental entity are required to formulate a revised funding soundness restoration plan under Section 802.2015(d), Government Code, as that section existed immediately before the effective date of this Act, the system and its associated governmental entity shall formulate the plan under Section 802.2015(e), Government Code, as amended by this Act, rather than as that section existed immediately before the effective date of this Act; or

(2) a public retirement system's associated governmental entity is required to formulate a revised funding soundness restoration plan under Section 802.2016(d), Government Code, as that section existed immediately before the effective date of this Act, the associated governmental entity shall formulate the plan under Section 802.2016(e), Government Code, as amended by this Act, rather than as that section existed immediately before the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2021.

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

Amend **CSHB 3898** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 802.109, Government Code, is amended by amending Subsections (a), (d), (e), (f), and (h) and adding Subsection (e-1) to read as follows:

(a) Except as provided by Subsection (e) and subject to Subsections (c) and (k), a public retirement system shall select an independent firm with substantial experience in evaluating institutional investment practices and performance to evaluate the appropriateness, adequacy, and effectiveness of the retirement system's investment practices and performance and to make recommendations for improving the retirement system's investment policies, procedures, and practices. Each evaluation must include:

(1) a summary of the independent firm's experience in evaluating institutional investment practices and performance and a statement that the firm's experience meets the experience required by this subsection;

(2) a statement indicating the nature of any existing relationship between the independent firm and the public retirement system and confirming that the firm and any related entity are not involved in directly or indirectly managing the investments of the system;

(3) a list of the types of remuneration received by the independent firm from sources other than the public retirement system for services provided to the system;

(4) a statement identifying any potential conflict of interest or any appearance of a conflict of interest that could impact the analysis included in the evaluation due to an existing relationship between the independent firm and:

(A) the public retirement system; or

(B) any current or former member of the governing body of the system; and

(5) an explanation of the firm's determination regarding whether to include a recommendation for each of the following evaluated matters:

(A) an analysis of any investment policy or strategic investment plan adopted by the retirement system and the retirement system's compliance with that policy or plan;

(B) [~~(2)~~] a detailed review of the retirement system's investment asset allocation, including:

(i) [~~(A)~~] the process for determining target allocations;

(ii) [~~(B)~~] the expected risk and expected rate of return, categorized by asset class;

(iii) [~~(C)~~] the appropriateness of selection and valuation methodologies of alternative and illiquid assets; and

(iv) [~~(D)~~] future cash flow and liquidity needs;

(C) [~~(3)~~] a review of the appropriateness of investment fees and commissions paid by the retirement system;

(D) [~~(4)~~] a review of the retirement system's governance processes related to investment activities, including investment decision-making processes, delegation of investment authority, and board investment expertise and education; and

(E) [~~(5)~~] a review of the retirement system's investment manager selection and monitoring process.

(d) A public retirement system shall conduct the evaluation described by Subsection (a):

(1) once every three years, if the total assets of the retirement system [~~has total assets the book value of which,~~] as of the last day of the preceding [~~last~~] fiscal year were [~~considered in an evaluation under this section, was~~] at least $100 million; or

(2) once every six years, if the total assets of the retirement system [~~has total assets the book value of which,~~] as of the last day of the preceding [~~last~~] fiscal year were [~~considered in an evaluation under this section, was~~] at least $30 million and less than $100 million.

(e) A public retirement system is not required to conduct the evaluation described by Subsection (a) if the total assets of the retirement system [~~has total assets the book value of which,~~] as of the last day of the preceding fiscal year were[~~, was~~] less than $30 million.

(e-1) Not later than the 30th day after the date an independent firm completes an evaluation described by Subsection (a), the independent firm shall:

(1) submit to the public retirement system for purposes of discussion and clarification a substantially completed preliminary draft of the evaluation report; and

(2) request in writing that the system, on or before the 30th day after the date the system receives the preliminary draft, submit to the firm:

(A) a description of any action taken or expected to be taken in response to a recommendation made in the evaluation; and

(B) any written response of the system that the system wants to accompany the final evaluation report.

(f) The independent firm shall file the final evaluation report, including the evaluation results and any response received from the public retirement system, [~~A report of an evaluation under this section must be filed~~] with the governing body of the [~~public retirement~~] system:

(1) not earlier than the 31st day after the date on which the preliminary draft is submitted to the system; and

(2) not later than the later of:

(A) the 60th day after the date on which the preliminary draft is submitted to the system; or

(B) May 1 in the [~~of each~~] year following the year in which the system is evaluated under Subsection (a) [~~(d)~~].

(h) A governmental entity that is the employer of active members of a public retirement system evaluated under Subsection (a) may pay all or part of the costs of the evaluation. The [~~A~~] public retirement system shall pay any remaining unpaid [~~the~~] costs of the [~~each~~] evaluation [~~of the system under this section~~].

SECTION ____. Section 802.109, Government Code, as amended by this Act, applies only to an evaluation commenced on or after the effective date of this Act. An evaluation commenced before the effective date of this Act is governed by the law in effect on the date the evaluation was commenced, and the former law is continued in effect for that purpose.

HB 2857 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2857, A bill to be entitled An Act relating to certain information regarding taxpayers subject to an audit that is provided to members of the public.

Representative Frullo moved to concur in the senate amendments to **HB 2857**.

The motion to concur in the senate amendments to **HB 2857** prevailed by (Record 1697): 135 Yeas, 10 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; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Slawson; Smith; Smithee; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Hefner; Krause; Middleton; Schaefer; Schofield; Shaheen; Slaton; Tinderholt; Toth; Wilson.

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

Absent, Excused — Coleman.

Absent — Morales Shaw; Spiller.

STATEMENTS OF VOTE

When Record No. 1697 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1697 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 1697 was taken, I was shown voting yes. I intended to vote no.

Patterson

Senate Committee Substitute

CSHB 2857, A bill to be entitled An Act relating to certain information regarding taxpayers subject to an audit that is provided to members of the public.

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

SECTION 1. The heading to Section 111.0075, Tax Code, is amended to read as follows:

Sec. 111.0075. PROVISION [~~USE~~] OF INFORMATION RELATING TO TAX AUDITS.

SECTION 2. Sections 111.0075(a) and (b), Tax Code, are amended to read as follows:

(a) This section applies to information that:

(1) relates to a taxpayer that the comptroller is auditing or intends to audit;

(2) is considered public information under Chapter 552, Government Code; and

(3) is requested from [~~made available by~~] the comptroller by [~~to~~] a person [~~who requested that information~~] under Chapter 552, Government Code.

(b) Notwithstanding Section 552.221(a), Government Code, the comptroller may not provide [~~A person who obtains~~] information described by Subsection (a) of this section to a person other than the [~~and who is not a~~] taxpayer to whom the information relates earlier than the 14th day after the date the comptroller mails the notice of intent to audit to the taxpayer [~~may not, before the sixth day after the date the comptroller made the information available to the person, use the information for the direct solicitation of business or employment for pecuniary gain~~].

SECTION 3. Sections 111.0075(c), (d), (e), and (f), Tax Code, are repealed.

SECTION 4. The repeal by this Act of Section 111.0075(d), Tax Code, does not affect the imposition of a penalty under that section for conduct occurring before the effective date of this Act. For purposes of this section, conduct occurs before the effective date of this Act if any element of the conduct subject to the imposition of the penalty occurs before that date. Conduct occurring before the effective date of this Act is governed by the law in effect when the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 5. The change in law made by this Act applies only to information requested by a person under Chapter 552, Government Code, on or after the effective date of this Act. Information requested before the effective date of this Act is governed by the law in effect on the date the information was requested, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2021.

HB 4658 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4658, A bill to be entitled An Act relating to the creation of the Huntsville Municipal Utility District No. 1 of Walker County, Texas; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Bailes moved to concur in the senate amendments to **HB 4658**.

The motion to concur in the senate amendments to **HB 4658** prevailed by (Record 1698): 100 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Larson; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Spiller; Stephenson; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Bell, K.; Bonnen; Buckley; Cain; Cason; Craddick; Cyrier; Darby; Dean; Frank; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman.

Absent — Biedermann; Hinojosa; Morales Shaw; Thierry.

STATEMENTS OF VOTE

When Record No. 1698 was taken, I was shown voting no. I intended to vote yes.

Craddick

When Record No. 1698 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1698 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

Senate Committee Substitute

CSHB 4658, A bill to be entitled An Act relating to the creation of the Huntsville Municipal Utility District No. 1 of Walker County, Texas; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7935A to read as follows:

CHAPTER 7935A. HUNTSVILLE MUNICIPAL UTILITY DISTRICT NO. 1 OF WALKER COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7935A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Huntsville Municipal Utility District No. 1 of Walker County, Texas.

Sec. 7935A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7935A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7935A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7935A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7935A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7935A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7935A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7935A.0202, directors serve staggered four-year terms.

Sec. 7935A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7935A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7935A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7935A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7935A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7935A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7935A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7935A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7935A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7935A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7935A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7935A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7935A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7935A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7935A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7935A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7935A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Huntsville Municipal Utility District No. 1 of Walker County, Texas, initially includes all the territory contained in the following area:

A METES & BOUNDS description of a calculated 350.0 acre tract of land situated in the John Beauchamp Survey, Abstract No. 92, the John Hume Survey, Abstract No. 264, the W.N. Mock Survey, Abstract No. 401, and the I.&G.N. R.R. Co. Survey, Abstract No. 691, in Walker County, Texas, being all of a called 6.00 acre tract (Tract 1 – C.F. No. 201700028486) recorded in Clerk's File No. 201700028486, Walker County Official Records, and being all of a calculated 340.0 acre tract (Tract 2 – C.F. No. 201700028487) out of a called 710.308 acre tract recorded in Clerk's File No. 201700028487, Walker County Official Records, said calculated 350.0 acre tract being more particularly described as follows:

(Tract 1 – C.F. No. 201700028486)

Being 6.000 acres (261,338 square feet) tract of land out of the John Hume Survey, Abstract No. 264, and the John Beauchamp Survey, Abstract No. 92, Walker County Texas and being out of the Lot 3B of Amending Replat of Lot 3, Stephen H. Dawson Subdivision as recorded under Volume 6, Page 35 of the Walker County Plat Records (W.C.P.R.), Texas and being out of a called Lot 3 (18.251 acres) as conveyed to BDB Investments, a Texas General Partnership composed of J.D. Davis, Bradley D. Davis, and J. Barrett Davis as recorded under Document No. 200800005295 of the Walker County Deed Records (W.C.D.R.), Texas and a 0.63 acre tract (designated Tract One) and a 1.347 acre tract (designated Tract Two) as conveyed to BDB Investments, a Texas General Partnership composed of J.D. Davis, Bradley D. Davis, and J. Barrett Davis as recorded under Document No. 201100005893 W.C.D.R. and being more particularly described by metes and bounds as follows (with bearings referenced to Texas State Plane Coordinate System Central Zone, NAD83).

BEGINNING at a point in the south right-of-way line of Veterans Memorial Parkway (variable width as recorded in Volume 399, Page 705 W.C.D.R.) and being the northwest comer of a called 254.36 acre tract of land conveyed to Samuella W. Palmer, Trustee of the Samuella W. Palmer Trust as recorded under Document No. 200700007382 W.C.D.R. and for the northeast corner of Lot 3B of Amending Replat of Lot 3, Stephen H. Dawson Subdivision as recorded under Volume 6, Page 35 of the Walker County Plat Records (W.C.P.R.), Texas and herein described tract;

THENCE, South 03°00'42" East, 595.64 feet along the east line of Lot 3B and the west line of the called 254.36 acre tract to the northeast comer of a called 710.338 acre tract conveyed to Alexander 263, Ltd.-Baker, LP, a Texas Limited Partnership as recorded in Volume 956, Page 33 W.C.D.R., and the southeast corner of Lot 3B and for corner of the herein described tract;

THENCE, North 67°41'21" West, 61.09 feet along the north line of the called 710.338 acre tract and the south line of Lot 3B to the northeast corner of a 0.63 acre tract (designated Tract One) as conveyed to BDB Investments, a Texas General Partnership composed of J.D. Davis, Bradley D. Davis, and J. Barrett Davis as recorded under Document No. 201100005893 W.C.D.R. and the northwest corner of the called 710.338 acre tract and for corner of the herein described tract;

THENCE, South 22°11'28" West, 337.01 feet along the west line of the called 710.338 acre tract and the east line of the called 0.63 acre tract and a 1.347 acre tract (designated Tract Two) as conveyed to BDB Investments, a Texas General Partnership composed of J.D. Davis, Bradley D. Davis, and J. Barrett Davis as recorded under Document No. 201100005893 W.C.D.R. to the northeast corner of a called 0.87 acre tract conveyed to City of Huntsville as recorded under Volume 233, Page 130 W.C.D.R. and for the southeast corner of the herein described tract;

THENCE, North 67°41'34" West, 275.10 feet along the south line of the called 1.347 acre and a called 0.53 acre tract conveyed to Alejandro Zavala and Patricia Zavala, husband and wife, as recorded under Volume 433 Page 308 W.C.D.R. to a point in the east right-of-way line of Marigold Lane (formerly known as Holly Lane- 50 foot width as recorded under Volume 1, Page 18 W.C.P.R.) and for the southwest corner of the called 1.347 acre tract and the herein described tract;

THENCE, North 22°18'30" East, 337.03 feet along the east right-of-way line of Marigold Lane to a point in the south line of said Lot 3B and for the northwest corner of said called 0.63 acre tract and a corner of the herein described tract;

THENCE, North 67°41'21" West, 15.66 feet along the south line of Lot 3B to a corner of the herein described tract;

THENCE, North 16°58'02" East, 120.96 feet departing the south line of Lot 3B and through the interior of Lot 3B to an angle point;

THENCE, North 03°15'52" East, 99.24 feet to an angle point;

THENCE, North 03°02'25" West, 405.44 feet to a point in the north line of Lot 3B and the south right-of-way line of Veterans Memorial Parkway for the northwest comer of the herein described tract;

THENCE, South 68°03'04" East, 45.14 feet along the north line of Lot 3B and the south right-of-way line of Veterans Memorial Parkway to an angle point;

THENCE, South 56°16'24" East, 216.37 feet continuing along the north line of Lot 3B and the south right-of- way line of Veterans Memorial Parkway to an angle point;

THENCE, South 68°00'20" East, 56.42 feet continuing along the north line of Lot 3B and the south right-of- way line of Veterans Memorial Parkway to the POINT OF BEGINNING, CONTAINING 6.00 acres (261,338 square feet) of land in Walker County, Texas, filed in the office of Elevation Land Solutions in The Woodlands, Texas.

(Tract 2 – C.F. No. 201700028487)

A METES & BOUNDS description of a certain 344.0 acre (14,984,662 square feet) tract of land situated in the W.N. Mock Survey, Abstract No. 401, and the I.&G.N. R.R. Co. Survey, Abstract No. 691, in Walker County, Texas, being out of a called 710.308 acre tract conveyed to East Loop Investments, L.L.C. by deed recorded in Clerk's File No. 201700028487, Walker County Official Records; said 344.0 acre (14,984,662 square feet) tract of land being more particularly described as follows with all bearings referenced to the Texas Coordinate System, Central Zone, NAD 83:

BEGINNING at a point for the northeast corner of a called 710.338 acres as conveyed to Alexander 263, Ltd-Baker, LP, a Texas Limited Partnership and recorded under Volume 956, Page 33 Walker County Deed Records and being the southeast corner of Lot 3B of Amending Replat of Lot 3 Stephen H. Dawson Subdivision as recorded under Volume 6, Page 35 of the Walker County Plat Records, Texas, and being in the west line of a called 254.36 acre tract of land conveyed to Samuella W. Palmer, Trustee of the Samuella W. Palmer Trust as recorded under Document No. 200700007382 of the Walker County Deed Records;

THENCE, South 02°44'23" East, 4171.62 feet along the east line of the called 710.338 acre tract and the west line of the called 254.36 acre tract to a point for corner in the north line of the W.N. Mock Survey, Abstract No. 401;

THENCE, South 04°00'26" East, 193.30 feet to a point for corner;

THENCE, North 87°01'45" East, 410.40 feet to a point for corner in the east line of the called 710.338 acre tract;

THENCE, South 67°56'27" East, 153.25 feet continuing along the east line of the called 710.338 acre tract to a point for corner in the west line of a called 557 acre tract described as Tract No. J12q conveyed to United States of America and recorded under Volume 82, Page 131 of the Walker County Deed Records;

THENCE, South 22°25'58" West, 3625.79 feet continuing along the east line of the called 710.338 acre tract and the west line of the called 557 acres tract to a point for corner;

THENCE, North 67°41'58" West, 3767.59 feet to a point for corner in the west line of the called 710.338 acre tract and the east line of a remainder called 200 acre tract as conveyed to Heath Branch Fishing Club Incorporated as recorded under Volume 59, Page 348 of the Walker County Deed Records;

THENCE, North 21°40'17" East, 493.49 feet along the west line of the called 710.338 acre tract and the east line of the called remainder 200 acre tract to a point for the southwest corner of a called 50 acre tract of land conveyed to Heath Branch Fishing Club Incorporated as recorded under Volume 59, Page 348 of the Walker County Deed Records and corner of the called 710.338 acre tract and hereof;

THENCE, South 66°36'33" East, 682.37 feet along the west line of the called 710.338 acre tract and the south line of the called 50 acre tract to a point for the southeast corner of the called 50 acre tract and corner of the called 710.338 acre tract and hereof;

THENCE, North 23°07'10" East, 3136.07 feet along the west line of the called 710.338 acre tract and the east line of the called 50 acre tract to a point in the south line of a called 28.161 acre tract conveyed to MBV Ventured, Ltd., a Texas limited partnership as recorded under Document No. 201300005357 of the Walker County Deed Records, the northeast corner of said called 50 acre tract and a corner of the called 710.338 acre tract and hereof;

THENCE, South 67°41'58" East, 624.76 feet along the south line of the called 28.161 acre tract and the west line of the called 710.338 acre tract to a point for the southeast corner of the called 28.161 acre tract and a corner for the 710.338 acre tract and hereof;

THENCE, North 22°11'28" East, 3786.54 feet along the west line of the called 710.338 acre tract to a point for corner in the south line of Lot 3B of the Amending Replat of Lot 3 Stephen H. Dawson Subdivision and for the northwest corner of said called 710.338 acre tract and hereof;

THENCE, South 67°41'21" East, 61.09 feet along the north line of the called 710.338 acre tract and the south line of Lot 3B to the POINT OF BEGINNING, CONTAINING 344.0 acres (14,984,662 square feet) of land in Walker County, Texas, filed in the office of Elevation Land Solutions in The Woodlands, Texas.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7935A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7935A.0306 to read as follows:

Sec. 7935A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 4612 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4612, A bill to be entitled An Act relating to the creation of the Brazoria County Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Vasut moved to concur in the senate amendments to **HB 4612**.

The motion to concur in the senate amendments to **HB 4612** prevailed by (Record 1699): 93 Yeas, 52 Nays, 3 Present, not voting.

Yeas — Allen; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kuempel; Lambert; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cason; Cook; Cyrier; Darby; Dean; Ellzey; Frank; Gates; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Wilson.

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

Absent, Excused — Coleman.

Absent — Jetton.

STATEMENT OF VOTE

When Record No. 1699 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

Senate Committee Substitute

CSHB 4612, A bill to be entitled An Act relating to the creation of the Brazoria County Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3945 to read as follows:

CHAPTER 3945. BRAZORIA COUNTY MANAGEMENT DISTRICT NO.2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3945.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "County" means Brazoria County.

(3) "Director" means a board member.

(4) "District" means the Brazoria County Management District No. 2.

Sec. 3945.0102. CREATION AND NATURE OF DISTRICT; IMMUNITY. (a) The Brazoria County Management District No. 2 is a special district created under Section 59, Article XVI, Texas Constitution.

(b) The district is a governmental unit, as provided by Section 375.004, Local Government Code.

(c) This chapter does not waive any governmental or sovereign immunity from suit, liability, or judgment that would otherwise apply to the district.

Sec. 3945.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district, the legislature has established a program to accomplish the public purposes set out in Sections 52 and 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve the county or a municipality from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant county or municipal services provided in the district.

Sec. 3945.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways, transit facilities, parking facilities, and public art objects, and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3945.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3945.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in one or more of the following:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code; or

(4) an industrial district created under Chapter 42, Local Government Code.

Sec. 3945.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3945.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3945.0109. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 375, Local Government Code, or Chapter 49, Water Code, that is in conflict or inconsistent with this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3945.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected or appointed as provided by this chapter and Subchapter D, Chapter 49, Water Code.

(b) Except as provided by Section 3945.0203, directors serve staggered four-year terms.

Sec. 3945.0202. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3945.0203. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) The temporary or successor temporary directors shall hold an election to elect five permanent directors as provided by Section 49.102, Water Code.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(d) If permanent directors have not been elected under Subsection (b) and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint

as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Sec. 3945.0204. DISQUALIFICATION OF DIRECTORS. Section 49.052, Water Code, applies to the members of the board.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3945.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3945.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3945.0303. RECREATIONAL FACILITIES. The district may develop or finance recreational facilities as authorized by Chapter 375, Local Government Code, Sections 52 and 52-a, Article III, Texas Constitution, Section 59, Article XVI, Texas Constitution, and any other law that applies to the district.

Sec. 3945.0304. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may own, operate, maintain, design, acquire, construct, finance, issue bonds, notes, or other obligations for, improve, and convey to this state, a county, or a municipality for ownership, operation, and maintenance macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

Sec. 3945.0305. CONVEYANCE AND APPROVAL OF ROAD PROJECT. (a) The district may convey a road project authorized by Section 3945.0304 to:

(1) a municipality or county that will operate and maintain the road if the municipality or county has approved the plans and specifications of the road project; or

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

(b) Except as provided by Subsection (c), the district shall operate and maintain a road project authorized by Section 3945.0304 that the district implements and does not convey to a municipality, a county, or this state under Subsection (a).

(c) The district may agree in writing with a municipality, a county, or this state to assign operation and maintenance duties to the district, the municipality, the county, or this state in a manner other than the manner described in Subsections (a) and (b).

Sec. 3945.0306. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3945.0307. LAW ENFORCEMENT SERVICES. Section 49.216, Water Code, applies to the district.

Sec. 3945.0308. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3945.0309. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3945.0310. STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with a municipality under Section 43.0751, Local Government Code.

Sec. 3945.0311. REGIONAL PARTICIPATION AGREEMENT. The district may negotiate and enter into a written regional participation agreement with a municipality under Section 43.0754, Local Government Code.

Sec. 3945.0312. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3945.0313. ADDING OR EXCLUDING LAND. (a) The district may add land in the manner provided by Subchapter J, Chapter 49, Water Code.

(b) The district may exclude land in the manner provided by Subchapter J, Chapter 49, Water Code. Section 375.044(b), Local Government Code, does not apply to the district.

(c) The district may include and exclude land as provided by Sections 54.739-54.747, Water Code. A reference in those sections to a "tax" means an ad valorem tax for the purposes of this subsection.

(d) If the district adopts a sales and use tax authorized at an election held under Section 3945.0602 and subsequently includes new territory in the district under this section, the district:

(1) is not required to hold another election to approve the imposition of the sales and use tax in the included territory; and

(2) shall impose the sales and use tax in the included territory as provided by Chapter 321, Tax Code.

(e) If the district adopts a sales and use tax authorized at an election held under Section 3945.0602 and subsequently excludes territory in the district under this section, the sales and use tax is inapplicable to the excluded territory, as provided by Chapter 321, Tax Code, but is applicable to the territory remaining in the district.

Sec. 3945.0314. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3945.0315. AUDIT EXEMPTION. (a) The district may elect to complete an annual financial report in lieu of an annual audit under Section 375.096(a)(6), Local Government Code, if:

(1) the district had no bonds or other long-term (more than one year) liabilities outstanding during the fiscal period;

(2) the district did not have gross receipts from operations, loans, taxes, assessments, or contributions in excess of $250,000 during the fiscal period; and

(3) the district's cash and temporary investments were not in excess of $250,000 during the fiscal period.

(b) Each annual financial report prepared in accordance with this section must be open to public inspection and accompanied by an affidavit signed by a duly authorized representative of the district attesting to the accuracy and authenticity of the financial report.

(c) The annual financial report and affidavit shall be substantially similar in form to the annual financial report and affidavit forms prescribed by the executive director of the Texas Commission on Environmental Quality under Section 49.198, Water Code.

Sec. 3945.0316. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. ASSESSMENTS

Sec. 3945.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3945.0402. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified or first class United States mail. The board shall determine the method of notice.

Sec. 3945.0403. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3945.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3945.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3945.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

(c) Section 49.107(h), Water Code, does not apply to the district.

Sec. 3945.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may, by competitive bid or negotiated sale, issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, or other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3945.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues; or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3945.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3945.0501, the district may issue bonds payable from ad valorem taxes.

(b) Section 375.243, Local Government Code, does not apply to the district.

(c) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3945.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not issue bonds until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

SUBCHAPTER F. SALES AND USE TAX

Sec. 3945.0601. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b) A reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 3945.0602. ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if authorized by a majority of the voters of the district voting at an election held for that purpose.

(b) The board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c) The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the Brazoria County Management District No. 2 at a rate not to exceed ____ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 3945.0603. SALES AND USE TAX RATE. (a) On or after the date the results are declared of an election held under Section 3945.0602, at which the voters approved imposition of the tax authorized by this subchapter, the board shall determine and adopt by resolution or order the initial rate of the tax, which must be in one or more increments of one-eighth of one percent.

(b) After the election held under Section 3945.0602, the board may increase or decrease the rate of the tax by one or more increments of one-eighth of one percent.

(c) The initial rate of the tax or any rate resulting from subsequent increases or decreases may not exceed the lesser of:

(1) the maximum rate authorized by the district voters at the election held under Section 3945.0602; or

(2) a rate that, when added to the rates of all sales and use taxes imposed by other political subdivisions with territory in the district, would result in the maximum combined rate prescribed by Section 321.101(f), Tax Code, at any location in the district.

Sec. 3945.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This section applies to the district after a municipality annexes part of the territory in the district and imposes the municipality's sales and use tax in the annexed territory.

(b) If at the time of annexation the district has outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, Section 321.102(g), Tax Code, applies to the district.

(c) If at the time of annexation the district does not have outstanding debt or other obligations payable wholly or partly from district sales and use tax revenue, the district may:

(1) exclude the annexed territory from the district, if the district has no outstanding debt or other obligations payable from any source; or

(2) reduce the sales and use tax in the annexed territory by resolution or order of the board to a rate that, when added to the sales and use tax rate imposed by the municipality in the annexed territory, is equal to the sales and use tax rate imposed by the district in the district territory that was not annexed by the municipality.

Sec. 3945.0605. NOTIFICATION OF RATE CHANGE. The board shall notify the comptroller of any changes made to the tax rate under this subchapter in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 3945.0606. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 3945.0607. ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter without an election.

(b) The board may not abolish the tax imposed under this subchapter if the district has outstanding debt secured by the tax, and repayment of the debt would be impaired by the abolition of the tax.

(c) If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(d) If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 3945.0602 before the district may subsequently impose the tax.

(e) This section does not apply to a decrease in the sales and use tax authorized under Section 3945.0604(c)(2).

SUBCHAPTER I. DISSOLUTION

Sec. 3945.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of at least two-thirds of the assessed value of the property subject to assessment or taxation by the district based on the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION 2. The Brazoria County Management District No. 2 initially includes all the territory contained in the following area:

TRACT 1:

All that certain 160.92 acres tract of land, being a part of that certain called 264.533 Acre Tract containing Lots 10, 11, and 19 of the Bogart and Taylor Subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69, Brazoria County, Texas, a Plat of record in Volume 16, at Pages 518 and 519 of the Deed Records of Brazoria County, Texas (B.C.D.R.), and being that 264.533 Acre Tract described in a deed from Buffet Inc. to Tehama Communities, LLP recorded in Clerk File (C.F.) 2005-069871, said 160.92 acres tract of land being more particularly described as follows:

BEGINNING at a 4 -inch square concrete monument found at the Northeast corner of said Lot 10, said concrete monument being the same described in that certain deed to Claud B. Hamill recorded in Volume 1121, at Page 386 of the B.C.D.R., being also the Northwest corner of Lot 9 of said Bogart and Taylor Subdivision;

THENCE South 03 degrees 02 minutes 53 seconds East, 2,652.55 feet coincident with the West line of said Claud B. Hamill Tract, being also the East line of Lot 10 of said Bogart and Taylor

Subdivision, point also being the Southeast corner of the herein tract;

THENCE South 86 degrees 57 minutes 14 seconds West, 2,642.69 feet coincident with the North lines of Lot 18 and 19, being also the South line of Lots 10 and 11 of said Bogart and Taylor

Subdivision to a point for corner, from which a 1/2-inch iron rod set for reference bears North 76 degrees 03 minutes 10 seconds West, 18.35 feet, and a 3/4 inch iron pipe found for reference bears North 01 degrees 24 minutes 37 seconds East, 23.52 feet;

THENCE North 03 degrees 02 minutes 53 seconds West, 2,652.55 feet coincident with the West line of said Lot 11 to a 1-1/4 inch iron pipe found for corner;

THENCE North 86 degrees 57 minutes 14 seconds East, 2,642.69 feet coincident with the North lines of said Lots 10 and 11, along the South line of a platted road to the POINT OF BEGINNING, containing 160.92 acres of land, more or less.

TRACT 2:

A survey of 42.95 Acres out of Lot 9 of the Bogart and Taylor subdivision of the West 1/2 of the W.D.C. Hall League, Abstract 69 according to the Plat recorded in Volume 1, Page 64 of the Map Records of Brazoria County, Texas (B.C.M.R), and being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2 inch iron rod with a cap in the Northwest corner of Lot 9 set on the South right-of way line of Adams Road / County Road 841, a public road, presently unopened, for the Northwest corner of this tract and the POINT OF BEGINNING;

THENCE North 86 degrees 57 minutes 02 seconds East, along the South line of said public road, a distance of 700.55 feet for the Northeast corner of this tract;

THENCE South 03 degrees 00 minutes 50 seconds East, a distance of 2,657.47 feet for the Southeast corner of this tract, said point being in the South lines of Lot 9;

THENCE South 86 degrees 57 minutes 14 seconds West, along the centerline of Ditch 316-00-00 as recorded in Iowa Colony Drainage District No. 5, a distance of 707.48 feet for the Southwest corner of this tract;

THENCE North 02 degrees 51 minutes 52 seconds West, along the West lines of Lot 9, same being the East line of that tract of land (Lots 10, 11, and 19, Bogart and Taylor) as described by deed recorded in B.C.C.F. No. 85030634, a distance of 2,657.44 feet to the POINT OF BEGINNING and containing 42.95 acres of land, more or less, and being a part of the same property described in the deed "Tract C" as described in the Clerk 's File No. 2008-037928 of Brazoria County, Texas, to which deed and the record thereof reference is here made for all appropriate purposes.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 2256 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2256, A bill to be entitled An Act relating to creating a bilingual special education certification to teach students of limited English proficiency with disabilities.

(Speaker in the chair)

Representative Guerra moved to concur in the senate amendments to **HB 2256**.

The motion to concur in the senate amendments to **HB 2256** prevailed by (Record 1700): 113 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bowers; Buckley; Bucy; Burns; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; 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; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Cain; Capriglione; Cason; Cook; Craddick; Harris; Hefner; Holland; Krause; Landgraf; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Paul; Rogers; Sanford; Schaefer; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bell, K.; Burrows; Jetton.

STATEMENTS OF VOTE

When Record No. 1700 was taken, I was in the house but away from my desk. I would have voted yes.

K. Bell

When Record No. 1700 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

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

Amend **HB 2256** (senate committee report) in SECTION 1 of the bill, in added Section 21.04891(c)(1), Education Code, as follows:

(1) In Paragraph (B) (page 1, line 42), strike "culturally responsive".

(2) In Paragraph (C) (page 1, lines 45-46), strike "for equity and inclusion".

(3) In Paragraph (F) (page 1, line 54), strike "dynamic and collaborative".

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

HB 4652 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4652, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Metcalf moved to concur in the senate amendments to **HB 4652**.

The motion to concur in the senate amendments to **HB 4652** prevailed by (Record 1701): 87 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Lambert; Larson; Longoria; Lopez; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smith; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Cain; Capriglione; Cason; Cook; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Landgraf; Leach; Leman; Lozano; Middleton; Murr; Noble; Oliverson; Parker; Patterson; Price; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman.

Absent — Burrows; Jetton; King, K.; Martinez; Moody; Paddie; Spiller.

STATEMENTS OF VOTE

When Record No. 1701 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

When Record No. 1701 was taken, I was shown voting yes. I intended to vote no.

P. King

Senate Committee Substitute

CSHB 4652, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 208; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7939A to read as follows:

CHAPTER 7939A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 208

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7939A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 208.

Sec. 7939A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7939A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7939A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7939A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7939A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7939A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7939A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7939A.0202, directors serve staggered four-year terms.

Sec. 7939A.0202. TEMPORARY DIRECTORS. (a) On or after September 1, 2021, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7939A.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 7939A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7939A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7939A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7939A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7939A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7939A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7939A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7939A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7939A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7939A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7939A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7939A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7939A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7939A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7939A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7939A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7939A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7939A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7939A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Montgomery County Municipal Utility District No. 208 initially includes all the territory contained in the following area:

Those four (4) tracts of land described as follows:

(a) CONROE TRACT ONE.

Being forty-seven and nine hundred thirty-two-thousandths (47.932) acres of land in the James Edwards Survey, A-190, Montgomery County, Texas, also being a part of the J. W. Spiller tract in same and being more particularly described by metes and bounds as follows, to-wit.

Beginning on the South boundary line of White Oak Manor Subdivision as shown in Volume 9, Page 46, Map Records, and being at a point S. 61° 32 50" W. 655.3 ft. and N. 76° 32' 45" W. 218.03 ft. from the most Easterly corner of said Subdivision, an iron pipe for corner in fence;

Thence N. 76° 32 45" W. 1383.23 ft. along the South line of White Oak Manor Subdivision to an iron pipe for corner;

Thence S. 13° 27' 15" W. 1094.77 ft. to an iron pipe for corner;

Thence S. 76° 32' 45" E. 1601.26 ft. to an iron pipe for corner;

Thence N. 61° 32" 50" E. 1371.02 ft to an iron pipe for corner in the West line of Longmire Road;

Thence N. 27° 21 50" W. 339.35 ft. along the West line of Longmire Road to an iron pipe for corner;

Thence S. 88° 52' 05" W. 600.17 ft. to an iron pipe for corner;

Thence S. 21° 02 10" E. 126.31 ft. to an iron pipe for corner;

Thence S. 72° 28' 26" W. 552.9 ft. to an iron pipe for corner;

Thence N. 3° 00' 24" E. 662.55 ft. to the place of beginning.

(b) CONROE TRACT TWO:

All that certain tract or parcel of land out of the Robert Marsh Survey A-355, and James Edwards Survey A-189, in Montgomery County, Texas being a portion of that certain tract of land conveyed to J. W. Spiller and wife by deed recorded in Volume 488, Page 309, of the deed records of Montgomery County, Texas, said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 3/4" iron pipe in the North line of the B. D. Griffin 424.53 acre tract and at the Southwest corner of that certain tract of land conveyed to W. S. Lampton Jr by deed recorded in Volume 665, Page 538, for the Southeast corner hereof, from which a 12" Elm marked X bears N 45° 00' W, 26.8 ft. and a 14" Ash marked X bears N 10° 30' E, 36.8 ft.;

THENCE: Along the B. D. Griffin North line S 74° 49' 52" W, for a distance of 1624.6 ft. to a 1/2" iron rod for the Southeast corner of a 10.15 acre San Jacinto River Authority tract and the Southwest corner hereof;

THENCE: Along the West line of the said San Jacinto River Authority tract N 25° 06' 20" W. for a distance of 1186.30 ft. to a yellow painted stake on the East bank of the San Jacinto River;

THENCE: Along the East bank of the San Jacinto River the following courses:

(1) N 4° 07' E, 67.38 ft. to a yellow stake;

(2) N 25° 34' 17" E 59.58 ft. to a yellow stake;

(3) N 59° 49' 55" E, 117.87 ft. to a yellow stake;

(4) N 26° 41 17" E, 191.76 ft. to a yellow stake;

(5) N. 23° 46' 46" W, 50.44 ft. to a 1/2" iron stake in the North line hereof;

THENCE: N 62° 01 12" E, along the North line hereof for a distance of 1573.79 ft. to a 3/4" iron pipe at the Northwest corner of the aforementioned W. S. Lampton tract and the Northeast corner hereof, from which a 14" Sweet Gum marked X bears S 66° 45" E, 197.5 ft. and a 10" Red Oak marked X bears S 75° 30' E, 212.9 ft.;

THENCE: Along the West line of the said Lampton tract S 15° 08' 51" E. for a distance of 1849.4 ft. to the place of beginning and containing 65.153 acres of land.

(c) CONROE TRACT THREE:

Being 7.5 acres of land in the James Edwards Survey, Abstract No. 190 in Montgomery County, Texas, and being the North 1/2 of that certain 15 acre tract described in Volume 646, Page 52 of the Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at the northwest corner of the above mentioned 15 acre tract a stake for corner in the center of a 60 foot roadway from which a 5/8" iron rod bears South 15° 09' East 30 feet;

THENCE North 74° 56' East 705.6 feet along the center line of the above mentioned 60 foot roadway and the North line of said 15 acre tract to the Northeast corner of said 15 acre tract being the northeast corner of the tract here described;

THENCE South 27° 37' East 444.0 feet along the East line of said 15 acre tract and the West line of Longmire Road to the 5/8" iron rod for the Southeast corner of the tract here described;

THENCE South 74° 56' West 802.5 feet to a 5/8" iron rod for corner in the West line of said 15 acre tract for the Southwest corner of the tract here described;

THENCE North 15° 04 West 433.4 feet along the West line of said 15 acre tract to the PLACE OF BEGINNING.

(d) CONROE TRACT FOUR:

All that certain tract or parcel of land in the JAMES EDWARDS SURVEY, ABSTRACT 190, the JAMES EDWARDS SURVEY, ABSTRACT 189, and the ROBERT MARSH SURVEY, ABSTRACT 355, Montgomery County, Texas, and being the same premises conveyed by J. W. Spiller, et ux. to W. S. Lampton, Jr., Trustee, by Deed dated July 8, 1968, recorded in Volume 665, Page 538, Deed Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows, to-wit.

BEGINNING at the most Northeasterly corner of a 625 acre tract of land conveyed by J. W. Spiller to John Ben Williamson, by Deed dated September 22, 1960, recorded in Volume 488, Page 313, Deed Records of Montgomery County, Texas, said corner being in the center of Longmire Road;

THENCE South 74 degrees 54 minutes West 2378.8 feet along the North line of above mentioned 625 acre tract to the North Boundary Line of the Robert Marsh Survey, an iron pipe for corner from which a 12 inch Pine bears South

51 degrees 30 minutes West 8.4 feet, a 5 inch Red Oak bears South 11 degrees 30 minutes East 3.0 Feet, and an 11 inch Red Oak bears South 82 degrees 30 minutes East 19.0 feet;

THENCE North 74 degrees 35 minutes 15 seconds West 2222.6 feet along the North boundary of the Marsh and the South Line of the upper James Edwards Survey, to an iron pipe for corner from which a 34 inch Pine bears South 37 degrees 30 minutes West 55 4 feet and a 10 inch Pine bears North 37 degrees East 64.4 feet, this corner also being a corner of a 625 acre tract;

THENCE South 75 degrees 00 minutes West 5363.8 feet along the North boundary of 625 acre tract to a 3/4 inch iron pipe for corner at a point North 75 degrees East 2090.98 feet from the Northwest corner of 625 acre tract, a 10 inch Elm bears North 47 degrees West 26.0 feet and a 12 inch Ash bears North 10 degrees East 36.8 feet;

THENCE North 15 degrees 02 minutes 30 seconds West 1849.6 feet to a 3/4 inch iron pipe for corner from which a 40 inch Pin Oak bears South 44 degrees 37 minutes East 214.0 feet and a 14 inch Sweet Gum bears South 36 degrees 36 minutes East 197.7 feet, this corner being in the Southeast Line of the San Jacinto River Authority 87.22 acre tract;

THENCE North 62 degrees 08 minutes 50 seconds East 1669.22 feet along the South line of 87.22 acre tract to the East Corner of same, a 3/4 inch iron pipe for corner from which a 36 inch Pin Oak bears North 86 degrees West 19.5 feet;

THENCE South 73 degrees 24 minutes 40 seconds East 1665.34 feet along the South line of the M. E. Paddock 226 acres and the South line of the M. L. Duke 27 acres to an axle for the Southeast Corder of the Duke track;

THENCE North 16 degrees 09 minutes East 2027.2 feet along Duke a East line to an axle for corner;

THENCE North 82 degrees 23 minutes 15 seconds East 1716.09 feet along the South line of the Calfee 22.8 acre tract to a stake for the Southeast Corner of same. an old axle bears South 82 degrees 25 minutes West 1.5 feet;

THENCE South 13 degrees 23 minutes West 778.43 feet along the West line of the Al Goode 88.356 acre tract to a 10 inch creosote post for the Southwest Corner of same. a 10 inch Hickory bears North 05 degrees East 22.0 feet and a 6 inch Red Oak bears South 65 degrees West 14.0 feet.

THENCE South 76 degrees 32 minutes 45 seconds East 2033.39 feet along Goode's South Line to a 3/4 inch iron pipe for the Northwest Corner of the Spiller 59.195 acre tract.

THENCE South 13 degrees 27 minutes 15 seconds West 1094.77 feet to a 3/4 inch iron pipe for the Southwest Corder of the Spiller 59 195 acre tract.

THENCE South 76 degrees 32 minutes 45 seconds East 1601.26 feet to a 3/4 inch iron pipe for the most Southerly corner of the Spiller 59.195 acre tract;

THENCE North 61 degrees 32 minutes 50 seconds East at 1370.97 feet pass a 2 inch iron pipe in the West side of a blacktop road and continue in all 1395.57 feet to a point in center of said blacktop road for the Southeast corner of Spiller 59.195 acre tract;

THENCE South 27 degrees 21 minutes 50 seconds East 950.52 feet along center of said blacktop road to the place of BEGINNING, and containing 410.539 acres of land.

Less and Except

Pine Valley Drive, a subdivision of 14.684 acres of land in the James Edwards Survey A-190, Montgomery County, Texas as per the dedication plat dated February 28, 2017, Document #2017016271, Cabinet 00Z, Sheet 4409.

Less and Except

20.000 ACRES
871,200 SQUARE FEET
JAMES EDWARDS SURVEY
ABSTRACT NO. 190
MONTGOMERY COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 20.000 acre (871,200 square foot) tract of land located in the James Edwards Survey, Abstract Number 190, Montgomery County, Texas and said 20.000 acre tract of land being out of and a part of the southerly remainder of Conroe Tract One, a called 47.932 acre tract and the remainder of Conroe Tract Four, a called 410.539 acre tract described in the deed to Conroe Venture, Ltd., recorded under Montgomery County Clerk's File Number (M.C.C.F. No.) 9149317, said 20.000 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

COMMENCING at the easterly end of a curved cut-back for the southwest corner of the intersection of the southwesterly Right-of-Way (R.O.W.) line of Longmire Road (based on a variable width) recorded under Volume (Vol.) 665, Page (Pg.) 538 of the Montgomery County Deed Records (M.C.D.R.), Cabinet "N", Sheet 65 of the Montgomery County Plat Records (M.C.P.R.) and M.C.C.F. Nos. 2002-051191, 2009-013167, 2012-011629, 2012-0116630 and 2012-011632 and the southerly R.O.W. line of Pine Valley Drive (based on a variable width) recorded under File No. 2017016271 M.C.P.R., from which a 5/8-inch iron rod with cap stamped "Jeff Moon RPLS 4639" found bears, South 80 degrees 52 minutes West, 1.31 feet;

THENCE, in a northwesterly direction, along a curve to the left, along said curved cut-back, having a radius of 25.00 feet, a central angle of 91 degrees 06 minutes 39 seconds (chord bears, North 75 degrees 11 minutes 42 seconds West, 35.70 feet) and an arc distance of 39.75 feet, to the westerly end of said curved cut-back;

THENCE, South 59 degrees 14 minutes 58 seconds West, departing the southwesterly R.O.W. line of aforesaid Longmire Road and along the southerly R.O.W. line of aforesaid Pine Valley Drive, a distance of 289.13 feet, to the beginning of a tangent curve to the right in said southerly R.O.W. line of said Pine Valley Drive;

THENCE, in a southwesterly direction, along a curve said the right, continuing along the southerly R.O.W. line of said Pine Valley Drive, having a radius of 1,254.00 feet, a central angle of 10 degrees 02 minutes 54 seconds

(chord bears, South 64 degrees 16 minutes 25 seconds West, 219.64 feet) and an arc distance of 219.92 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the POINT OF BEGINNING and the northeast corner of the herein described tract;

THENCE, South 18 degrees 32 minutes 04 seconds East, departing the southerly R.O.W. line of said Pine Valley Drive and over and across aforesaid remainder of a called 410.539 acre tract, a distance of 620.93 feet, to a 1/2-inch iron rod found in the southerly line of said remainder of a called 410.539 acre tract and marking the northwest corner of Conroe Tract Three, a called 7.5 acre tract described in the deed to Conroe Venture, Ltd., recorded under M.C.C.F. No. 9149317, and the northeast corner of the called 3.979 acre tract described in the deed to Charles P. Peters, III and wife, Judith S. Peters, recorded under M.C.C.F. No. 9143598 and the southeast corner of the herein described tract;

THENCE, South 71 degrees 30 minutes 55 seconds West, along the southerly line of said remainder of a called 410.539 acre tract, a distance of 1,225.27 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set in the northerly line of the called 7.4806 acre tract described in the deed to William Lewis Pattillo, II1 and wife, Theresa Marcelle Pattillo recorded under M.C.C.F. No. 2005-137433 common with the northerly line of said remainder of a called 410.539 acre tract and marking the southwest corner of the herein described tract;

THENCE, North 18 degrees 29 minutes 05 seconds West, departing said common line and over and across said remainder of a called 410.539 acre tract, a distance of 504.76 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking an angle in the westerly line of the herein described tract;

THENCE, North 22 degrees 10 minutes 43 seconds East, continuing over and across said remainder of a called 410.539 acre tract and over and across aforesaid southerly remainder of a called 47.932 acre tract, a distance of 551.06 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set in the southerly R.O.W. line of aforesaid Pine Valley Drive and marking an the beginning of a non-tangent curve to the left and the northwest corner of the herein described tract;

THENCE, in an easterly direction, along said curve to the left, having a radius of 1,254.00 feet, a central angle of 42 degrees 52 minutes 51 seconds (chord bears, South 89 degrees 15 minutes 42 seconds East, 916.76 feet) and an arc distance of 938.51 feet, to the POINT OF BEGINNING and containing a computed area of 20.000 acres (871,200 square feet) of land as depicted on the Land Title Survey dated: August 2, 2019, prepared by West Belt Surveying, Inc., Project No. S945-0004A.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons,

agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7939A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7939A.0307 to read as follows:

Sec. 7939A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2021.

HB 4018 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4018, A bill to be entitled An Act relating to legislative oversight and funding of improvement and modernization projects for state agency information resources.

Representative Capriglione moved to concur in the senate amendments to **HB 4018**.

The motion to concur in the senate amendments to **HB 4018** prevailed by (Record 1702): 117 Yeas, 26 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; 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; Herrero; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Longoria; Lopez; Lozano; Lucio; Martinez Fischer; Meyer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney;

Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Zwiener.

Nays — Bell, K.; Cain; Cason; Harris; Hefner; Holland; Hull; Krause; Leach; Leman; Metcalf; Middleton; Oliverson; Patterson; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Spiller; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hernandez; Jetton; Martinez; Moody; Wu.

STATEMENTS OF VOTE

When Record No. 1702 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

When Record No. 1702 was taken, I was shown voting no. I intended to vote yes.

Shaheen

Senate Committee Substitute

CSHB 4018, A bill to be entitled An Act relating to legislative oversight and funding of improvement and modernization projects for state agency information resources.

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

SECTION 1. Subchapter Q, Chapter 2054, Government Code, is amended by adding Sections 2054.577 and 2054.578 to read as follows:

Sec. 2054.577. TECHNOLOGY IMPROVEMENT AND MODERNIZATION FUND. (a) The technology improvement and modernization fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund consists of:

(1) money transferred or deposited to the credit of the fund at the direction of the legislature;

(2) money received from the federal government for the purposes of improving and modernizing state agency information resources;

(3) gifts, donations, and grants to the fund, including federal grants; and

(4) interest earned on the investment of money in the fund.

(c) Money in the fund:

(1) may be used to improve and modernize state agency information resources, including legacy system projects and cybersecurity projects; and

(2) may not be used to replace money appropriated to a state agency for the purposes of operating and maintaining state agency information resources or reduce the amount of money appropriated to a state agency for those purposes.

(d) Section 404.071 does not apply to the fund.

(e) In this section, "state agency" has the meaning assigned by Section 2052.101.

Sec. 2054.578. JOINT OVERSIGHT COMMITTEE ON INVESTMENT IN INFORMATION TECHNOLOGY IMPROVEMENT AND MODERNIZATION PROJECTS. (a) In this section:

(1) "Committee" means the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects.

(2) "State agency" has the meaning assigned by Section 2052.101.

(b) The committee is created to review investment and funding strategies for projects to improve or modernize state agency information resources technologies.

(c) The committee is composed of six members as follows:

(1) three members of the senate appointed by the lieutenant governor; and

(2) three members of the house of representatives appointed by the speaker of the house of representatives.

(d) The presiding officer of the committee shall alternate annually between:

(1) a member of the senate appointed by the lieutenant governor; and

(2) a member of the house of representatives appointed by the speaker of the house of representatives.

(e) A vacancy on the committee shall be filled in the same manner as the original appointment.

(f) The committee biennially shall provide a written report to the legislature that:

(1) identifies:

(A) existing and planned projects to improve or modernize state agency information resources technologies; and

(B) the method of funding for each project identified by the committee under Paragraph (A); and

(2) includes:

(A) a determination by the committee of the amount necessary to fully fund each project identified under Subdivision (1) to completion; and

(B) strategies developed by the committee to ensure a long-term investment solution for projects to improve or modernize state agency information resources technologies is in place, including strategies to:

(i) access the full amount of federal money available for those projects; and

(ii) use information gathered by the department during previous projects to improve the management, oversight, and transparency of future projects.

(g) The department shall provide staff support for the committee.

(h) The committee:

(1) has the powers of a joint committee; and

(2) may obtain funding in the same manner as a joint committee.

(i) The rules adopted by the 87th Legislature for the administration of joint committees apply to the committee to the extent the rules are consistent with this section.

(j) The committee is abolished and this section expires September 1, 2026.

SECTION 2. (a) Not later than October 1, 2022, each state agency in the executive and legislative branches of state government, using money appropriated to the agency by this state, shall prepare an agency-wide plan outlining the manner in which the agency intends to transition its information technology and data-related services and capabilities into a more modern, integrated, secure, and effective technological environment.

(b) Not later than March 31, 2022, the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects, in consultation with the Department of Information Resources, shall prescribe the form, contents, and manner of submission of the plan required under Subsection (a) of this section.

(c) Each state agency shall submit the plan developed under this section to the:

(1) Department of Information Resources;

(2) Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects; and

(3) standing committees of the senate and house of representatives with primary jurisdiction over state agency information technology.

SECTION 3. (a) In this section, "committee" means the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects.

(b) The lieutenant governor and the speaker of the house of representatives shall make appointments to the committee not later than the 30th day after the effective date of this Act.

(c) The speaker of the house of representatives shall appoint the initial presiding officer of the committee.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 1520 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1520, A bill to be entitled An Act relating to the recovery and securitization of certain extraordinary costs incurred by certain gas utilities; providing authority to issue bonds and impose fees and assessments.

Representative Paddie moved to concur in the senate amendments to **HB 1520**.

The motion to concur in the senate amendments to **HB 1520** prevailed by (Record 1703): 130 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; 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; Hernandez; Herrero; Holland; Howard; Huberty; Hull; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Zwiener.

Nays — Biedermann; Cain; Cason; Harris; Hefner; Schaefer; Slaton; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hinojosa; Jetton; Martinez; Moody; Morales Shaw; Wu.

STATEMENTS OF VOTE

When Record No. 1703 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

When Record No. 1703 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1703 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

Senate Committee Substitute

CSHB 1520, A bill to be entitled An Act relating to certain extraordinary costs incurred by certain gas utilities relating to Winter Storm Uri and a study of measures to mitigate similar future costs; providing authority to issue bonds and impose fees and assessments.

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

SECTION 1. Section 1232.002, Government Code, is amended to read as follows:

Sec. 1232.002. PURPOSE. The purpose of this chapter is to provide a method of financing for:

(1) the acquisition or construction of buildings; [~~and~~]

(2) the purchase or lease of equipment by executive or judicial branch state agencies; and

(3) customer rate relief bonds authorized by the Railroad Commission of Texas in accordance with Subchapter I, Chapter 104, Utilities Code.

SECTION 2. Section 1232.066(a), Government Code, is amended to read as follows:

(a) The board's authority under this chapter is limited to the financing of:

(1) the acquisition or construction of a building;

(2) the purchase or lease of equipment; [~~or~~]

(3) stranded costs of a municipal power agency; or

(4) customer rate relief bonds approved by the Railroad Commission of Texas in accordance with Subchapter I, Chapter 104, Utilities Code.

SECTION 3. Subchapter C, Chapter 1232, Government Code, is amended by adding Section 1232.1072 to read as follows:

Sec. 1232.1072. ISSUANCE OF OBLIGATIONS FOR FINANCING CUSTOMER RATE RELIEF PROPERTY. (a) The definitions in Section 104.362, Utilities Code, apply to terms used in this section.

(b) The authority may create an issuing financing entity for the purpose of issuing customer rate relief bonds approved by the Railroad Commission of Texas in a financing order, as provided by Subchapter I, Chapter 104, Utilities Code.

(c) An issuing financing entity created under this section is a duly constituted public authority and instrumentality of the state and is authorized to issue customer rate relief bonds on behalf of the state for the purposes of Section 103, Internal Revenue Code of 1986 (26 U.S.C. Section 103).

(d) The issuing financing entity must be governed by a governing board of three members appointed by the authority. A member of the governing board may be a current or former director of the authority. A member of the governing board serves without compensation but is entitled to reimbursement for travel expenses incurred in attending board meetings.

(e) The issuing financing entity must be formed in accordance with, be governed by, and have the powers, rights, and privileges provided for a nonprofit corporation organized under the Business Organizations Code, including Chapter 22 of that code, subject to the express exceptions and limitations provided by this section and Subchapter I, Chapter 104, Utilities Code. A single organizer selected by the executive director of the authority shall prepare the certificate of formation of the issuing financing entity under Chapters 3 and 22, Business Organizations Code. The certificate of formation must be consistent with the provisions of this section.

(f) The authority shall establish the issuing financing entity to act on behalf of the state as its duly constituted authority and instrumentality to issue customer rate relief bonds approved under Subchapter I, Chapter 104, Utilities Code.

(g) On a request to the authority from the Railroad Commission of Texas, the authority shall direct an issuing financing entity to issue customer rate relief bonds in accordance with a financing order issued by the railroad commission as provided in Subchapter I, Chapter 104, Utilities Code.

(h) Before the issuance of any customer rate relief bonds, the authority and the Railroad Commission of Texas shall ensure that adequate provision is made in any financing order for the recovery of all issuance costs and all other fees, costs, and expenses of the authority, the issuing financing entity, and any advisors or counsel hired by the authority or the entity for the purposes of this section during the life of the customer rate relief bonds.

(i) Customer rate relief bonds are limited obligations of the issuing financing entity payable solely from customer rate relief property and any other money pledged by the issuing financing entity to the payment of the bonds and are not a debt of this state, the Railroad Commission of Texas, the authority, or a gas utility.

(j) The Railroad Commission of Texas shall ensure that customer rate relief charges are imposed, collected, and enforced in an amount sufficient to pay on a timely basis all bond obligations, financing costs, and bond administrative expenses associated with any issuance of customer rate relief bonds.

(k) The authority and the Railroad Commission of Texas have all the powers necessary to perform the duties and responsibilities described by this section. This section shall be interpreted broadly in a manner consistent with the most cost-effective financing of customer rate relief property, including regulatory assets, extraordinary costs, and related financing costs approved by the Railroad Commission of Texas in accordance with Subchapter I, Chapter 104, Utilities Code.

(l) Any interest on the customer rate relief bonds is not subject to taxation by and may not be included as part of the measurement of a tax by this state or a political subdivision of this state.

(m) The authority shall make periodic reports to the Railroad Commission of Texas and the public regarding each financing made in accordance with Section 104.373(b), Utilities Code, and if required by the applicable financing order.

(n) The issuing financing entity shall issue customer rate relief bonds in accordance with and subject to other provisions of Title 9 applicable to the authority.

(o) The issuing financing entity may exercise the powers granted to the governing body of an issuer with regard to the issuance of obligations and the execution of credit agreements under Chapter 1371. A purpose for which bonds, obligations, or other evidences of indebtedness are issued under this section and Subchapter I, Chapter 104, Utilities Code, constitutes an eligible project for purposes of Chapter 1371 of this code.

(p) Assets of an issuing financing entity may not be considered part of any state fund and must be held outside the state treasury. The liabilities of the issuing financing entity may not be considered to be a debt of the state or a pledge of the state's credit. An issuing financing entity must be self-funded from

customer rate relief property and established in accordance with Subchapter I, Chapter 104, Utilities Code. A state agency may provide money appropriated for the purpose to the issuing financing entity to provide for initial operational expenses of the issuing financing entity.

SECTION 4. Section 1232.108, Government Code, is amended to read as follows:

Sec. 1232.108. LEGISLATIVE AUTHORIZATION REQUIRED. Except as permitted by Section 1232.1072, 1232.109, 2166.452, or 2166.453, before the board may issue and sell bonds, the legislature by the General Appropriations Act or other law must have authorized:

(1) the specific project for which the bonds are to be issued and sold; and

(2) the estimated cost of the project or the maximum amount of bonded indebtedness that may be incurred by the issuance and sale of bonds for the project.

SECTION 5. Chapter 104, Utilities Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. CUSTOMER RATE RELIEF BONDS

Sec. 104.361. PURPOSE; RAILROAD COMMISSION DUTY. (a) The purpose of this subchapter is to reduce the cost that customers would otherwise experience because of extraordinary costs that gas utilities incurred to secure gas supply and provide service during Winter Storm Uri, and to restore gas utility systems after that event, by providing securitization financing for gas utilities to recover those costs. The securitization financing mechanism authorized by this subchapter will:

(1) provide rate relief to customers by extending the period during which the costs described by this subsection are recovered from customers; and

(2) support the financial strength and stability of gas utility companies.

(b) The railroad commission shall ensure that securitization provides tangible and quantifiable benefits to customers, greater than would have been achieved absent the issuance of customer rate relief bonds.

Sec. 104.362. DEFINITIONS. In this subchapter:

(1) "Ancillary agreement" means a financial arrangement entered into in connection with the issuance or payment of customer rate relief bonds that enhances the marketability, security, or creditworthiness of customer rate relief bonds, including a bond, insurance policy, letter of credit, reserve account, surety bond, interest rate or currency swap arrangement, interest rate lock agreement, forward payment conversion agreement, credit agreement, other hedging arrangement, or liquidity or credit support arrangement.

(2) "Authority" means the Texas Public Finance Authority.

(3) "Bond administrative expenses" means all costs and expenses incurred by the railroad commission, the authority, or any issuing financing entity to evaluate, issue, and administer customer rate relief bonds issued under this subchapter, including fees and expenses of the authority, any bond administrator, and the issuing financing entity, fees for paying agents, trustees, and attorneys,

and fees for paying for other consulting and professional services necessary to ensure compliance with this subchapter, applicable state or federal law, and the terms of the financing order.

(4) "Bond obligations" means the principal of a customer rate relief bond and any premium and interest on a customer rate relief bond issued under this subchapter, together with any amount owed under a related ancillary agreement or credit agreement.

(5) "Credit agreement" has the meaning assigned by Section 1371.001, Government Code.

(6) "Customer rate relief bonds" means bonds, notes, certificates, or other evidence of indebtedness or ownership the proceeds of which are used directly or indirectly to recover, finance, or refinance regulatory assets approved by the railroad commission, including extraordinary costs and related financing costs, and that are:

(A) issued by an issuing financing entity under a financing order; and

(B) payable from and secured by customer rate relief property and amounts on deposit in any trust accounts established for the benefit of the customer rate relief bondholders as approved by the applicable financing order.

(7) "Customer rate relief charges" means the amounts authorized by the railroad commission as nonbypassable charges to repay, finance, or refinance regulatory assets, including extraordinary costs, financing costs, bond administrative expenses, and other costs authorized by the financing order:

(A) imposed on and included in customer bills of a gas utility that has received a regulatory asset determination under Section 104.365;

(B) collected in full by a gas utility that has received a regulatory asset determination under Section 104.365, or its successors or assignees, or a collection agent, as servicer, separate and apart from the gas utility's base rates; and

(C) paid by all existing or future customers receiving service from a gas utility that has received a regulatory asset determination under Section 104.365 or its successors or assignees, even if a customer elects to purchase gas from an alternative gas supplier.

(8) "Customer rate relief property" means:

(A) all rights and interests of an issuing financing entity or any successor under a financing order, including the right to impose, bill, collect, and receive customer rate relief charges authorized in the financing order and to obtain periodic adjustments to those customer rate relief charges as provided in the financing order and in accordance with Section 104.370; and

(B) all revenues, collections, claims, rights to payments, payments, money, or proceeds arising from the rights and interests specified by Paragraph (A), regardless of whether the revenues, collections, claims, rights to payments, payments, money, or proceeds are imposed, billed, received, collected, or maintained together with or commingled with other revenues, collections, rights to payments, payments, money, or proceeds.

(9) "Financing costs" means any of the following:

(A) interest and acquisition, defeasance, or redemption premiums that are payable on customer rate relief bonds;

(B) a payment required under an ancillary agreement or credit agreement or an amount required to fund or replenish reserve or other accounts established under the terms of an indenture, ancillary agreement, or other financing document pertaining to customer rate relief bonds;

(C) issuance costs or ongoing costs related to supporting, repaying, servicing, or refunding customer rate relief bonds, including servicing fees, accounting or auditing fees, trustee fees, legal fees or expenses, consulting fees, administrative fees, printing fees, financial advisor fees or expenses, Securities and Exchange Commission registration fees, issuer fees, bond administrative expenses, placement and underwriting fees, capitalized interest, overcollateralization funding requirements including amounts to fund or replenish any reserve established for a series of customer rate relief bonds, rating agency fees, stock exchange listing and compliance fees, filing fees, and any other bond administrative expenses; and

(D) the costs to the railroad commission of acquiring professional or consulting services for the purpose of evaluating extraordinary costs under this subchapter.

(10) "Financing order" means an order adopted under Section 104.366 approving the issuance of customer rate relief bonds and the creation of customer rate relief property and associated customer rate relief charges for the recovery of regulatory assets, including extraordinary costs, related financing costs, and other costs authorized by the financing order.

(11) "Financing party" means a holder of customer rate relief bonds, including a trustee, a pledgee, a collateral agent, any party under an ancillary agreement, or other person acting for the holder's benefit.

(12) "Gas utility" means:

(A) an operator of natural gas distribution pipelines that delivers and sells natural gas to the public and that is subject to the railroad commission's jurisdiction under Section 102.001; or

(B) an operator that transmits, transports, delivers, or sells natural gas or synthetic natural gas to operators of natural gas distribution pipelines and whose rates for those services are established by the railroad commission in a rate proceeding filed under this chapter.

(13) "Issuing financing entity" means a special purpose nonmember, nonstock, nonprofit public corporation established by the authority under Section 1232.1072, Government Code.

(14) "Nonbypassable" means a charge that:

(A) must be paid by all existing or future customers receiving service from a gas utility that has received a regulatory asset determination under Section 104.365 or the gas utility's successors or assignees, even if a customer elects to purchase gas from an alternative gas supplier; and

(B) may not be offset by any credit.

(15) "Normalized market pricing" means the average monthly pricing at the Henry Hub for the three months immediately preceding the month during which extraordinary costs were incurred, plus contractual adders to the index price and other non-indexed gas procurement costs.

(16) "Regulatory asset" includes extraordinary costs:

(A) recorded by a gas utility in the utility's books and records in accordance with the uniform system of accounts prescribed for natural gas companies subject to the provisions of the Natural Gas Act (15 U.S.C. Section 717 et seq.) by the Federal Energy Regulatory Commission and generally accepted accounting principles; or

(B) classified as a receivable or financial asset under international financial reporting standards under the railroad commission's authorization in the Notice of Authorization for Regulatory Asset Accounting for Local Distribution Companies Affected by the February 2021 Winter Weather Event issued February 13, 2021.

(17) "Servicer" means, with respect to each issuance of customer rate relief bonds, the entity identified by the railroad commission in the financing order as servicer responsible for collecting customer rate relief charges from participating gas utilities, remitting all collected funds to the applicable issuing financing entity or the bond trustee, calculating true-up adjustments, and performing any other duties as specified in the financing order.

(18) "Winter Storm Uri" means the North American winter storm that occurred in February 2021.

Sec. 104.363. EXTRAORDINARY COSTS. For the purposes of this subchapter, extraordinary costs are the reasonable and necessary costs related to Winter Storm Uri, including carrying costs, placed in a regulatory asset and approved by the railroad commission in a regulatory asset determination under Section 104.365.

Sec. 104.364. JURISDICTION AND POWERS OF RAILROAD COMMISSION AND OTHER REGULATORY AUTHORITIES. (a) The railroad commission may authorize the issuance of customer rate relief bonds if the requirements of Section 104.366 are met.

(b) The railroad commission may assess to a gas utility costs associated with administering this subchapter. Assessments must be recovered from rate-regulated customers as part of gas cost.

(c) The railroad commission has exclusive, original jurisdiction to issue financing orders that authorize the creation of customer rate relief property. Customer rate relief property must be created and vested in an issuing financing entity and does not constitute property of the railroad commission or any gas utility.

(d) Except as provided by Subsection (c), this subchapter does not limit or impair a regulatory authority's plenary jurisdiction over the rates, charges, and services rendered by gas utilities in this state under Chapter 102.

Sec. 104.365. REGULATORY ASSET DETERMINATION. (a) The railroad commission, on application of a gas utility to recover a regulatory asset, shall determine the regulatory asset amount to be recovered by the gas utility. A gas utility may request recovery of a regulatory asset under this subchapter only if the regulatory asset is related to Winter Storm Uri.

(b) A gas utility desiring to participate in the customer rate relief bond process under a financing order by requesting recovery of a regulatory asset must file an application with the railroad commission on or before the 60th day after the effective date of the Act enacting this subchapter.

(c) If the railroad commission does not make a final determination regarding the regulatory asset amount to be recovered by a gas utility before the 91st day after the gas utility files the application, the railroad commission is considered to have approved the regulatory asset amount requested by the gas utility.

(d) The regulatory asset determination is not subject to reduction, impairment, or adjustment by further action of the railroad commission, except as authorized by Section 104.370.

(e) The regulatory asset determination is not subject to rehearing by the railroad commission and may be appealed only to a Travis County district court by a party to the proceeding. The appeal must be filed not later than the 15th day after the date the order is signed by the railroad commission.

(f) The judgment of the district court may be reviewed only by direct appeal to the Supreme Court of Texas. The appeal must be filed not later than the 15th day after the date of entry of judgment.

(g) All appeals shall be heard and determined by the district court and the Supreme Court of Texas as expeditiously as possible with lawful precedence over other matters. Review on appeal shall be based solely on the record before the railroad commission and briefs to the court and limited to whether the financing order:

(1) complies with the constitution and laws of this state and the United States; and

(2) is within the authority of the railroad commission to issue under this subchapter.

(h) The railroad commission shall establish a schedule, filing requirements, and a procedure for determining the prudence of the costs included in a gas utility's regulatory asset.

(i) To the extent a gas utility subject to this subchapter receives insurance proceeds, governmental grants, or other sources of funding that compensate or otherwise reimburse or indemnify the gas utility for extraordinary costs following the issuance of customer rate relief bonds, the gas utility may record the amount in a regulatory liability account and that amount shall be reviewed in a future proceeding. If an audit conducted under a valid gas purchase agreement identifies a change of greater than five percent to the total amount of the gas supply costs incurred during the event for which regulatory asset recovery was approved, the gas utility may record the amount in a regulatory asset or regulatory liability account and that amount shall be reviewed for recovery in a future proceeding.

Sec. 104.366. FINANCING ORDERS AND ISSUANCE OF CUSTOMER RATE RELIEF BONDS. (a) If the railroad commission determines that customer rate relief bond financing for extraordinary costs is the most cost-effective method of funding regulatory asset reimbursements to be made to gas utilities, the railroad commission, after the final resolution of all applications filed under Section 104.365, may request the authority to direct an issuing financing entity to issue customer rate relief bonds. Before making the request, the railroad commission must issue a financing order that complies with this section.

(b) To make the determination described by Subsection (a), the railroad commission must find that the proposed structuring, expected pricing, and proposed financing costs of the customer rate relief bonds are reasonably expected to provide benefits to customers by:

(1) considering customer affordability; and

(2) comparing:

(A) the estimated monthly costs to customers resulting from the issuance of customer rate relief bonds; and

(B) the estimated monthly costs to customers that would result from the application of conventional recovery methods.

(c) The financing order must:

(1) include a finding that the use of the securitization financing mechanism is in the public interest and consistent with the purposes of this subchapter;

(2) detail the total amount of the regulatory asset determinations to be included in the customer rate relief bond issuance;

(3) authorize the recovery of any tax obligation of the gas utilities arising or resulting from:

(A) receipt of customer rate relief bond proceeds; or

(B) collection or remittance of customer rate relief charges through the gas utilities' gas cost recovery mechanism or other means that the railroad commission determines reasonable;

(4) authorize the issuance of customer rate relief bonds through an issuing financing entity;

(5) include a statement of:

(A) the aggregated regulatory asset determination to be included in the principal amount of the customer rate relief bonds, not to exceed $10 billion for any separate bond issue;

(B) the maximum scheduled final maturity of the customer rate relief bonds, not to exceed 30 years, except that the legal final maturity may be longer based on rating agency and market considerations; and

(C) the maximum interest rate that the customer rate relief bonds may bear, not to exceed the maximum net effective interest rate allowed by law;

(6) provide for the imposition, collection, and mandatory periodic formulaic adjustment of customer rate relief charges in accordance with Section 104.370 by all gas utilities and successors of gas utilities for which a regulatory

asset determination has been made under Section 104.365 to ensure that the customer rate relief bonds and all related financing costs will be paid in full and on a timely basis by customer rate relief charges;

(7) authorize the creation of customer rate relief property in favor of the issuing financing entity and pledge of customer rate relief property to the payment of the customer rate relief bonds;

(8) direct the issuing financing entity to disperse the proceeds of customer rate relief bonds, net of bond issuance costs, reserves, and any capitalized interest, to gas utilities for which a regulatory asset determination has been made under Section 104.365 and include the amounts to be distributed to each participating gas utility;

(9) provide that customer rate relief charges be collected and allocated among customers of each gas utility for which a regulatory determination has been made under Section 104.365 through uniform monthly volumetric charges to be paid by customers as a component of the gas utility's gas cost or in another manner that the railroad commission determines reasonable; and

(10) reflect the commitment made by a gas utility receiving proceeds that the proceeds are in lieu of recovery of those costs through the regular ratemaking process or other mechanism to the extent the costs are reimbursed to the gas utility by customer rate relief bond financing proceeds.

(d) The financing order may provide for a centralized servicer to coordinate with participating gas utilities who bill and collect customer rate relief charges and to provide certain collection and forecast data required for calculating true-up adjustments. The financing order may not provide for the railroad commission, the authority, the issuing financing entity, or a participating utility to act as servicer.

(e) The principal amount determined by the railroad commission must be increased to include an amount sufficient to:

(1) pay the financing costs associated with the issuance, including all bond administrative expenses to be paid from the proceeds of the bonds;

(2) reimburse the authority and the railroad commission for any costs incurred for the issuance of the customer rate relief bonds and related bond administrative expenses;

(3) provide for any applicable bond reserve fund; and

(4) capitalize interest for the period determined necessary by the railroad commission.

(f) The authority, consistent with this subchapter and the terms of the financing order, shall:

(1) direct an issuing financing entity to issue customer rate relief bonds at the railroad commission's request, in accordance with the requirements of Chapter 1232, Government Code, and other provisions of Title 9, Government Code, that apply to bond issuance by a state agency;

(2) determine the methods of sale, types of bonds, bond forms, interest rates, principal amortization, amount of reserves or capitalized interest, and other terms of the customer rate relief bonds that in the authority's judgment best achieve the economic goals of the financing order and effect the financing at the lowest practicable cost; and

(3) reimburse the railroad commission, the authority, or any issuing financing entity for bond administrative expenses and other costs authorized under this subchapter.

(g) To the extent authorized in the applicable financing order, an issuing financing entity may enter into credit agreements or ancillary agreements in connection with the issuance of customer rate relief bonds.

(h) The financing order becomes effective in accordance with its terms. The financing order, together with the customer rate relief property and the customer rate relief charges authorized by the financing order, is irrevocable and not subject to reduction, impairment, or adjustment by further action of the railroad commission, except as provided under Subsection (j) and authorized by Section 104.370.

(i) The railroad commission shall issue a financing order under this section not later than the 90th day following the date of the conclusion of all proceedings filed under Section 104.365.

(j) A financing order is not subject to rehearing by the railroad commission. A financing order may be appealed only to a Travis County district court by a party to the proceeding. The appeal must be filed not later than the 15th day after the date the financing order is signed by the railroad commission.

(k) The judgment of the district court may be reviewed only by direct appeal to the Supreme Court of Texas. The appeal must be filed not later than the 15th day after the date of entry of judgment.

(l) All appeals shall be heard and determined by the district court and the Supreme Court of Texas as expeditiously as possible with lawful precedence over other matters. Review on appeal shall be based solely on the record before the railroad commission and briefs to the court and is limited to whether the financing order:

(1) complies with the constitution and laws of this state and the United States; and

(2) is within the authority of the railroad commission to issue under this subchapter.

(m) The railroad commission shall transmit a financing order to the authority after all appeals under this section have been exhausted.

(n) The authority shall direct an issuing financing entity to issue customer rate relief bonds as soon as practicable and not later than the 180th day after receipt of a financing order issued under this section, except that the authority may cause the issuance after the 180th day if necessary based on bond market conditions, the receipt of necessary approvals, and the timely receipt of necessary financial disclosure information from each participating gas utility.

(o) The issuing financing entity shall deliver customer rate relief bond proceeds net of upfront financing costs in accordance with the applicable financing order.

(p) For the benefit of the authority, the issuing financing entity, holders of customer rate relief bonds, and all other financing parties, the railroad commission shall guarantee in a financing order that the railroad commission will take all actions in the railroad commission's powers to enforce the provisions of the financing order to ensure that customer rate relief charge revenues are sufficient to pay on a timely basis scheduled principal and interest on the customer rate relief bonds and all related financing costs and bond administrative expenses.

(q) The railroad commission shall make periodic reports to the public regarding each financing.

Sec. 104.367. PROPERTY RIGHTS. (a) Customer rate relief bonds are the limited obligation solely of the issuing financing entity and are not a debt of a gas utility or a debt or a pledge of the faith and credit of this state or any political subdivision of this state.

(b) Customer rate relief bonds are nonrecourse to the credit or any assets of this state or the authority. A trust fund created in connection with the issuance of customer rate relief bonds is not subject to Subtitle B, Title 9, Property Code.

(c) The rights and interests of an issuing financing entity or the successor under a financing order, including the right to receive customer rate relief charges authorized in the financing order, are only contract rights until pledged in connection with the issuance of the customer rate relief bonds, at which time the rights and interests become customer rate relief property.

(d) Customer rate relief property created under a financing order is vested ab initio in the issuing financing entity. Customer rate relief property constitutes a present property right for purposes of contracts concerning the sale or pledge of property, notwithstanding that the imposition and collection of customer rate relief charges depends on further acts of the gas utility or others that have not yet occurred. The financing order remains in effect, and the customer rate relief property continues to exist, for the same period as the pledge of the state described by Section 104.374.

(e) All revenue and collections resulting from customer rate relief charges constitute proceeds only of a property right arising from the financing order.

(f) An amount owed by an issuing financing entity under an ancillary agreement or a credit agreement is payable from and secured by a pledge and interest in the customer rate relief property to the extent provided in the documents evidencing the ancillary agreement or credit agreement.

Sec. 104.368. PROPERTY INTEREST NOT SUBJECT TO SETOFF, COUNTERCLAIM, SURCHARGE, OR DEFENSE. The interest of an issuing financing entity or pledgee in customer rate relief property, including the revenue and collections arising from customer rate relief charges, is not subject to setoff, counterclaim, surcharge, or defense by the gas utility or any other person or in connection with the bankruptcy of the gas utility, the authority, or any other

entity. A financing order remains in effect and unabated notwithstanding the bankruptcy of the gas utility, the authority, an issuing financing entity, or any successor or assignee of the gas utility, authority, or issuing financing entity.

Sec. 104.369. CUSTOMER RATE RELIEF CHARGES NONBYPASSABLE. A financing order must include terms ensuring that the imposition and collection of the customer rate relief charges authorized in the order are nonbypassable.

Sec. 104.370. TRUE-UP MECHANISM. (a) A financing order must include a formulaic true-up charge adjustment mechanism that requires that the customer rate relief charges be reviewed and adjusted at least annually by the servicer or replacement servicer, including a subservicer or replacement subservicer, at time periods and frequencies provided in the financing order, to:

(1) correct any overcollections or undercollections of the preceding 12 months; and

(2) ensure the expected recovery of amounts sufficient to provide for the timely payment of customer rate relief bond principal and interest payments and other financing costs.

(b) True-up charge adjustments must become effective not later than the 30th day after the date the railroad commission receives a true-up charge adjustment letter from the servicer or replacement servicer notifying the railroad commission of the pending adjustment.

(c) Any administrative review of true-up charge adjustments must be limited to notifying the servicer of mathematical or clerical errors in the calculation. The servicer may correct the error and refile a true-up charge adjustment letter, with the adjustment becoming effective as soon as practicable but not later than the 30th day after the date the railroad commission receives the refiled letter.

Sec. 104.371. SECURITY INTERESTS; ASSIGNMENT; COMMINGLING; DEFAULT. (a) Customer rate relief property does not constitute an account or general intangible under Section 9.106, Business & Commerce Code. The creation, granting, perfection, and enforcement of liens and security interests in customer rate relief property that secures customer rate relief bonds are governed by Chapter 1208, Government Code.

(b) The priority of a lien and security interest perfected under this section is not impaired by any later adjustment of customer rate relief charges under a mechanism adopted under Section 104.370 or by the commingling of funds arising from customer rate relief charges with other funds. Any other security interest that may apply to those funds is terminated when the funds are transferred to a segregated account for the issuing financing entity or a financing party. If customer rate relief property has been transferred to a trustee or another pledgee of the issuing financing entity, any proceeds of that property must be held in trust for the financing party.

(c) If a default or termination occurs under the customer rate relief bonds, a district court of Travis County, on application by or on behalf of the financing parties, shall order the sequestration and payment to the financing parties of revenue arising from the customer rate relief charges.

Sec. 104.372. BOND PROCEEDS IN TRUST. (a) The issuing financing entity may deposit proceeds of customer rate relief bonds issued by the issuing financing entity under this subchapter with a trustee selected by the issuing financing entity or the proceeds may be held by the comptroller in a dedicated trust fund outside the state treasury in the custody of the comptroller.

(b) Bond proceeds, net of the financing costs and reserves described by Subdivisions (2) and (3), including investment income, must be held in trust for the exclusive benefit of the railroad commission's policy of reimbursing gas utility costs and applied in accordance with the financing order. The issuing financing entity shall deliver the net proceeds, as provided in the applicable financing order, to:

(1) reimburse each gas utility the regulatory asset amount determined to be reasonable for that gas utility in the financing order;

(2) pay the financing costs of issuing the bonds; and

(3) provide bond reserves or fund any capitalized interest, as applicable.

(c) On full payment of the customer rate relief bonds and any related financing costs, any customer rate relief charges or other amounts held as security for the bonds shall be used to provide credits to gas utility customers as provided in the financing order.

Sec. 104.373. REPAYMENT OF CUSTOMER RATE RELIEF BONDS. (a) As long as any customer rate relief bonds or related financing costs remain outstanding, uniform monthly volumetric customer rate relief charges must be paid by all current and future customers that receive service from a gas utility for which a regulatory asset determination has been made under Section 104.365. A gas utility and its successors, assignees, or replacements shall continue to bill and collect customer rate relief charges from the gas utility's current and future customers until all customer rate relief bonds and financing costs are paid in full.

(b) The authority shall report to the railroad commission the amount of the outstanding customer rate relief bonds issued by the issuing financing entity under this subchapter and the estimated amount of annual bond administrative expenses.

(c) All revenue collected from the customer rate relief charges shall be remitted promptly by the applicable servicers to the issuing financing entity or the bond trustee for the customer rate relief bonds to pay bond obligations and ongoing financing costs, including bond administrative expenses, to ensure timely payment of bond obligations and financing costs.

(d) Customer rate relief property, including customer rate relief charges, may be applied only as provided by this subchapter.

(e) Bond obligations are payable only from sources provided for payment by this subchapter.

Sec. 104.374. PLEDGE OF STATE. (a) Customer rate relief bonds issued under this subchapter and any related ancillary agreements or credit agreements are not a debt or pledge of the faith and credit of this state or a state agency or

political subdivision of this state. A customer rate relief bond, ancillary agreement, or credit agreement is payable solely from customer rate relief charges as provided by this subchapter.

(b) Notwithstanding Subsection (a), this state, including the railroad commission and the authority, pledges for the benefit and protection of the financing parties and the gas utility that this state will not take or permit any action that would impair the value of customer rate relief property, or, except as permitted by Section 104.370, reduce, alter, or impair the customer rate relief charges to be imposed, collected, and remitted to financing parties until the principal, interest and premium, and contracts to be performed in connection with the related customer rate relief bonds and financing costs have been paid and performed in full. Each issuing financing entity shall include this pledge in any documentation relating to customer rate relief bonds.

(c) Before the date that is two years and one day after the date that an issuing financing entity no longer has any payment obligation with respect to customer rate relief bonds, the issuing financing entity may not wind up or dissolve the financing entity's operations, may not file a voluntary petition under federal bankruptcy law, and neither the board of the issuing financing entity nor any public official nor any organization, entity, or other person may authorize the issuing financing entity to be or to become a debtor under federal bankruptcy law during that period. The state covenants that it will not limit or alter the denial of authority under this subsection, and the provisions of this subsection are hereby made a part of the contractual obligation that is subject to the state pledge made in this section.

Sec. 104.375. TAX EXEMPTION. (a) Customer rate relief bonds issued under this subchapter, the proceeds of those bonds, the customer rate relief charges, and any transactions relating to customer rate relief bonds are exempt from taxation by this state or a political subdivision of this state.

(b) A gas utility's receipt or collection of customer rate relief charges is exempt from state and local sales and use, franchise, and gross receipts taxes.

(c) A tax obligation of the gas utility arising from receipt of customer rate relief bond proceeds or from the collection or remittance of customer rate relief charges is an expense that may be recovered by the gas utility.

Sec. 104.376. ISSUING FINANCING ENTITY OR FINANCING PARTY NOT PUBLIC UTILITY. An issuing financing entity or financing party may not be considered to be a public utility or person providing natural gas service solely by virtue of the transactions described by this subchapter.

Sec. 104.377. NO PERSONAL LIABILITY. A commissioner of the railroad commission, a railroad commission employee, a member of the board of directors of the authority, an employee of the authority, or a director, officer, or employee of any issuing financing entity is not personally liable for a result of an exercise of a duty or responsibility established under this subchapter.

Sec. 104.378. CATASTROPHIC WEATHER EVENT STUDY. (a) The railroad commission shall conduct a study on measures to mitigate catastrophic weather events, including measures to:

(1) establish natural gas storage capacity to ensure a reliable gas supply, including location, ownership, and other pertinent factors regarding gas storage capacity;

(2) assess the advantages and disadvantages of requiring local distribution companies to use hedging tactics to avoid volatile customer rates; and

(3) assess the advantages and disadvantages of prohibiting spot market purchases during a catastrophic weather event that contribute to volatile customer rates.

(b) Not later than December 1, 2022, the railroad commission shall report the railroad commission's findings to the governor, the lieutenant governor, and the speaker of the house of representatives.

(c) This section expires August 31, 2023.

Sec. 104.379. SEVERABILITY. After the date customer rate relief bonds are issued under this subchapter, if any provision in this title or portion of this title or related provisions in Title 9, Government Code, are held to be invalid or are invalidated, superseded, replaced, repealed, or expire for any reason, that occurrence does not affect the validity or continuation of this subchapter or any other provision of this title or related provisions in Title 9, Government Code, that are relevant to the issuance, administration, payment, retirement, or refunding of customer rate relief bonds or to any actions of a gas utility, its successors, an assignee, a collection agent, or a financing party, which shall remain in full force and effect.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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

Amend **CSHB 1520** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, strike added Section 104.375, Utilities Code (page 11, line 69, through page 12, line 11), and substitute the following:

Sec. 104.375. TAX EXEMPTION. (a) The sale or purchase of or revenue derived from services performed in the issuance or transfer of customer rate relief bonds issued under this subchapter is exempt from taxation by this state or a political subdivision of this state.

(b) A gas utility's receipt of customer rate relief charges is exempt from state and local sales and use taxes and utility gross receipts taxes and assessments, and is excluded from revenue for purposes of franchise tax under Section 171.1011, Tax Code.

(2) In SECTION 5 of the bill, in added Subchapter I, Chapter 104, Utilities Code (page 12, between lines 11 and 12), insert the following:

Sec. 104.376. RECOVERABLE TAX EXPENSE. A tax obligation of the gas utility arising from receipt of customer rate relief bond proceeds or from the collection or remittance of customer rate relief charges is an allowable expense under Section 104.055.

(3) Renumber subsequent sections of added Subchapter I, Chapter 104, Utilities Code, accordingly.

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

Amend **CSHB 1520** (senate committee printing) in SECTION 5 of the bill, in added Section 104.365(c), Utilities Code (page 6, line 29), by striking "91st" and substituting "151st".

HJR 99 - VOTE RECONSIDERED

Representative Ellzey moved to reconsider the vote by which the motion to concur in senate amendments to **HJR 99** was lost by Record No. 1666.

The motion to reconsider prevailed.

HJR 99 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HJR 99, A joint resolution proposing a constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county; authorizing the issuance of bonds and notes.

Representative Canales moved to concur in the senate amendments to **HJR 99**.

The motion to concur in the senate amendments to **HJR 99** prevailed by (Record 1704): 126 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Collier; Cortez; Craddick; Crockett; 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; 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; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cook; Cyrier; Leman; Middleton; Patterson; Schaefer; Shaheen; Slaton; Slawson; Swanson; Tinderholt; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Cason; Cole; Hefner; Herrero; Klick; Lucio; Morrison; Schofield; Turner, C.

STATEMENTS OF VOTE

When Record No. 1704 was taken, I was shown voting yes. I intended to vote no.

Anderson

When Record No. 1704 was taken, my vote failed to register. I would have voted no.

Cason

When Record No. 1704 was taken, I was in the house but away from my desk. I would have voted no.

Hefner

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

Amend **HJR 99** (senate committee report) in SECTION 1 of the resolution, following the period at the end of amended Section 1-g(b), Article VIII, Texas Constitution (page 1, line 31), by adding "A county that issues bonds or notes for transportation improvements under a general law authorized by this subsection may not:

(1) pledge for the repayment of those bonds or notes more than 65 percent of the increases in ad valorem tax revenues each year; or

(2) use proceeds from the bonds or notes to finance the construction, operation, maintenance, or acquisition of rights-of-way of a toll road.".

HB 757 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 757, A bill to be entitled An Act relating to the consequences of receiving a grant of deferred adjudication community supervision and successfully completing the period of supervision.

Representative Dutton moved to concur in the senate amendments to **HB 757**.

The motion to concur in the senate amendments to **HB 757** prevailed by (Record 1705): 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; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Lucio; Wu.

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

Amend **HB 757** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Article 42A.111(c-1), Code of Criminal Procedure (page 1, lines 24-27), strike the following:

Notwithstanding any other law, an offense for which the defendant received a dismissal and discharge under this article may be used only as described by Section 12.42(g)(1), Penal Code, or as otherwise described by this article.

(2) In added Article 42A.111(d)(4)(A)(iv), Code of Criminal Procedure (page 2, line 5), following the underlined semicolon, strike "or".

(3) In added Article 42A.111(d)(4)(B), Code of Criminal Procedure (page 2, line 6), strike "person" and substitute "defendant".

(4) In added Article 42A.111(d)(4)(B), Code of Criminal Procedure (page 2, line 9), between "required" and the period, insert the following:

; or

(C) the defendant is an applicant for or the holder of a license or certificate issued under Chapter 1701, Occupations Code

HB 4584 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4584, A bill to be entitled An Act relating to the creation of the Sterrett Road Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

Representative Ellzey moved to concur in the senate amendments to **HB 4584**.

The motion to concur in the senate amendments to **HB 4584** prevailed by (Record 1706): 104 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Burns; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; 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; Lambert; Larson; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Bell, K.; Biedermann; Bonnen; Buckley; Burrows; Cain; Cason; Cyrier; Darby; Dean; Frank; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Schaefer; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Guerra; Klick; Longoria; Lucio; Schofield.

STATEMENT OF VOTE

When Record No. 1706 was taken, I was shown voting yes. I intended to vote no.

Vasut

Senate Committee Substitute

CSHB 4584, A bill to be entitled An Act relating to the creation of the Sterrett Road Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3959 to read as follows:

CHAPTER 3959. STERRETT ROAD MUNICIPAL MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3959.0001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Waxahachie.

(3) "Director" means a board member.

(4) "District" means the Sterrett Road Municipal Management District.

Sec. 3959.0002. NATURE OF DISTRICT. The Sterrett Road Municipal Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3959.0003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve the city from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city services provided in the district.

Sec. 3959.0004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce;

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3959.0005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3959.0006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code; or

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

Sec. 3959.0007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3959.0008. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3959.0051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors who serve staggered terms of four years.

(b) Directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

Sec. 3959.0052. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed $150 for each board meeting. The total amount of compensation for each director in one year may not exceed $7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3959.0053. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

Pos. No.	Name of Director
1	David Muckleroy
2	Kenner Link

3 Peter Madrala
4 Ian Hall
5 Brock Babb

(b) Of the initial directors, the terms of directors appointed for positions one through three expire June 1, 2023, and the terms of directors appointed for positions four and five expire June 1, 2025.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3959.0101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3959.0102. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3959.0103. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3959.0104. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with the city to provide additional law enforcement services in the district for a fee.

Sec. 3959.0105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3959.0106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3959.0107. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3959.0108. ADDING OR EXCLUDING LAND. The district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 3959.0109. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3959.0110. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) An order dividing the district must:

(1) name each new district;

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

(3) appoint initial directors for each new district; and

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

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

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

(h) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 3959.0206 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. ASSESSMENTS

Sec. 3959.0151. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3959.0152. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3959.0153. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3959.0201. TAX ELECTION REQUIRED. (a) The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

(b) Section 375.243, Local Government Code, does not apply to the district.

Sec. 3959.0202. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3959.0201, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3959.0203. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, or other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3959.0204. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes;

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met; or

(3) other contract revenues.

Sec. 3959.0205. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3959.0201, the district may issue bonds payable from ad valorem taxes.

(b) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(c) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3959.0206. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not issue bonds until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

SUBCHAPTER Z. DISSOLUTION

Sec. 3959.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value subject to assessment by the district of the property in the district based on the most recent certified county property tax rolls; or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

(b) The district may not be dissolved if the district:

(1) has any outstanding bonded or other indebtedness until that bonded or other indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonded or other indebtedness;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district has contracted with another party for the ownership and operation or maintenance of the public works, facilities, or improvements.

(c) Section 375.262, Local Government Code, does not apply to the district.

SECTION 2. The Sterrett Road Municipal Management District initially includes all territory contained in the following area: Being a parcel of land located in Ellis County, Texas, a part of the a part of the Clement Goar Survey, Abstract Number 401, a part of the Carter H. Hurst Survey, Abstract Number 456, and being all of that called 124.27 acre tract of land described in deed to Futex Property Company No. 112, LLC as recorded in Instrument Number 1801007, Official Public Records of Ellis County, Texas, and being all of that called 101.19 acre tract of land described in deed to James R. Pitts, Trustee as recorded in Instrument Number 1723473, Official Public Records of Ellis County, Texas, and also being all of that called 360.00 acre tract of land described in deed to Fuscom Property Company No. 2, LLC as recorded in Instrument Number 1800404, Official Public Records of Ellis County, Texas, and being further described as follows:

BEGINNING at a point at the southwest corner of said 124.27 acre tract, said point also being at the approximate centerline intersection of West Sterrett Road and Patrick Road;

THENCE North 00 degrees 02 minutes 30 seconds West, 4,252.90 feet to a point for corner, said point being the most westerly northwest corner of said 360.00 acre tract, said point also being in Patrick Road;

THENCE along the north line of said 360.00 acre tract as follows:

North 88 degrees 02 minutes 21 seconds East, 2,227.21 feet to a point for corner;

North 03 degrees 02 minutes 39 seconds West, 972.62 feet to a point for corner;

North 89 degrees 51 minutes 38 seconds East, 459.17 feet to a point for corner;

North 02 degrees 01 minutes 41 seconds West, 296.17 feet to a point for corner;

North 89 degrees 01 minutes 02 seconds East, 1,306.16 feet to a point for corner;

North 88 degrees 37 minutes 03 seconds East, 453.09 feet to a point for corner;

South 01 degrees 18 minutes 19 seconds East, 437.73 feet to a point for corner;

North 89 degrees 09 minutes 41 seconds East, 850.07 feet to a point for corner, said point being the northeast corner of said 360.00 acre tract;

THENCE along the east line of said 360.00 acre tract as follows:

South 00 degrees 57 minutes 39 seconds East, 1,694.38 feet to a point for corner;

South 01 degrees 25 minutes 02 seconds East, 1,620.58 feet to a point for corner, said point being the southeast corner of said 360.00 acre tract, said point also being the northeast corner of said 101.19 acre tract;

THENCE South 00 degrees 37 minutes 32 seconds East, 1,625.00 feet to the southeast corner of said 101.19 acre tract, said point also being in West Sterrett Road;

THENCE North 89 degrees 19 minutes 15 seconds West, 2,693.70 feet to a point for corner, said point being the southwest corner of said 101.19 acre tract, said point also being in the east line of said 124.27 acre tract, said point also being in West Sterrett Road;

THENCE South 01 degrees 22 minutes 01 seconds East, 294.05 feet to a point for corner, said point being the southeast corner of said 124.27 acre tract, said point also being in West Sterrett Road;

THENCE South 89 degrees 54 minutes 12 seconds West, 2,638.73 feet along the south line of said 124.27 acre tract to the POINT OF BEGINNING and containing 25,506,220 square feet or 585.542 acres of land.

Bearings are based on the west line of that called 124.27 acre tract of land described in deed to Futex Property Company No. 112, LLC as recorded in Instrument Number 1801007, Official Public Records of Ellis County, Texas.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. (a) Section 3959.0110, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 3959, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 3959.0110 to read as follows:

Sec. 3959.0110. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3948 - WITH SENATE AMENDMENTS

Representative T. King called up with senate amendments for consideration at this time,

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

HB 3948 - POINT OF ORDER

Representative Raymond raised a point of order against further consideration of the senate amendments to **HB 3948** under Rule 11, Section 2, of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on House Bill 3948 (Senate Amendments)

Announced in the House on May 28, 2021

Representative Raymond raises a point of order against further consideration of the Senate amendments to **HB 3948** under Rule 11, Section 2, of the House Rules on the grounds that amendments are not germane.

The subject of the engrossed House bill was the production, cultivation, and regulation of hemp and consumable hemp products. Among other things, the Senate amendments would classify hemp as an agricultural commodity, which would permit hemp producers to create a producer organization under Chapter 41, Agriculture Code, and classify certain misrepresentations in connection with consumable hemp products as a deceptive trade practice. The Senate amendments are on the same subject as the engrossed House bill and are therefore germane.

Accordingly, the point of order is respectfully overruled.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 6).

HB 2352 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2352, A bill to be entitled An Act relating to an educational and vocational training pilot program for certain state jail felony defendants and certain inmates released on parole; changing parole eligibility.

Representative Parker moved to concur in the senate amendments to **HB 2352**.

The motion to concur in the senate amendments to **HB 2352** prevailed by (Record 1707): 144 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; 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; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; 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 — Slaton; Swanson; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Pacheco.

Senate Committee Substitute

CSHB 2352, A bill to be entitled An Act relating to an educational and vocational training pilot program for certain state jail felony defendants and certain inmates released on parole; changing parole eligibility.

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

SECTION 1. Articles 42A.562(a) and (f), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (b), a judge assessing punishment in a state jail felony case may suspend the imposition of the sentence and place the defendant on community supervision with the condition [~~conditions~~] that the defendant[~~:~~

[~~(1) submit at the beginning of the term of community supervision to confinement in a state jail felony facility for a term not to exceed 90 days; and~~

[~~(2)~~] participate in a program operated under Section 493.034 [~~507.007~~], Government Code.

(f) A defendant placed on community supervision under this article must participate fully in the program described by Subsection (a) [~~(a)(2)~~]. The provisions of Subchapter P authorizing the judge to revoke a defendant's community supervision or otherwise sanction the defendant apply with respect to a defendant who violates the requirement of this subsection.

SECTION 2. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.036 to read as follows:

Sec. 72.036. TRAINING ON EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. The office shall develop and annually provide a training program to educate and inform judges on the components of the pilot program established under Section 493.034.

SECTION 3. Section 507.007, Government Code, is transferred to Chapter 493, Government Code, redesignated as Section 493.034, Government Code, and amended to read as follows:

Sec. 493.034 [~~507.007~~]. EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) The department shall establish a pilot program to provide educational and vocational training, employment, and reentry services to:

(1) defendants placed on community supervision [~~and required to serve a term of confinement in a state jail felony facility~~] under Article 42A.562, Code of Criminal Procedure; and

(2) inmates released on parole who are required to participate in the program as a condition of parole imposed under Section 508.1455.

(b) The department, in consultation with interested parties, shall determine the eligibility criteria for a defendant or inmate to participate in the pilot program, including requiring the defendant or inmate to arrange for suitable housing while participating in the program.

(c) The department, in consultation with interested parties, shall identify at least two and [~~determine~~] not more than four sites [~~locations~~] in this state in which the pilot program will operate. In identifying [~~determining~~] the sites [~~locations~~], the department shall consider locating the program in various regions throughout the state, including locations having a variety of population sizes, provided that the department shall select sites based on where the program will have the greatest likelihood of success and regardless of geographic region or population size. The department shall also give consideration to whether a risk

and needs assessment is generally conducted before sentencing defendants in a particular location and to the degree to which local judges show support for the establishment of the program in a particular location.

(d) The department shall issue a request for proposals from public or private entities to provide services through the pilot program. The department shall select one or more qualified applicants to provide services through the program to eligible defendants and inmates.

(e) The pilot program consists of approximately 180 days of employment-related services and support and must include:

(1) an initial period during which the defendant or inmate will:

(A) receive training and education related to the defendant's or inmate's vocational goals; and

(B) be employed by the provider;

(2) job placement services designed to provide employment for the defendant or inmate after the period described by Subdivision (1);

(3) assistance in obtaining a high school diploma or industry certification for applicable defendants and inmates;

(4) life-skills training, including information about budgeting and money management; and

(5) counseling and mental health services.

(f) The department shall limit the number of defendants and inmates who may participate in the pilot program to not more than 45 individuals [~~defendants~~] per quarter per program location.

(g) The department shall pay providers not less than $40 per day for each participant.

SECTION 4. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1455 to read as follows:

Sec. 508.1455. EARLY RELEASE ON PAROLE FOR CERTAIN INMATES REQUIRED TO PARTICIPATE IN EDUCATIONAL AND VOCATIONAL TRAINING PILOT PROGRAM. (a) This section applies only to an inmate:

(1) who is serving a sentence for an offense under Chapter 481, Health and Safety Code, that is punishable as a felony of the third degree;

(2) who has not previously been convicted of a felony under Title 5, Penal Code, or under Chapter 43 or 71 of that code; and

(3) whose eligibility for parole is computed under Section 508.145(f).

(b) Notwithstanding any other law, a parole panel may release on parole an inmate described by Subsection (a) approximately 180 days before the date the inmate would be eligible for release on parole under Section 508.145(f).

(c) A parole panel releasing an inmate on parole under this section shall require as a condition of release on parole that the inmate participate in a program operated under Section 493.034, to begin immediately following the inmate's release on parole.

(d) For purpose of consideration by a parole panel for early release on parole under Subsection (b), the department shall annually identify not fewer than 100 inmates described by Subsection (a) who are suitable candidates for

participation in a program operated under Section 493.034. The board and the department shall jointly adopt rules for identifying inmates under this subsection. The rules must require the board or the department to notify an inmate that the inmate is being considered for release on parole under this section.

(e) The board shall adopt rules governing the release of an inmate on parole under this section.

(f) An inmate who is considered for but not granted release on parole under this section shall be considered for release on parole on the date that the inmate otherwise would have been considered for release on parole under this chapter.

SECTION 5. Article 42A.562(d), Code of Criminal Procedure, is repealed.

SECTION 6. The change in law made by this Act applies to any inmate who is confined in a facility operated by or under contract with the Texas Department of Criminal Justice on or after the effective date of this Act, regardless of whether the offense for which the inmate is confined occurred before, on, or after the effective date of this Act.

SECTION 7. The Texas Department of Criminal Justice is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 8. This Act takes effect September 1, 2021.

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

Amend **CSHB 2352** (senate committee report) by striking SECTION 7 of the bill (page 3, lines 18-24) and renumbering the SECTIONS of the bill accordingly.

HB 4509 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4509, A bill to be entitled An Act relating to instruction on informed American patriotism in public schools.

Representative Bonnen moved to concur in the senate amendments to **HB 4509**.

The motion to concur in the senate amendments to **HB 4509** prevailed by (Record 1708): 124 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; 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; Herrero; Holland; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; Klick; Krause; Kuempel;

Lambert; Landgraf; Larson; Leach; Leman; Lopez; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; 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.

Nays — Anchia; Beckley; Collier; Crockett; Hinojosa; Johnson, J.D.; Longoria; Morales Shaw; Ortega; Ramos; Reynolds; Rose; Sherman; Thompson, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Allen; Burrows; Campos; Geren; Hernandez; Howard; Israel; King, T.; Lozano; Lucio.

STATEMENTS OF VOTE

When Record No. 1708 was taken, my vote failed to register. I would have voted no.

Allen

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1708 was taken, I was in the house but away from my desk. I would have voted yes.

Burrows

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Goodwin

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Rodriguez

When Record No. 1708 was taken, I was shown voting yes. I intended to vote no.

Zwiener

Senate Committee Substitute

CSHB 4509, A bill to be entitled An Act relating to instruction on informed American patriotism in public schools.

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

SECTION 1. Section 4.001(b), Education Code, is amended to read as follows:

(b) The objectives of public education are:

OBJECTIVE 1: Parents will be full partners with educators in the education of their children.

OBJECTIVE 2: Students will be encouraged and challenged to meet their full educational potential.

OBJECTIVE 3: Through enhanced dropout prevention efforts, all students will remain in school until they obtain a high school diploma.

OBJECTIVE 4: A well-balanced and appropriate curriculum will be provided to all students. Through that curriculum, students will be prepared to succeed in a variety of postsecondary activities, including employment and enrollment in institutions of higher education.

OBJECTIVE 5: Educators shall cultivate in [~~will prepare~~] students an informed American patriotism and lead students in a close study of the founding documents of the United States and Texas. The purpose of this objective is to:

(1) increase students' knowledge of the deepest and noblest purposes of the United States and Texas;

(2) enhance students' intellectual independence so that students may become [~~be~~] thoughtful, informed [~~active~~] citizens who have an appreciation for the fundamental democratic principles [~~basic values~~] of our state and national heritage; and

(3) guide students toward understanding [~~who can understand~~] and productively functioning [~~function~~] in a free enterprise society.

OBJECTIVE 6: Qualified and highly effective personnel will be recruited, developed, and retained.

OBJECTIVE 7: The state's students will demonstrate exemplary performance in comparison to national and international standards.

OBJECTIVE 8: School campuses will maintain a safe and disciplined environment conducive to student learning.

OBJECTIVE 9: Educators will keep abreast of the development of creative and innovative techniques in instruction and administration using those techniques as appropriate to improve student learning.

OBJECTIVE 10: Technology will be implemented and used to increase the effectiveness of student learning, instructional management, staff development, and administration.

OBJECTIVE 11: The State Board of Education, the agency, and the commissioner shall assist school districts and charter schools in providing career and technology education to students.

SECTION 2. Section 5.001, Education Code, is amended by adding Subdivision (10) to read as follows:

(10) "Informed American patriotism" means a reasoned appreciation, gained through the study of historical primary sources, of why America has been, is now, and continues to be the destination of choice for those around the world who yearn to live in freedom. Informed American patriotism is only a conditional pledge of devotion that will be maintained only so long as America adheres to a republican form of government. If we abandon a representative democracy, our pledge of allegiance will be withdrawn as is stated in the Pledge of Allegiance, which swears devotion to a "republic".

SECTION 3. Section 28.002, Education Code, is amended by amending Subsection (h) and adding Subsections (h-1) and (h-2) to read as follows:

(h) The State Board of Education and each school district shall require [~~foster~~] the [~~continuation of the tradition of~~] teaching of informed American patriotism, [~~United States and~~] Texas history, and the free enterprise system [~~in regular subject matter and in reading courses and~~] in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. A primary purpose of the public school curriculum is to prepare thoughtful, informed [~~active~~] citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental [~~basic~~] democratic principles [~~values~~] of our state and national heritage.

(h-1) In adopting the essential knowledge and skills for the foundation curriculum under Subsection (a)(1), the State Board of Education shall, as appropriate, adopt essential knowledge and skills that develop each student's civic knowledge, including an understanding of:

(1) the fundamental moral, political, and intellectual foundations of the American experiment in self-government;

(2) the history, qualities, traditions, and features of civic engagement in the United States;

(3) the structure, function, and processes of government institutions at the federal, state, and local levels; and

(4) the founding documents of the United States, including:

(A) the entirety of the Declaration of Independence;

(B) the entirety of the United States Constitution;

(C) the Federalist Papers, including the entirety of Essays 10 and 51;

(D) excerpts from Alexis de Tocqueville's Democracy in America;

(E) the transcript of the first Lincoln-Douglas debate;

(F) the writings of the founding fathers of the United States;

(G) the entirety of Frederick Douglass's speeches The Meaning of July Fourth for the Negro and What the Black Man Wants; and

(H) the entirety of Martin Luther King Jr.'s speech I Have a Dream.

(h-2) In providing instruction regarding the founding documents of the United States as described by Subsection (h-1)(4), a school district or open-enrollment charter school shall use those documents as part of the instructional materials for the instruction.

SECTION 4. This Act applies beginning with the 2021-2022 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 3948 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative T. King called up with senate amendments for consideration at this time,

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

Representative T. King 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 3948**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3948**: T. King, chair; Guillen, Huberty, Ramos, and Raymond.

HB 4492 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

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

Representative Paddie moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4492**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4492**: Paddie, chair; Deshotel, P. King, Lucio, and Metcalf.

HB 4614 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 4614, A bill to be entitled An Act relating to the authority of the Brazoria Drainage District Number Four to impose a maintenance tax and the validation of certain acts of the Brazoria Drainage District Number Four.

Representative E. Thompson moved to concur in the senate amendments to **HB 4614**.

The motion to concur in the senate amendments to **HB 4614** prevailed by (Record 1709): 96 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; 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.; Lambert; 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; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Ashby; Bailes; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Cason; Cook; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Klick; Krause; Kuempel; Landgraf; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman.

Senate Committee Substitute

CSHB 4614, A bill to be entitled An Act relating to the authority of the Brazoria Drainage District Number Four to impose a maintenance tax and the validation of certain acts of the Brazoria Drainage District Number Four.

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

SECTION 1. Section 19, Chapter 991, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Subsection (e) to read as follows:

(e) This section applies only to a maintenance tax levied and collected under the powers conferred by Section 59, Article XVI, Texas Constitution.

SECTION 2. Chapter 991, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 19A to read as follows:

Sec. 19A. MAINTENANCE TAX: SECTION 52, ARTICLE III. The district may impose a maintenance tax under the powers conferred by Section 52, Article III, Texas Constitution, as authorized by Chapter 7, Acts of the 41st Legislature, 1st Called Session, 1929.

SECTION 3. The legislature validates and confirms all governmental acts and proceedings of Brazoria Drainage District Number Four before the effective date of this Act in imposing a maintenance tax.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 4627 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4627, A bill to be entitled An Act relating to the creation of the Uptown Municipal Utility District No. 1 of Collin County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Sanford moved to concur in the senate amendments to **HB 4627**.

The motion to concur in the senate amendments to **HB 4627** prevailed by (Record 1710): 94 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Bailes; Beckley; Bell, C.; Bernal; Bowers; Bucy; Button; Campos; Canales; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; 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.; Klick; Larson; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez;

Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Sherman; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Allison; Ashby; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Cain; Capriglione; Cason; Clardy; Cook; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Goldman; Harris; Hefner; Holland; Hull; Krause; Kuempel; Lambert; Landgraf; Leach; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Price; Rogers; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anderson.

STATEMENT OF VOTE

When Record No. 1710 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

Senate Committee Substitute

CSHB 4627, A bill to be entitled An Act relating to the creation of the Uptown Municipal Utility District No. 1 of Collin County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7909A to read as follows:

CHAPTER 7909A. UPTOWN MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7909A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Uptown Municipal Utility District No. 1 of Collin County.

Sec. 7909A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7909A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7909A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7909A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7909A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7909A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7909A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7909A.0202, directors serve staggered four-year terms.

Sec. 7909A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Caleb Lavey;

(2) Cole Talley;

(3) Luke Brown;

(4) Zack Schneider; and

(5) Ben Hangartner.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7909A.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 7909A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7909A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7909A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7909A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7909A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7909A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7909A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7909A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7909A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7909A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7909A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7909A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7909A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7909A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7909A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7909A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7909A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7909A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7909A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Uptown Municipal Utility District No. 1 of Collin County initially includes all the territory contained in the following area:

Tract 1

BEING A TRACT OF LAND LOCATED IN THE HENRY BENTLEY SURVEY, ABSTRACT NO. 124 AND THE BENJAMIN BREWTON SURVEY, ABSTRACT NO. 125, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW D. KIRAN, RECORDED IN INSTRUMENT NO. 20070418000520430, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW DILLON KIRAN, RECORDED IN INSTRUMENT NO. 20070418000524700, O.P.R.C.C.T. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE EAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD 455, A 90-FOOT RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MARK A. JOHNSON, RECORDED IN VOLUME 5038, PAGE 7629, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE NORTH 00°45'03" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 831.92 FEET TO A 5/8-INCH IRON WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE WEST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MOODY RHINOCEROS, LLC, RECORDED IN INSTRUMENT NO. 20140606000572850, O.P.R.C.C.T.;

THENCE NORTH 89°16'45" EAST, ALONG THE COMMON LINE OF SAID KIRAN TRACT AND SAID MOODY RHINOCEROS TRACT, A DISTANCE OF 1,315.87 FEET TO A 5/8-INCH IRON WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER;

THENCE NORTH 89°21'36" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 1,299.36 FEET TO A 1/2-INCH IRON ROD FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BILLY STELZER AND JULIA STELZER, CO-TRUSTEES OF THE STELZER REVOCABLE TRUST TRACT, RECORDED IN INSTRUMENT NO. 20141006001089690, O.P.R.C.C.T., AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND SAID MOODY RHINOCEROS TRACT;

THENCE SOUTH 00°42'34" EAST, ALONG THE COMMON LINE OF SAID KIRAN TRACTS AND STAID STELZER TRACT, A DISTANCE OF 831.54 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JOE E. HACKNEY AND WIFE, HAZEL M. HACKNEY, RECORDED IN INSTRUMENT NO. 96-0063441, O.P.R.C.C.T.;

THENCE SOUTH 89°19'06" WEST, ALONG THE COMMON LINE OF SAID KIRAN TRACT AND SAID HACKNEY TRACT, A DISTANCE OF 900.24 FEET TO A 3/8-INCH IRON ROD FOUND AT THE NORTH COMMON CORNER OF SAID HACKNEY TRACT AND SAID JOHNSON TRACT;

THENCE SOUTH 89°18'26" WEST, ALONG THE COMMON LINE OF SAID KIRAN TRACT AND SAID JOHNSON TRACT, A DISTANCE OF 1,714.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,175,983 SQUARE FEET OR 49.954 ACRES OF LAND, MORE OR LESS.

Tract 2

BEING A TRACT OF LAND LOCATED IN THE T. & P. RAILWAY CO. SURVEY, ABSTRACT NO. 932, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO BILLY STELZER AND JULIA STELZER, CO-TRUSTEES OF THE STELZER REVOCABLE TRUST, RECORDED IN INSTRUMENT NO. 20141006001089690, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN 8-INCH WOOD FENCE POST FOUND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA, LTD., RECORDED IN INSTRUMENT NO. 20180323000355690, O.P.R.C.C.T., AT THE SOUTHWEST CORNER OF SAID STELZER TRACT

AND THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JARRELL DWAIN GRAY, RECORDED IN INSTRUMENT NO. 20090105000007700, O.P.R.C.C.T.;

THENCE NORTH 00°04'16" WEST, A DISTANCE OF 319.32 FEET TO A 3/8-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID OLD CELINA TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JOE E. HACKNEY AND WIFE, HAZEL M. HACKNEY, RECORDED IN INSTRUMENT NO. 96-0063441, O.P.R.C.C.T.;

THENCE NORTH 00°31'51" WEST, A DISTANCE OF 479.09 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID HACKNEY TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW D. KIRAN, RECORDED IN INSTRUMENT NO. 20070418000520430, O.P.R.C.C.T.;

THENCE NORTH 00°42'34" WEST, ALONG THE EAST LINE OF SAID KIRAN TRACT AND ANOTHER TRACT DESCRIBED IN DEED TO MATTHEW DILLON KIRAN, RECORDED IN INSTRUMENT NO. 20070418000524700, O.P.R.C.C.T., A DISTANCE OF 831.54 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MOODY RHINOCEROS, LLC, RECORDED IN INSTRUMENT NO. 20140606000572850, D.R.C.C.T.;

THENCE NORTH 00°07'00" EAST, ALONG THE EAST LINE OF SAID MOODY RHINOCEROS TRACT, PASSING AT A DISTANCE OF 1,107.23 FEET A 3/4-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO KIM CANNADY LEE, RECORDED IN VOLUME 4840, PAGE 1743, DEED RECORDS, COLLIN COUNTY, TEXAS (D.R.C.C.T.), AND CONTINUING FOR A TOTAL DISTANCE OF 1,120.03 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET NEAR THE SOUTHWEST EDGE OF PAVING OF COUNTY ROAD 57 AT THE NORTHWEST CORNER OF SAID STELZER TRACT AND THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA, LTD., RECORDED IN INSTRUMENT NO. 20140501000426500, O.P.R.C.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID LEE TRACT BEARS NORTH 01°02'23"WEST, A DISTANCE OF 570.99 FEET;

THENCE NORTH 89°35'24" EAST, ALONG SAID COUNTY ROAD 57 AND THE NORTH LINE OF SAID STELZER TRACT, A DISTANCE OF 2,631.96 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA , LTD., RECORDED IN INSTRUMENT NO. 20060815001168150, O.P.R.C.C.T., AT THE NORTH COMMON CORNER OF SAID STELZER TRACT AND A TRACT OF LAND DESCRIBED AS TRACT III IN DEED TO G BAR 7, LTD., RECORDED IN VOLUME 5850, PAGE 990, D.R.C.C.T., FROM WHICH A

3/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID OLD CELINA TRACT BEARS NORTH 89°35'24" EAST, A DISTANCE OF 682.05 FEET;

THENCE SOUTH 00°12'44" EAST, LEAVING THE SOUTH LINE OF SAID OLD CELINA TRACT AND ALONG SAID COUNTY ROAD 57 AND THE EAST LINE OF SAID STELZER TRACT, A DISTANCE OF 852.17 FEET TO A MAG NAIL SET AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF CELINA, TEXAS, RECORDED IN VOLUME 481, PAGE 230, D.R.C.C.T.;

THENCE NORTH 87°15'44" WEST, LEAVING SAID COUNTY ROAD 57 AND SAID EAST LINE OF THE STELZER TRACT, A DISTANCE OF 450.00 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE NORTHWEST CORNER OF SAID CITY OF CELINA TRACT;

THENCE SOUTH 00°12'44" EAST, A DISTANCE OF 485.30 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE SOUTHWEST CORNER OF SAID CITY OF CELINA TRACT;

THENCE SOUTH 87°15'44" EAST, A DISTANCE OF 450.00 FEET TO A MAG NAIL SET IN SAID COUNTY ROAD 57 AND SAID EAST LINE OF THE STELZER TRACT AT THE SOUTHEAST CORNER OF SAID CITY OF CELINA TRACT;

THENCE SOUTH 00°12'44" EAST, ALONG SAID COUNTY ROAD 57 AND SAID EAST LINE OF THE STELZER TRACT, A DISTANCE OF 1,420.00 FEET TO A MAG NAIL SET AT THE SOUTHEAST CORNER OF SAID STELZER TRACT;

THENCE SOUTH 89°56'13" WEST, LEAVING SAID COUNTY ROAD 57, PASSING AT A DISTANCE OF 205.83 FEET A 5/8-INCH IRON ROD FOUND AT THE NORTH COMMON CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO J.B. STELZER AND WIFE FRANCES B. STELZER, RECORDED IN INSTRUMENT NO. 19710125077403730, D.R.C.C.T., AND LOT 23 OF WILLOCK HILL ADDITION AMENDED PLAT, AN ADDITION TO THE CITY OF CELINA, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 160, MAP RECORDS, COLLIN COUNTY, TEXAS, AND CONTINUING FOR A TOTAL DISTANCE OF 605.83 FEET TO THE NORTH COMMON CORNER OF LOTS 11 AND 23 OF SAID ADDITION, FROM WHICH A 1/2-INCH IRON ROD FOUND WITH A CAP STAMPED "RPLS 2818" BEARS SOUTH 09°19'53" EAST, A DISTANCE OF 0.46 FEET;

THENCE SOUTH 89°51'02" WEST, A DISTANCE OF 358.80 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE NORTH COMMON CORNER OF LOTS 10 AND 11 OF SAID ADDITION;

THENCE SOUTH 89°41'02" WEST, A DISTANCE OF 380.00 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "RPLS 2818" FOUND AT THE NORTH COMMON CORNER OF SAID ADDITION AND SAID GRAY TRACT;

THENCE SOUTH 89°39'42" WEST, A DISTANCE OF 1,284.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 7,029,841 SQUARE FEET OR 161.383 ACRES OF LAND, MORE OR LESS.

Tract 3

All that certain 143.93 acre tract or parcel of land situated in the Collin County School Land Survey, Abstract Number 168, Thomas Stayton Survey, Abstract Number 804 and the Henry Bentley Survey, Abstract Number 124, County of Collin, State of Texas, said tract being part of a called 26.030 acre tract as described in deed to Crown S. Ltd., filed 14 December 2001, and recorded in volume 5066 page 4447 of the Official Public Records of said Collin County, Texas, and said tract being part of Exhibit A, a called 193.825 acre tract as described in deed to Crown S. Ltd., filed 31 July 1997, and recorded in volume 3966 page 2598 of said official public records, and being more particularly described as follows;

COMMENCING at a found iron rod by a pipe fence corner post, said rod being the southwest corner of said Exhibit A, same being the northwest corner of a called 35.286 acre tract as described in deed to Sutton Field Investments, LLC, filed 10 February 2015, and recorded in Collin County Clerks #D20150210000147450 of said official public records, and said rod being on the east line of Tract One a called 14.88 acre tract as described in deed to Dwight Shewchuck et ux, Rebecca Shewchuk, 26 June 1998, and recorded in Collin County Clerks #D98-0067003 of said official public records, said rod also having NAD83 NCTZ grid coordinates of N-7169022.23, E-2482005.62

THENCE: North 00 degrees 30 minutes 58 seconds West, with the west line of said Exhibit A, and with the east line of said Shewchuk tract, a distance of 852.21 feet a set 1/2 inch rebar for the POINT OF BEGINNING and being the southwest corner of the tract being described herein:

THENCE: North 00 degrees 30 minutes 58 seconds West, with the west line of said Exhibit A, and generally along and near a barbed wire fence, a distance of 690.83 feet to a found iron rod by a wood fence corner post for an angle point in the west line of said Exhibit A, same being the northeast corner of a called 10.253 acre tract as described in deed to Jimmy D. Bennett and Katheleen J. Bennett, filed 06 May 1997, and recorded in Collin County Clerks #D97-0035479 of said official public records, same being the southeast corner of Tract II, a called 7.605 acre tract as described in deed to Glenn E. Hansen, filed 15 May 2008, and recorded in Collin County Clerks #D20080515000592770 of said official public records;

THENCE: North 00 degrees 32 minutes 00 seconds West, with the west line of said Exhibit A, and generally along and near a barbed wire fence, a distance of 1734.10 feet to a found 5/8 inch rebar by a pipe fence corner post for the northwest corner of said Exhibit A, same being the occupied southwest corner of said 26.030 acre tract, and said rebar being the northeast corner of a called 7.004 acre tract as described in deed to Greg Mims and Pam Mims, filed 04 June 2015, and recorded in Collin County Clerks #D20150604000659940 of said official public records, same being the southeast corner of a called 10.012 acre

tract as described in deed to W. G. Cullum & Company Ltd. filed 15 December 2015, and recorded in Collin County Clerks #D20151215001560240 of said official public records;

THENCE: North 00 degrees 31 minutes 54 seconds East, with the west line of said 26.030 acre tract, and generally along and near a barbed wire fence, a distance of 439.87 feet to a found capped iron rod by a pipe fence corner post for the northwest corner of said 26.030 acre tract, same being the southwest corner of a called 16.090 acre tract as described in deed to Scot H. Mcdonald et ux, Jill C. McDonald, filed 14 December 2001, and recorded in Collin County Clerks #D2001-0161490 of said official public records;

THENCE: North 88 degrees 46 minutes 33 seconds East, with the north line of said 26.030 acre tract, and with a barbed wire fence, and passing at 2595.47 feet a pipe fence corner post on the west side of Farm to Market Road Number 455, and continuing on said course a total distance of 2597.47 feet to a found capped iron rod with a plastic cap marked RPLS 1849 on the west right of way tine of said road for the northeast corner of this tract, same being the northeast corner of said 26.030 acre tract, and said rod being the southeast corner of a called 10.037 acre tract as described in deed to Raju Gadirajy and Feng-Tzu Tsai, filed 14 June 2004, and recorded in Collin County Clerks #D2004-0086243 of said official public records;

THENCE: South 00 degrees 14 minutes 10 seconds East, with the west line of said road, a distance of 417.70 feet to a set 1/2 inch rebar for a corner of this tract;

THENCE: South 88 degrees 50 minutes 08 seconds West, and passing at 450.61 feet a set 1/2 inch rebar, and continuing on said course a total distance of 633.56 feet to a set 1/2 inch rebar for an ell corner of this tract;

THENCE: South 00 degrees 44 minutes 17 seconds East, a distance of 817.09 feet to a set 1/2 inch rebar for an ell corner of this tract;

THENCE: South 88 degrees 45 minutes 36 seconds East, and passing at 120.6 feet a set 1/2 inch rebar, and continuing on said course, and passing at 140.6 feet a pipe fence corner post, and continuing on said course with a pipe fence, and passing at 631.77 feet a pipe fence corner post on the west side of said road, and continuing on said course a total distance of 633.07 feet to a set 1/2 inch rebar on the west right of way line of said road for a corner of this tract;

THENCE: South 00 degrees 44 minutes 17 seconds East, with the west line of said road, a distance of 719.40 feet to a found concrete highway monument for a corner of this tract, said monument being the north corner of a called 0.5112 acre tract as described in deed to State of Texas, filed 03 April 2017, and recorded in Collin County Clerks #D2017043000416890 of said official public records;

THENCE: South 06 degrees 53 minutes 35 seconds West, with the west line of said road, and with the west line of said State of Texas tract, a distance of 55.53 feet to a set 1/2 inch rebar for the most easterly southeast corner of this tract, from said rebar a found capped iron rod bears North 89 degrees 59 minutes 15 seconds East, a distance of 7.4 feet;

THENCE: North 89 degrees 46 minutes 54 seconds West, and passing at 0.9 feet a pipe fence corner post, and continuing on said course, with a barbed wire fence, a total distance of 571.78 feet to a pipe fence corner post of an inner ell corner of this tract;
THENCE: South 05 degrees 25 minutes 28 seconds West, with a barbed wire fence, a distance of 562.01 feet to a pipe fence corner post for the most southerly southeast corner of this tract;
THENCE: South 73 degrees 44 minutes 30 seconds West, with a barbed wire fence, a distance of 982.13 feet to a pipe fence corner post for an angle point of this tract;
THENCE: South 84 degrees 56 minutes 30 seconds West, with a barbed wire fence, a distance of 804.70 feet to a pipe fence corner post for an angle point of this tract;
THENCE: North 85 degrees 09 minutes 45 seconds West, with a barbed wire fence, and passing at 221.95 feet a pipe fence corner post, and continuing on said course a total distance of 224.41 feet to the POINT OF BEGINNING and containing 143.93 acres of land.

Tract 4

LEGAL DESCRIPTION

BEING a tract of land situated in the Thomas Stayton Survey, Abstract No. 805 Collin county, Texas and being part of a called 54.809 acre tract conveyed to Lewis Dickerson as recorded in County Clerks No. 2010051000463340, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with yellow plastic capped stamped "4613" set for corner in the west line of said 54.809 acre tract, said iron rod being S 00°02'11" W a distance of 185.72' from a 1/2" iron rod found for the northwest corner of said 54.809 acres;

THENCE N 89°04'55" E a distance of 1400.14' to a mag nail set for corner in the east line of said 54.809 acre tract, said nail being in Business No. 289;

THENCE S 00°44'54" W veering west from the road a distance of 1770.34' to a point for corner;

THENCE 5 11°19'55" W a distance of 534.39' to a point for corner;

THENCE S 89°34'57" W a distance of 28.22' to a point for corner;

THENCE N 10°32'31" E a distance of 695.27' to a point for corner;

THENCE N 01°09'28" E a distance of 121.00' to a wood fence post found for corner;

THENCE S 89°10'28" W a distance of 1110.80' to a wood fence post found for corner;

THENCE N 57°00'00" W a distance of 300.66' to a wood fence post found for corner;

THENCE N 00°10'07" W a distance of 262.10' to a 1/2" iron rod with yellow plastic capped stamped "4613" set for corner;

THENCE N 00°39'54" W a distance of 843.67' to a wood fence post found for corner;

THENCE N 00°02'11" E a distance of 213.97' to the POINT OF BEGINNING and containing 2,060,807 Square Feet or 47.310 Acres of land.

Tract 5

Being a tract of land situated in the Thomas Stayton Survey, Abstract No. 805, Collin County, Texas and being the remainder of a called 79 acre tract of land (Tract III) described in Deed to G Bar 7, LTD. as recorded in Document No. 2005-0015684 of the Official Public Real Property Records of Collin County, Texas, and being more particularly described herein as follows:

BEGINNING at a "Mag" spike set in County Road 57 (a public road) and in the East line of a called 160 acres tract of land described in Deed to Billy Stelzer and Julia Stelzer as recorded in Instrument No. 20141006001089690 of the Official Public Records of Collin County, Texas for the Southwest corner of said Tract III;

THENCE North 00 degrees 01 minutes 22 seconds East, with the West line of said Tract III, along said County Road 57, passing the Southeast corner of a called 5.00 acres tract of land described in Deed to the City of Celina as recorded in Volume 481, Page 230 of said Deed Records, continuing with the West line of said Tract III and the East line of said City of Celina tract, passing the Northeast corner thereof and continuing for a total distance of 2,484.46 feet to a 5/8 inch iron rod with plastic cap stamped "PLS, INC" (typical) set on the Northeast side of a bend in said County Road 57 for the Northwest corner of said Tract III, and being in the South line of a called 52.039 acre tract of land described in Deed to Old Celina, LTD. as recorded in Instrument No. 20060815001168150 of said Official Public Records;

THENCE North 89 degrees 45 minutes 53 seconds East, with the North line of said Tract III, passing the Southeast corner of said 52.039 acre tract and the Southwest corner of a called 50.363 acres tract of land described in Deed to Celina 50, LLC as recorded in Instrument No. 20190610000659920 of said Official Public Records, and continuing for a total distance of 1,385.31 feet to a 3/8 inch iron rod found for the Northeast corner of said Tract III and the Northwest corner of a called 54.804 acres tract of land (Tract Two) described in Deed to Dorothy Stambaugh and Lewis Dickerson as recorded in Instrument No. 20100510000463340 of said Official Public Records;

THENCE with the East line of said Tract III and the West line of said Stambough tract, along and near an established fence line, the following courses and distances:

South 00 degrees 39 minutes 47 seconds East, a distance of 174.67 feet to a 5/8 inch iron rod set for corner;

South 02 degrees 33 minutes 05 seconds West, a distance of 145.60 feet to a 5/8 inch iron rod set for corner;

South 02 degrees 09 minutes 55 seconds East, a distance of 198.50 feet to a 5/8 inch iron rod set for corner;

South 00 degrees 24 minutes 55 seconds East, a distance of 725.00 feet to a 5/8 inch iron rod set for corner;

South 00 degrees 09 minutes 55 seconds East, a distance of 262.10 feet to a cross-tie fence corner post found for the Southwest corner of said Stambough tract and the Northwest corner of Lot 1, Block A of Celina 22 Addition recorded in Instrument 20200128010000450 of said Official Public Records;

THENCE South 00 degrees 01 minutes 02 seconds West, with the East line of said Tract III and the West line of Lot 1, passing the Southwest corner of said Lot 1 and the Northwest corner of Lot 2, Block A of said Celina 22 Addition, and continuing for a total distance of 672.08 feet to a 1/2 inch iron rod found for the Southwest corner of said Lot 2 and the Northwest corner of Lot 1, Block 1 of Snyder Addition as recorded in Instrument No. 20060511010001920 of said Official Public Records;

THENCE South 00 degrees 08 minutes 55 seconds West, with the East line of said Tract III and the West line of said Snyder Addition, a distance of 297.31 feet to a 1/2 inch iron rod found in the North line of a 30 foot alleyway for the Southeast corner of said Tract III and the Southwest corner of said Snyder Addition;

THENCE South 89 degrees 29 minutes 39 seconds West, with the South line of said Tract III and the North line of said 30 foot alleyway, a distance of 100.03 feet to a 1/2 inch iron rod found for the Southeast corner of a called 3.00 acres tract of land described in Deed to Whitney Elliot and Marc Elliot as recorded in Instrument No. 20181228001576130 of said Official Public Records;

THENCE North 00 degrees 31 minutes 41 seconds West, with the East line of said Elliot tract, a distance of 315.13 feet to a 1/2 inch capped iron rod found for the Northeast corner of said Elliot tract;

THENCE South 89 degrees 20 minutes 47 seconds West, with the North line of said Elliot tract, a distance of 414.83 feet to a 5/8 inch iron rod set for the Northwest corner of said Elliot tract;

THENCE South 00 degrees 31 minutes 41 seconds East, with the West line of said Elliot tract, a distance of 314.99 feet to a 5/8 inch iron rod set in the South line of said Tract III and the North line of said 30 foot alleyway for the Southwest corner of said Elliot tract;

THENCE South 89 degrees 21 minutes 57 seconds West, with the South line of said Tract III, a distance of 879.59 feet to the POINT OF BEGINNING and containing, within the metes and bounds herein recited, 76.224 acres of land, more or less.

Tract 6

BEING A TRACT OF LAND LOCATED IN THE HENRY BENTLEY SURVEY, ABSTRACT NO. 124, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MARK S. JOHNSON, RECORDED IN VOLUME 5038, PAGE 7629, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE EXISTING EAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD (FM) 455, A VARIABLE WIDTH RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID JOHNSON TRACT AND A TRACT OF LAND DESCRIBED IN

DEED TO MATTHEW D. KIRAN, RECORDED IN INSTRUMENT NO. 20070418000520430, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.);

THENCE NORTH 89°18'26" EAST,LEAVING SAID EAST RIGHT-OF-WAY LINE AND ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID KIRAN TRACT, A DISTANCE OF 1,714.40 FEET TO A 3/8-INCH IRON ROD FOUND AT THE NORTH COMMON CORNER OF SAID JOHNSON TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JOE E. HACKNEY AND WIFE, HAZEL M. HACKNEY, RECORDED IN INSTRUMENT NO. 96-0063441, O.P.R.C.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND SAID HACKNEY TRACT BEARS NORTH 89°19'06" EAST, A DISTANCE OF 900.24 FEET;

THENCE SOUTH 00°39'47" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID HACKNEY TRACT, A DISTANCE OF 476.67 FEET TO A 1/2-INCH IRON ROD FOUND IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA, LTD., RECORDED IN INSTRUMENT NO. 20180323000355690, O.P.R.C.C.T., AT THE SOUTH COMMON CORNER OF SAID JOHNSON TRACT AND SAID HACKNEY TRACT, FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID HACKNEY TRACT AND SAID OLD CELINA TRACT BEARS NORTH 89°28'43" EAST, A DISTANCE OF 910.17 FEET;

THENCE SOUTH 87°38'51" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND THE OLD CELINA TRACT, A DISTANCE OF 58.03 FEET TO A 1/2-IRON ROD FOUND AT THE NORTH COMMON CORNER OF SAID OLD CELINA TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO CELINA 428, L.P., RECORDED IN INSTRUMENT NO. 20070222000245920, O.P.R.C.C.T.;

THENCE SOUTH 88°35'59" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID CELINA 428 TRACT, A DISTANCE OF 589.16 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP (ILLEGIBLE) FOUND AT THE NORTH COMMON CORNER OF SAID CELINA 428 TRACT AND TRACT OF LAND DESCRIBED IN DEED TO JC GOODMA NINVESTMENT GROUP, INC., RECORDED IN INSTRUMENT NO. 20200115000063450, O.P.R.C.C.T.;

THENCE SOUTH 88°39'24" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID JC GOODMAN INVESTMENT GROUP TRACT, A DISTANCE OF 1,015.89 FEET TO A 5/8 INCH IRON ROD WITH A PINK PLASTIC CAP STAMPED "TXDOT" FOUND IN THE NEW EAST RIGHT-OF-WAY LINE OF SAID FM 455 AS ESTABLISHED BY DEED TO THE STATE OF TEXAS, RECORDED IN INSTRUMENT NO. 2017013000470220, O.P.R.C.C.T.;

THENCE NORTH 06°44'04" WEST, ALONG SAID NEW EAST RIGHT-OF-WAY LINE, A DISTANCE OF 381.29 FEET TO A 5/8 INCH IRON ROD WITH A PINK PLASTIC CAP STAMPED "TXDOT" FOUND FOR CORNER IN THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID FM 544;

THENCE NORTH 00°43'02" WEST, ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE, A DISTANCE OF 117.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 825,624 SQUARE FEET OR 18.954 ACRES OF LAND, MORE OR LESS.

Tract 7

BEING A TRACT OF LAND LOCATED IN THE BENJAMIN BREWTON SURVEY, ABSTRACT NO. 125, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MOODY RHINOCEROS, LLC, RECORDED IN INSTRUMENT NO. 20140606000572850, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" FOUND IN THE EAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD 455, A 90-FOOT RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID MOODY TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW DILLON KIRAN, RECORDED IN INSTRUMENT NO. 20070418000524700, O.P.R.C.C.T., FROM WHICH A WOOD RIGHT-OF-WAY MARKER BEARS NORTH 58°16'44" WEST, A DISTANCE OF 1.45 FEET;

THENCE NORTH 00°45'03" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 498.59 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5674" SET FOR CORNER, FROM WHICH A WOOD RIGHT-OF-WAY MARKER BEARS NORTH 02°35'45" WEST, A DISTANCE OF 26.41 FEET;

THENCE NORTH 00°13'52" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 720.60 FEET TO A POINT FOR CORNER FROM WHICH A 3/4-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO KIM CANNADY LEE, RECORDED IN VOLUME 4840, PAGE 1743, DEED RECORDS, COLLIN COUNTY, TEXAS, BEARS SOUTH 88°14'15" EAST, A DISTANCE OF 0.59 FEET AND FROM WHICH A 3/8-INCH IRON ROD FOUND NEAR THE NORTHWEST CORNER OF SAID MOODY TRACT BEARS SOUTH 01°58'05"WEST, A DISTANCE OF 8.20 FEET AND FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LEE TRACT BEARS NORTH 00°13'02" WEST, A DISTANCE OF 546.05 FEET;

THENCE SOUTH 88°14'15" EAST, ALONG THE SOUTH LINE OF SAID LEE TRACT, A DISTANCE OF 2,627.99 FEET TO A 3/4-INCH IRON ROD FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BILLY STELZER AND JULIA STELZER, CO-TRUSTEES OF THE

STELZER REVOCABLE TRUST TRACT, RECORDED IN INSTRUMENT NO. 20141006001089690, O.P.R.C.C.T. AT THE SOUTHEAST CORNER OF SAID LEE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND NEAR THE NORTHEAST CORNER OF SAID MOODY TRACT BEARS NORTH 00°39'40" WEST, A DISTANCE OF 7.67 FEET AND FROM WHICH A 5/8-INCH IRON ROD WITH A CAP (ILLEGIBLE) FOUND AT THE NORTHEAST CORNER OF SAID LEE TRACT BEARS NORTH 01°00'52" WEST, A DISTANCE OF 583.77 FEET;

THENCE SOUTH 00°07'00" WEST, ALONG THE COMMON LINE OF SAID MOODY TRACT AND SAID STELZER TRACT, A DISTANCE OF 1,107.25 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID MOODY TRACT AND SAID KIRAN TRACT;

THENCE SOUTH 89°21'36" WEST, ALONG THE COMMON LINE OF SAID MOODY TRACT AND SAID KIRAN TRACT, A DISTANCE OF 1,299.36 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5674" FOUND FOR CORNER;

THENCE SOUTH 89°16'45" WEST, CONTINUING ALONG THE COMMON LINE OF SAID MOODY TRACT AND SAID KIRAN TRACT, A DISTANCE OF 1,315.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,048,952 SQUARE FEET OR 69.994 ACRES OF LAND, MORE OR LESS.

Tract 8

LEGAL DESCRIPTION

108.175 ACRES

BEING a tract of land in the J. HEATH SURVEY, ABSTRACT NO. 387 and the J. RAGDALE SURVEY, ABSTRACT NO. 735, Collin County, Texas, and being that tract of land conveyed in Deed to JASC Investments Inc., according to the document of record filed in Document Number 20160610000730460, Official Public Records, Collin County, Texas, and being more particularly described as follows;

BEGINNING at a wooden fence post found for the common northwest corner of said JASC Investments Inc. tract and the southwest corner of that tract of land conveyed in Deed to Pair Of Dice Properties, LLC, according to the document of record filed in Document Number 20181102001367960, Official Public Records, Collin County, Texas, and being in the east line of that tract of land conveyed in Deed to Dynavest Joint Venture, according to the document of record filed in Book 2288, Page 114, Deed Records, Collin County, Texas;

THENCE N 89° 42' 34" E, with the common north line of said JASC Investments Inc. tract and the south line of said Pair Of Dice Properties, LLC tract, a distance of 1147.28 feet to a 1/2" iron rod found for the common southeast corner of said Pair Of Dice Properties, LLC tract and the southwest corner of that tract of land conveyed in Deed to Charles Ray Huddleston and Sherry Lynn Huddleston, according to the document filed of record in Volume 1368, Page 368, Deed Records, Collin County, Texas;

THENCE N 89° 56' 49" E, with the common north line said JASC Investments Inc. tract and the south line of said Charles Ray Huddleston and Sherry Lynn Huddleston tract, a distance of 269.47 feet to a 3/8" iron rod found for the

common southeast corner of said Charles Ray Huddleston and Sherry Lynn Huddleston tract and the southwest corner of that tract of land described as Tract I as conveyed in Deed to Rodney L. Steed and wife, Tommie S. Steed, according to the document of record filed in Book 4393. Page 0942, Official Public Records, Collin County, Texas, from which a 5/8" iron rod found bears N 05° 19' 33" W, 1.19';

THENCE N 89° 06' 37" E, with the common north line said JASC Investments Inc. tract and the south line of said Rodney L. Steed and wife, Tommie S. Steed tract, a distance of 220.24 feet to a 1/2" iron rod found for the common southeast corner of said Rodney L. Steed and wife, Tommie S. Steed tract and the southwest corner of that tract of land described as Tract I as conveyed in Deed to Tommie S. Steed and Rodney L. Steed, according to the document of record filed in Document Number 20071011001400330, Official Public Records, Collin County, Texas;

THENCE N 89° 35' 00" E, with the common north line said JASC Investments Inc. tract and the south line of said Tommie S. Steed and Rodney L. Steed tract, a distance of 220.01 feet to a 1/2" iron rod found for the common southeast corner of said Tommie S. Steed and Rodney L. Steed tract and the southwest corner of that tract of land described as Steed Tract I as conveyed in Deed to Frances L. Steed, according to the documents of record filed in Document Number 20160323000342400, in Document Number 20151124001478820, and in Document Number 20150924001214890, Official Public Records, Collin County, Texas;

THENCE N 89° 29' 11" E, with the common north line said JASC Investments Inc. tract and the south line of said Frances L. Steed tract, a distance of 220.84 feet to a 1/2" iron rod found for the common southeast corner of said Frances L. Steed tract and the southwest corner of that tract of land conveyed in Deed to Jacki Cantrell, Co-Trustee of the Cantrell Family Trust; Kenny Cantrell, Co-Trustee of the Cantrell Family Trust; and Debbie Cantrell, Co-Trustee of the Cantrell Family Trust, according to the document of record filed in Document Number 20071205001624610, Official Public Records, Collin County, Texas;

THENCE N 89° 45' 20" E, with the common north line said JASC Investments Inc. tract and the south line of said Cantrell Family Trust tract, distance of 220.24 feet to a 1/2" iron rod found for the common southeast corner of said Cantrell Family Trust tract and the southwest corner of that tract of land conveyed in Deed to Celina Parkway 28 Partners, LTD, according to the document of record filed in Document Number 20170616000786060, Official Public Records, Collin County, Texas;

THENCE N 89° 28' 39" E, with the common north line said JASC Investments Inc. tract and the south line of said Celina Parkway 28 Partners, LTD, a distance of 161.26 feet to a 4" metal fence post found for the common northeast of said JASC Investments Inc. tract and the most southern southeast corner of said Celina Parkway 28 Partners, LTD and being in the west line of that tract of land conveyed in Deed to Leslie C. Hall and Spouse, Barbara P. Hall, according to the document of record filed in Document Number 19920408000221690, Official Public Records, Collin County, Texas, from which a wooden fence post found for

the common northwest corner of said Leslie C. Hall and Spouse, Barbara P. Hall tract and an interior ell corner of said Celina Parkway 28 Partners, LTD tract, bears N 01 01' 07" W, 145.26';

THENCE S 01° 00' 02" E, with the common east line of said JASC Investments Inc. tract and the west line of said Leslie C. Hall and Spouse, Barbara P. Hall tract, a distance of 199.15 feet to an 8" wooden fence post found for the common southwest corner of said Leslie C. Hall and Spouse, Barbara P. Hall tract and the northwest corner of that tract of land conveyed in Deed to Jerry David Oaks, according to the document of record filed in Document Number 20110217000181560, Official Public Records, Collin County, Texas, from which a 1/2" iron rod found bears S 84° 26' 38" W, 2.58';

THENCE S 00° 23' 10" E, with the common east line of said JASC Investments Inc. tract and the west line of said Jerry David Oaks tract, a distance of 552.10 feet to a 1/2" iron rod found for the common southwest corner of said Jerry David Oaks tract and the northwest corner of that tract of land conveyed in Deed to Laddie Garner and wife, Joan Garner, according to the document of record filed in Book 3969, Page 3021, Official Public Records, Collin County, Texas, from which a metal fence post bears S 89° 54' 43" E, 6.51';

THENCE S 00° 30' 47" E, with the common east line of said JASC Investments Inc. tract and the west line of said to Laddie Garner and wife, Joan Garner tract, a distance of 573.65 feet to a 1/2" iron rod with a yellow plastic cap stamped "DAA" set for the common interior ell corner of said JASC Investments Inc. tract and the southwest corner of said to Laddie Garner and wife, Joan Garner tract, from which a 1/2" iron pipe found bears S 88° 47' 55" W, 2.61';

THENCE N 88° 47' 55" E, with the common north line said JASC Investments Inc. tract and the south line of said Laddie Garner and wife, Joan Garner tract a distance of 756.71 feet to a 1/2" iron rod found;

THENCE S 89° 25' 38" E, continuing with the common line of said JASC Investments Inc. tract and said Laddie Garner and wife, Joan Garner tract, a distance of 447.04 feet to a 6" wooden fence post found;

THENCE S 51° 55' 44" E, a distance of 65.81 feet to a wooden fence post found for the most easterly northeast corner of said JASC Investments Inc. tract and being in the west line of Farm-to-Market Road (FM) 455, a 90' right-of-way;

THENCE S 00° 17' 07" E, with the common east line of said JASC Investments Inc. tract and west line of said Farm-to-Market Road (FM) 455, a distance of 945.84 feet to a 1/2" iron rod with a yellow plastic cap stamped "DAA" set for the southeast corner of said JASC Investments Inc. tract, said being the intersection of the west line of said FM 455 and the north line of County Road (CR) 9, from which a 6" wooden fence post bears S 89° 16' 10" W, 2.65';

THENCE S 89° 16' 10" W, with the common south line of said JASC Investments Inc. tract and the north line of said County Road (CR) 9, a distance of 2,532.41 feet to a wooden fence post found for the southwest corner of said JASC Investments Inc. tract, said being in the east line of the above mentioned Dynavest Joint Venture tract;

THENCE N 01° 29' 13" W, with the common west line of said JASC Investments Inc. tract and the east line of said Dynavest Joint Venture tract, a distance of 1,940.30 feet to a 1/2" iron rod with a red plastic cap stamped "PEISER-MANKIN" found for the common interior ell corner of said JASC Investments Inc. tract and the most easterly northeast corner of said Dynavest Joint Venture tract;

THENCE S 88° 23' 39" W, with the common south line of said JASC Investments Inc. tract and the north line of said Dynavest Joint Venture tract, a distance of 1,140.47 feet to a 5/8" iron rod found the common most westerly southwest corner of said JASC Investments Inc. tract and an interior ell corner of said Dynavest Joint Venture tract;

THENCE N 01° 16' 34" W, with the common west line of said JASC Investments Inc. tract and the east line of said Dynavest Joint Venture tract, a distance of 409.06 feet to the POINT OF BEGINNING, and containing 108.175 acres of land, more or less.

Tract 9

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 170, Collin County, Texas, Collin County, Texas, and being all of a called 114.889 acre tract of land described in a Special Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332040 of the Official Public Records of Collin County, Texas, being all of a called 11.202 acre tract of land described in a Special Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332150 of the Official Public Records of Collin County, Texas, being all of a called 2.932 acre tract of land described in a General Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332120 of the Official Public Records of Collin County, Texas, being all of a called 0.479 acre tract of land described in a General Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332180 of the Official Public Records of Collin County, Texas, and also being all of a called 0.868 acre tract of land described as Tract 1 and all of a called 0.438 acre tract of land described as Tract 2 in a General Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332190 of the Official Public Records of Collin County, Texas, and also being all of Lots 1 through 5, Block 1, Lots 1 and 2, Block 2, and Lot 1, Block 4 of Malone Addition, an unrecorded plat, and being more particularly described as follows:

BEGINNING at the southeast corner of said 114.889 acre tract on the northerly right-of-way line of Malone Street, a variable width right-of-way, no record found;

THENCE South 88°50'41" West, along the southerly line of said 114.889 acre tract and the northerly right-of-way line of said Malone Street, a distance of 1212.59 feet to the southerly southwest corner of said 114.889 acre tract;

THENCE departing the northerly right-of-way line of said Malone Street and continuing along the southerly line of said 114.889 acre tract, the following:

North 2°00'20" West, a distance of 155.16 feet to an ell corner of said 114.889 acre tract;

North 89°57'33" West, a distance of 457.72 feet to the northeast corner of said 0.479 acre tract;

THENCE South 1°11'25" West, departing the southerly line of said 114.889 acre tract and along the easterly line of said 0.479 acre tract, a distance of 208.88 feet to the southeast corner of said 0.479 acre tract, being on the northerly right-of-way line of said Malone Street;

THENCE North 89°56'31" West, along the southerly line of said 0.479 acre tract and the northerly right-of-way line of said Malone Street, a distance of 100.00 feet to the southwest corner of said 0.479 acre tract;

THENCE North 1°11'25" East, departing the northerly right-of-way line of said Malone Street and along the westerly line of said 0.479 acre tract, a distance of 208.85 feet to the northwest corner of said 0.479 acre tract, being on the southerly line of said 114.889 acre tract;

THENCE North 89°57'33" West, along the southerly line of said 114.889 acre tract, a distance of 234.93 feet to the northeast corner of said Tract 1;

THENCE South 1°15'19" West, departing the southerly line of said 114.889 acre tract and along the easterly line of said Tract 1, a distance of 187.69 feet to the southeast corner of said Tract 1, being on the northerly right-of-way line of said Malone Street;

THENCE North 89°29'53" West, along the southerly line of said Tract 1 and the northerly right-of-way line of said Malone Street, a distance of 200.00 feet to the southwest corner of said Tract 1, being on the easterly right-of-way line of a 20 foot wide alley;

THENCE North 1°15'01" East, departing the northerly right-of-way line of said Malone Street, along the westerly line of said Tract 1 and the easterly right-of-way line of said 20 foot wide alley, a distance of 190.37 feet to the northwest corner of said Tract 1, common to the east end of the northerly terminus of said 20 foot wide alley, being on southerly line of aforesaid 2.93 acre tract;

THENCE North 88°42'26" West, along the northerly terminus of said 20 foot wide alley and the southerly line of said 2.932 acre tract, a distance of 20.00 feet to the west end of said terminus, common to the northeast corner of aforesaid Tract 2;

THENCE South 1°15'01" West, departing the southerly line of said 2.932 acre tract, along the easterly line of said Tract 2 and the westerly right-of-way line of said 20 foot wide alley, a distance of 190.64 feet to the southeast corner of said Tract 2, being on the northerly right-of-way line of said Malone Street;

THENCE North 89°29'53" West, departing the westerly right-of-way line of said 20 foot wide alley, along the southerly line of said Tract 2 and the northerly right-of-way line of said Malone Street, a distance of 99.86 feet to the southwest corner of said Tract 2, being on the easterly line of said 2.932 acre tract;

THENCE South 1°16'58" West, continuing along the northerly right-of-way line of said Malone Street and along the easterly line of said 2.932 acre tract, a distance of 17.01 feet to the southerly southeast corner of said 2.932 acre tract;

THENCE North 88°45'14" West, continuing along the northerly right-of-way line of said Malone Street and along the southerly line of said 2.932 acre tract, a distance of 230.05 feet to the southwest corner of said 2.932 acre tract, being on the easterly right-of-way line of the St. Louis and San Francisco Railroad, a 100 foot wide right-of-way;

THENCE North 12°26'44" East, departing the northerly right-of-way line of said Malone Street, along the westerly line of said 2.932 acre tract and the easterly right-of-way line of said St. Louis and San Francisco Railroad, a distance of 387.82 feet to the northwest corner of said 2.932 acre tract, common to the northerly southwest corner of said 114.889 acre tract;

THENCE North 12°26'19" East, along the westerly line of aforesaid 114.889 acre tract and continuing along the easterly right-of-way line of said St. Louis and San Francisco Railroad, a distance of 2792.89 feet to the northwest corner of said 114.889 acre tract;

THENCE North 88°55'09" East, departing the easterly right-of-way line of said St. Louis and San Francisco Railroad and along the northerly line of said 114.889 acre tract, a distance of 1315.73 feet to the northeast corner of said 114.889 acre tract;

THENCE along the easterly line of said 114.889 acre tract, the following:

South 0°14'01" East, a distance of 915.38 feet to a point for corner;

North 89°52'46" East, a distance of 70.06 feet to a point for corner;

South 0°21'08" East, a distance of 416.20 feet to a point for corner;

South 89°36'42" West, a distance of 133.06 feet to a point for corner;

South 0°18'12" East, a distance of 245.29 feet to the northwest corner of aforesaid 11.202 acre tract;

THENCE North 89°21'01" East, departing the easterly line of said 114.889 acre tract and along the northerly line of said 11.202 acre tract, a distance of 321.10 feet to the northeast corner of said 11.202 acre tract;

THENCE along the easterly line of said 11.202 acre tract and the easterly line of said 114.889 acre tract, the following:

South 1°16'12" East, a distance of 530.89 feet to a point for corner;

North 88°43'48" East, a distance of 269.14 feet to a point for corner;

South 2°04'32" East, a distance of 564.22 feet to a point for corner;

South 0°24'08" West, a distance of 402.60 feet to the POINT OF BEGINNING and containing 130.809 acres (5,698,027 square feet) of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7909A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7909A.0307 to read as follows:

Sec. 7909A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2021.

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

Amend **CSHB 4627** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7907A to read as follows:

CHAPTER 7907A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 232

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7907A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Fort Bend County Municipal Utility District No. 232.

Sec. 7907A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7907A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7907A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7907A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7907A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7907A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 1(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 1(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7907A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7907A.0202, directors serve staggered four-year terms.

Sec. 7907A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7907A.0103; or

(2) the fourth anniversary of the effective date of the section enacting this chapter.

(c) If permanent directors have not been elected under Section 7907A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7907A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7907A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7907A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7907A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7907A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7907A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7907A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7907A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7907A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7907A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7907A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7907A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7907A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7907A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Fort Bend County Municipal Utility District No. 232 initially includes all the territory contained in the following area:

Being a 100.5 acre tract of land located in the R.H. Earnest Survey, A-388, said 100.5 acre tract being all of a called 100.5 acre tract of land conveyed to Jason Noah and Benjamin Adam Danziger in Clerk's File No. 2012117049 of the Official Public Records of Fort Bend County, Texas (O.R.F.B.C.); said 100.5 acre tract being more particularly described by metes and bounds as follows: (All bearings reference to the Texas State Plane Coordinate System, South Central Zone).

COMMENCING at a 1-1/4" iron pipe found for the east corner of a called 55.048 acre tract described in the deed to LGI Homes-Sunrise Meadow, LTD. in Clerk's File No. 2005048299 of the O.R.F.B.C., common to the south corner of a called 136.6 acre tract described in the deed to Sabas Cortez in Volume 216, Page 322, of the Deed Records of Fort Bend County, Texas;

Thence North 47° 56' 48" West – 2,057.42' along the north line of said 55.048 acre tract, the north line of a called 55.06295 acre tract described in the deed to Bruce Mahlmann in Clerk's File No. 9780631 of the O.R.F.B.C. and the northwest line of a called 89.24 acre tract described in the deed to R. W. Lindsey in Volume 469, Page 284, of the Deed Records of Fort Bend County, Texas, common to the southwest line of said 136.6 acre tract, to a 3/4" iron rod set for the south corner and POINT OF BEGINNING of the herein described tract,

common to the south corner of said 100.5 acre tract and the west corner of said 136.6 acre tract, from which a found 1-1/4" iron pip bears North 23° 51' 01" East - 0.71';
THENCE North 47° 56' 48" West – 1,522.95' (called North 44° 48' 38" West), along the southwest line of said 100.5 acre tract, common to the northeast line of said 89.24 acre tract and the northeast line of a called 89.011 acre tract described in the deed to Paul Nelson Danzinger recorded in Clerk's File No. 200125881 of the O.R.F.B.C., to the west corner of the herein described tract, common to the west corner of said 100.5 acre tract and the south corner of a called 17.99 acre tract described in the deed to Willie Drabek recorded in Volume 1011, Page 841, of the Deed Records of Fort Bend County, Texas, from which a found 3/4" iron pipe bears South 42° 01' 12" West – 0.35'
THENCE North 42° 01' 12" East – 2,871.04' (called North 45° 11' 37" East), along the northwest line of said 100.5 acre tract, common to the southeast line of said 17.99 acre tract, at 2,210.59' passing a found 1" iron pipe (in concrete) on the south side of Koeblen Road, continuing in Koeblen Road to a 1/2" iron pipe found for the north corner of said 100.5 acre tract in Koeblen Road;
THENCE South 48° 10' 25" East – 1,524.25' (called South 45° 00' East), along the northeast line of said 100.5 acre tract in Koeblen Road to a PK nail found for the east corner of the herein described tract;
THENCE South 42° 02' 45" West – 2,877.08' (called South 45° 13' 10" West – 2,876.08') along the northeast line of said 100.5 acre tract, at 31.70' passing a 5/8" steel rod, continuing to the POINT OF BEGINNING of the herein described tract and containing 100.5 acres of land, more or less.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7907A, Special District Local Laws Code, as added by Section 1(a) of this Act, is amended by adding Section 7907A.0306 to read as follows:

Sec. 7907A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 1(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 2. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7909A to read as follows:

CHAPTER 7909A. UPTOWN MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7909A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Uptown Municipal Utility District No. 1 of Collin County.

Sec. 7909A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7909A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7909A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7909A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7909A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7909A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7909A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7909A.0202, directors serve staggered four-year terms.

Sec. 7909A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Caleb Lavey;

(2) Cole Talley;

(3) Luke Brown;

(4) Zack Schneider; and

(5) Ben Hangartner.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7909A.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 7909A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7909A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7909A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7909A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7909A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7909A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7909A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7909A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2(b) of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7909A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7909A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7909A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7909A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7909A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7909A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7909A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7909A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7909A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7909A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7909A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Uptown Municipal Utility District No. 1 of Collin County initially includes all the territory contained in the following area:

Tract 1

BEING A TRACT OF LAND LOCATED IN THE HENRY BENTLEY SURVEY, ABSTRACT NO. 124 AND THE BENJAMIN BREWTON SURVEY, ABSTRACT NO. 125, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW D. KIRAN, RECORDED IN INSTRUMENT NO. 20070418000520430, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW DILLON KIRAN, RECORDED IN INSTRUMENT NO. 20070418000524700, O.P.R.C.C.T. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE EAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD 455, A 90-FOOT RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID KIRAN

TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MARK A. JOHNSON, RECORDED IN VOLUME 5038, PAGE 7629, DEED RECORDS, COLLIN COUNTY, TEXAS;
THENCE NORTH 00°45'03" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 831.92 FEET TO A 5/8-INCH IRON WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE WEST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MOODY RHINOCEROS, LLC, RECORDED IN INSTRUMENT NO. 20140606000572850, O.P.R.C.C.T.;
THENCE NORTH 89°16'45" EAST, ALONG THE COMMON LINE OF SAID KIRAN TRACT AND SAID MOODY RHINOCEROS TRACT, A DISTANCE OF 1,315.87 FEET TO A 5/8-INCH IRON WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER;
THENCE NORTH 89°21'36" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 1,299.36 FEET TO A 1/2-INCH IRON ROD FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BILLY STELZER AND JULIA STELZER, CO-TRUSTEES OF THE STELZER REVOCABLE TRUST TRACT, RECORDED IN INSTRUMENT NO. 20141006001089690, O.P.R.C.C.T., AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND SAID MOODY RHINOCEROS TRACT;
THENCE SOUTH 00°42'34" EAST, ALONG THE COMMON LINE OF SAID KIRAN TRACTS AND STAID STELZER TRACT, A DISTANCE OF 831.54 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JOE E. HACKNEY AND WIFE, HAZEL M. HACKNEY, RECORDED IN INSTRUMENT NO. 96-0063441, O.P.R.C.C.T.;
THENCE SOUTH 89°19'06" WEST, ALONG THE COMMON LINE OF SAID KIRAN TRACT AND SAID HACKNEY TRACT, A DISTANCE OF 900.24 FEET TO A 3/8-INCH IRON ROD FOUND AT THE NORTH COMMON CORNER OF SAID HACKNEY TRACT AND SAID JOHNSON TRACT;
THENCE SOUTH 89°18'26" WEST, ALONG THE COMMON LINE OF SAID KIRAN TRACT AND SAID JOHNSON TRACT, A DISTANCE OF 1,714.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,175,983 SQUARE FEET OR 49.954 ACRES OF LAND, MORE OR LESS.

Tract 2

BEING A TRACT OF LAND LOCATED IN THE T. & P. RAILWAY CO. SURVEY, ABSTRACT NO. 932, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO BILLY STELZER AND JULIA STELZER, CO-TRUSTEES OF THE STELZER REVOCABLE TRUST, RECORDED IN INSTRUMENT NO. 20141006001089690, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN 8-INCH WOOD FENCE POST FOUND IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA, LTD., RECORDED IN INSTRUMENT NO. 20180323000355690, O.P.R.C.C.T., AT THE SOUTHWEST CORNER OF SAID STELZER TRACT AND THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO JARRELL DWAIN GRAY, RECORDED IN INSTRUMENT NO. 20090105000007700, O.P.R.C.C.T.;

THENCE NORTH 00°04'16" WEST, A DISTANCE OF 319.32 FEET TO A 3/8-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID OLD CELINA TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JOE E. HACKNEY AND WIFE, HAZEL M. HACKNEY, RECORDED IN INSTRUMENT NO. 96-0063441, O.P.R.C.C.T.;

THENCE NORTH 00°31'51" WEST, A DISTANCE OF 479.09 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID HACKNEY TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW D. KIRAN, RECORDED IN INSTRUMENT NO. 20070418000520430, O.P.R.C.C.T.;

THENCE NORTH 00°42'34" WEST, ALONG THE EAST LINE OF SAID KIRAN TRACT AND ANOTHER TRACT DESCRIBED IN DEED TO MATTHEW DILLON KIRAN, RECORDED IN INSTRUMENT NO. 20070418000524700, O.P.R.C.C.T., A DISTANCE OF 831.54 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MOODY RHINOCEROS, LLC, RECORDED IN INSTRUMENT NO. 20140606000572850, D.R.C.C.T.;

THENCE NORTH 00°07'00" EAST, ALONG THE EAST LINE OF SAID MOODY RHINOCEROS TRACT, PASSING AT A DISTANCE OF 1,107.23 FEET A 3/4-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO KIM CANNADY LEE, RECORDED IN VOLUME 4840, PAGE 1743, DEED RECORDS, COLLIN COUNTY, TEXAS (D.R.C.C.T.), AND CONTINUING FOR A TOTAL DISTANCE OF 1,120.03 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET NEAR THE SOUTHWEST EDGE OF PAVING OF COUNTY ROAD 57 AT THE NORTHWEST CORNER OF SAID STELZER TRACT AND THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA, LTD., RECORDED IN INSTRUMENT NO. 20140501000426500, O.P.R.C.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID LEE TRACT BEARS NORTH 01°02'23"WEST, A DISTANCE OF 570.99 FEET;

THENCE NORTH 89°35'24" EAST, ALONG SAID COUNTY ROAD 57 AND THE NORTH LINE OF SAID STELZER TRACT, A DISTANCE OF 2,631.96 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET FOR CORNER IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA , LTD., RECORDED IN INSTRUMENT NO. 20060815001168150, O.P.R.C.C.T., AT

THE NORTH COMMON CORNER OF SAID STELZER TRACT AND A TRACT OF LAND DESCRIBED AS TRACT III IN DEED TO G BAR 7, LTD., RECORDED IN VOLUME 5850, PAGE 990, D.R.C.C.T., FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID OLD CELINA TRACT BEARS NORTH 89°35'24" EAST, A DISTANCE OF 682.05 FEET;

THENCE SOUTH 00°12'44" EAST, LEAVING THE SOUTH LINE OF SAID OLD CELINA TRACT AND ALONG SAID COUNTY ROAD 57 AND THE EAST LINE OF SAID STELZER TRACT, A DISTANCE OF 852.17 FEET TO A MAG NAIL SET AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF CELINA, TEXAS, RECORDED IN VOLUME 481, PAGE 230, D.R.C.C.T.;

THENCE NORTH 87°15'44" WEST, LEAVING SAID COUNTY ROAD 57 AND SAID EAST LINE OF THE STELZER TRACT, A DISTANCE OF 450.00 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE NORTHWEST CORNER OF SAID CITY OF CELINA TRACT;

THENCE SOUTH 00°12'44" EAST, A DISTANCE OF 485.30 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE SOUTHWEST CORNER OF SAID CITY OF CELINA TRACT;

THENCE SOUTH 87°15'44" EAST, A DISTANCE OF 450.00 FEET TO A MAG NAIL SET IN SAID COUNTY ROAD 57 AND SAID EAST LINE OF THE STELZER TRACT AT THE SOUTHEAST CORNER OF SAID CITY OF CELINA TRACT;

THENCE SOUTH 00°12'44" EAST, ALONG SAID COUNTY ROAD 57 AND SAID EAST LINE OF THE STELZER TRACT, A DISTANCE OF 1,420.00 FEET TO A MAG NAIL SET AT THE SOUTHEAST CORNER OF SAID STELZER TRACT;

THENCE SOUTH 89°56'13" WEST, LEAVING SAID COUNTY ROAD 57, PASSING AT A DISTANCE OF 205.83 FEET A 5/8-INCH IRON ROD FOUND AT THE NORTH COMMON CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO J.B. STELZER AND WIFE FRANCES B. STELZER, RECORDED IN INSTRUMENT NO. 19710125077403730, D.R.C.C.T., AND LOT 23 OF WILLOCK HILL ADDITION AMENDED PLAT, AN ADDITION TO THE CITY OF CELINA, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET H, SLIDE 160, MAP RECORDS, COLLIN COUNTY, TEXAS, AND CONTINUING FOR A TOTAL DISTANCE OF 605.83 FEET TO THE NORTH COMMON CORNER OF LOTS 11 AND 23 OF SAID ADDITION, FROM WHICH A 1/2-INCH IRON ROD FOUND WITH A CAP STAMPED "RPLS 2818" BEARS SOUTH 09°19'53" EAST, A DISTANCE OF 0.46 FEET;

THENCE SOUTH 89°51'02" WEST, A DISTANCE OF 358.80 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" SET AT THE NORTH COMMON CORNER OF LOTS 10 AND 11 OF SAID ADDITION;

THENCE SOUTH 89°41'02" WEST, A DISTANCE OF 380.00 FEET TO A 1/2-INCH IRON ROD WITH CAP STAMPED "RPLS 2818" FOUND AT THE NORTH COMMON CORNER OF SAID ADDITION AND SAID GRAY TRACT;
THENCE SOUTH 89°39'42" WEST, A DISTANCE OF 1,284.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 7,029,841 SQUARE FEET OR 161.383 ACRES OF LAND, MORE OR LESS.

Tract 3

All that certain 143.93 acre tract or parcel of land situated in the Collin County School Land Survey, Abstract Number 168, Thomas Stayton Survey, Abstract Number 804 and the Henry Bentley Survey, Abstract Number 124, County of Collin, State of Texas, said tract being part of a called 26.030 acre tract as described in deed to Crown S. Ltd., filed 14 December 2001, and recorded in volume 5066 page 4447 of the Official Public Records of said Collin County, Texas, and said tract being part of Exhibit A, a called 193.825 acre tract as described in deed to Crown S. Ltd., filed 31 July 1997, and recorded in volume 3966 page 2598 of said official public records, and being more particularly described as follows;
COMMENCING at a found iron rod by a pipe fence corner post, said rod being the southwest corner of said Exhibit A, same being the northwest corner of a called 35.286 acre tract as described in deed to Sutton Field Investments, LLC, filed 10 February 2015, and recorded in Collin County Clerks #D20150210000147450 of said official public records, and said rod being on the east line of Tract One a called 14.88 acre tract as described in deed to Dwight Shewchuck et ux, Rebecca Shewchuk, 26 June 1998, and recorded in Collin County Clerks #D98-0067003 of said official public records, said rod also having NAD83 NCTZ grid coordinates of N-7169022.23, E-2482005.62
THENCE: North 00 degrees 30 minutes 58 seconds West, with the west line of said Exhibit A, and with the east line of said Shewchuk tract, a distance of 852.21 feet a set 1/2 inch rebar for the POINT OF BEGINNING and being the southwest corner of the tract being described herein:
THENCE: North 00 degrees 30 minutes 58 seconds West, with the west line of said Exhibit A, and generally along and near a barbed wire fence, a distance of 690.83 feet to a found iron rod by a wood fence corner post for an angle point in the west line of said Exhibit A, same being the northeast corner of a called 10.253 acre tract as described in deed to Jimmy D. Bennett and Katheleen J. Bennett, filed 06 May 1997, and recorded in Collin County Clerks #D97-0035479 of said official public records, same being the southeast corner of Tract II, a called 7.605 acre tract as described in deed to Glenn E. Hansen, filed 15 May 2008, and recorded in Collin County Clerks #D20080515000592770 of said official public records;
THENCE: North 00 degrees 32 minutes 00 seconds West, with the west line of said Exhibit A, and generally along and near a barbed wire fence, a distance of 1734.10 feet to a found 5/8 inch rebar by a pipe fence corner post for the northwest corner of said Exhibit A, same being the occupied southwest corner of said 26.030 acre tract, and said rebar being the northeast corner of a called

7.004 acre tract as described in deed to Greg Mims and Pam Mims, filed 04 June 2015, and recorded in Collin County Clerks #D20150604000659940 of said official public records, same being the southeast corner of a called 10.012 acre tract as described in deed to W. G. Cullum & Company Ltd. filed 15 December 2015, and recorded in Collin County Clerks #D20151215001560240 of said official public records;

THENCE: North 00 degrees 31 minutes 54 seconds East, with the west line of said 26.030 acre tract, and generally along and near a barbed wire fence, a distance of 439.87 feet to a found capped iron rod by a pipe fence corner post for the northwest corner of said 26.030 acre tract, same being the southwest corner of a called 16.090 acre tract as described in deed to Scot H. Mcdonald et ux, Jill C. McDonald, filed 14 December 2001, and recorded in Collin County Clerks #D2001-0161490 of said official public records;

THENCE: North 88 degrees 46 minutes 33 seconds East, with the north line of said 26.030 acre tract, and with a barbed wire fence, and passing at 2595.47 feet a pipe fence corner post on the west side of Farm to Market Road Number 455, and continuing on said course a total distance of 2597.47 feet to a found capped iron rod with a plastic cap marked RPLS 1849 on the west right of way tine of said road for the northeast corner of this tract, same being the northeast corner of said 26.030 acre tract, and said rod being the southeast corner of a called 10.037 acre tract as described in deed to Raju Gadirajy and Feng-Tzu Tsai, filed 14 June 2004, and recorded in Collin County Clerks #D2004-0086243 of said official public records;

THENCE: South 00 degrees 14 minutes 10 seconds East, with the west line of said road, a distance of 417.70 feet to a set 1/2 inch rebar for a corner of this tract;

THENCE: South 88 degrees 50 minutes 08 seconds West, and passing at 450.61 feet a set 1/2 inch rebar, and continuing on said course a total distance of 633.56 feet to a set 1/2 inch rebar for an ell corner of this tract;

THENCE: South 00 degrees 44 minutes 17 seconds East, a distance of 817.09 feet to a set 1/2 inch rebar for an ell corner of this tract;

THENCE: South 88 degrees 45 minutes 36 seconds East, and passing at 120.6 feet a set 1/2 inch rebar, and continuing on said course, and passing at 140.6 feet a pipe fence corner post, and continuing on said course with a pipe fence, and passing at 631.77 feet a pipe fence corner post on the west side of said road, and continuing on said course a total distance of 633.07 feet to a set 1/2 inch rebar on the west right of way line of said road for a corner of this tract;

THENCE: South 00 degrees 44 minutes 17 seconds East, with the west line of said road, a distance of 719.40 feet to a found concrete highway monument for a corner of this tract, said monument being the north corner of a called 0.5112 acre tract as described in deed to State of Texas, filed 03 April 2017, and recorded in Collin County Clerks #D2017043000416890 of said official public records;

THENCE: South 06 degrees 53 minutes 35 seconds West, with the west line of said road, and with the west line of said State of Texas tract, a distance of 55.53 feet to a set 1/2 inch rebar for the most easterly southeast corner of this tract, from said rebar a found capped iron rod bears North 89 degrees 59 minutes 15 seconds East, a distance of 7.4 feet;

THENCE: North 89 degrees 46 minutes 54 seconds West, and passing at 0.9 feet a pipe fence corner post, and continuing on said course, with a barbed wire fence, a total distance of 571.78 feet to a pipe fence corner post of an inner ell corner of this tract;
THENCE: South 05 degrees 25 minutes 28 seconds West, with a barbed wire fence, a distance of 562.01 feet to a pipe fence corner post for the most southerly southeast corner of this tract;
THENCE: South 73 degrees 44 minutes 30 seconds West, with a barbed wire fence, a distance of 982.13 feet to a pipe fence corner post for an angle point of this tract;
THENCE: South 84 degrees 56 minutes 30 seconds West, with a barbed wire fence, a distance of 804.70 feet to a pipe fence corner post for an angle point of this tract;
THENCE: North 85 degrees 09 minutes 45 seconds West, with a barbed wire fence, and passing at 221.95 feet a pipe fence corner post, and continuing on said course a total distance of 224.41 feet to the POINT OF BEGINNING and containing 143.93 acres of land.

Tract 4

LEGAL DESCRIPTION

BEING a tract of land situated in the Thomas Stayton Survey, Abstract No. 805 Collin county, Texas and being part of a called 54.809 acre tract conveyed to Lewis Dickerson as recorded in County Clerks No. 2010051000463340, Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with yellow plastic capped stamped "4613" set for corner in the west line of said 54.809 acre tract, said iron rod being S 00°02'11" W a distance of 185.72' from a 1/2" iron rod found for the northwest corner of said 54.809 acres;

THENCE N 89°04'55" E a distance of 1400.14' to a mag nail set for corner in the east line of said 54.809 acre tract, said nail being in Business No. 289;

THENCE S 00°44'54" W veering west from the road a distance of 1770.34' to a point for corner;

THENCE 5 11°19'55" W a distance of 534.39' to a point for corner;

THENCE S 89°34'57" W a distance of 28.22' to a point for corner;

THENCE N 10°32'31" E a distance of 695.27' to a point for corner;

THENCE N 01°09'28" E a distance of 121.00' to a wood fence post found for corner;

THENCE S 89°10'28" W a distance of 1110.80' to a wood fence post found for corner;

THENCE N 57°00'00" W a distance of 300.66' to a wood fence post found for corner;

THENCE N 00°10'07" W a distance of 262.10' to a 1/2" iron rod with yellow plastic capped stamped "4613" set for corner;

THENCE N 00°39'54" W a distance of 843.67' to a wood fence post found for corner;

THENCE N 00°02'11" E a distance of 213.97' to the POINT OF BEGINNING and containing 2,060,807 Square Feet or 47.310 Acres of land.

Tract 5

Being a tract of land situated in the Thomas Stayton Survey, Abstract No. 805, Collin County, Texas and being the remainder of a called 79 acre tract of land (Tract III) described in Deed to G Bar 7, LTD. as recorded in Document No. 2005-0015684 of the Official Public Real Property Records of Collin County, Texas, and being more particularly described herein as follows:

BEGINNING at a "Mag" spike set in County Road 57 (a public road) and in the East line of a called 160 acres tract of land described in Deed to Billy Stelzer and Julia Stelzer as recorded in Instrument No. 20141006001089690 of the Official Public Records of Collin County, Texas for the Southwest corner of said Tract III;

THENCE North 00 degrees 01 minutes 22 seconds East, with the West line of said Tract III, along said County Road 57, passing the Southeast corner of a called 5.00 acres tract of land described in Deed to the City of Celina as recorded in Volume 481, Page 230 of said Deed Records, continuing with the West line of said Tract III and the East line of said City of Celina tract, passing the Northeast corner thereof and continuing for a total distance of 2,484.46 feet to a 5/8 inch iron rod with plastic cap stamped "PLS, INC" (typical) set on the Northeast side of a bend in said County Road 57 for the Northwest corner of said Tract III, and being in the South line of a called 52.039 acre tract of land described in Deed to Old Celina, LTD. as recorded in Instrument No. 20060815001168150 of said Official Public Records;

THENCE North 89 degrees 45 minutes 53 seconds East, with the North line of said Tract III, passing the Southeast corner of said 52.039 acre tract and the Southwest corner of a called 50.363 acres tract of land described in Deed to Celina 50, LLC as recorded in Instrument No. 20190610000659920 of said Official Public Records, and continuing for a total distance of 1,385.31 feet to a 3/8 inch iron rod found for the Northeast corner of said Tract III and the Northwest corner of a called 54.804 acres tract of land (Tract Two) described in Deed to Dorothy Stambaugh and Lewis Dickerson as recorded in Instrument No. 20100510000463340 of said Official Public Records;

THENCE with the East line of said Tract III and the West line of said Stambough tract, along and near an established fence line, the following courses and distances:

South 00 degrees 39 minutes 47 seconds East, a distance of 174.67 feet to a 5/8 inch iron rod set for corner;

South 02 degrees 33 minutes 05 seconds West, a distance of 145.60 feet to a 5/8 inch iron rod set for corner;

South 02 degrees 09 minutes 55 seconds East, a distance of 198.50 feet to a 5/8 inch iron rod set for corner;

South 00 degrees 24 minutes 55 seconds East, a distance of 725.00 feet to a 5/8 inch iron rod set for corner;

South 00 degrees 09 minutes 55 seconds East, a distance of 262.10 feet to a cross-tie fence corner post found for the Southwest corner of said Stambough tract and the Northwest corner of Lot 1, Block A of Celina 22 Addition recorded in Instrument 20200128010000450 of said Official Public Records;

THENCE South 00 degrees 01 minutes 02 seconds West, with the East line of said Tract III and the West line of Lot 1, passing the Southwest corner of said Lot 1 and the Northwest corner of Lot 2, Block A of said Celina 22 Addition, and continuing for a total distance of 672.08 feet to a 1/2 inch iron rod found for the Southwest corner of said Lot 2 and the Northwest corner of Lot 1, Block 1 of Snyder Addition as recorded in Instrument No. 20060511010001920 of said Official Public Records;

THENCE South 00 degrees 08 minutes 55 seconds West, with the East line of said Tract III and the West line of said Snyder Addition, a distance of 297.31 feet to a 1/2 inch iron rod found in the North line of a 30 foot alleyway for the Southeast corner of said Tract III and the Southwest corner of said Snyder Addition;

THENCE South 89 degrees 29 minutes 39 seconds West, with the South line of said Tract III and the North line of said 30 foot alleyway, a distance of 100.03 feet to a 1/2 inch iron rod found for the Southeast corner of a called 3.00 acres tract of land described in Deed to Whitney Elliot and Marc Elliot as recorded in Instrument No. 20181228001576130 of said Official Public Records;

THENCE North 00 degrees 31 minutes 41 seconds West, with the East line of said Elliot tract, a distance of 315.13 feet to a 1/2 inch capped iron rod found for the Northeast corner of said Elliot tract;

THENCE South 89 degrees 20 minutes 47 seconds West, with the North line of said Elliot tract, a distance of 414.83 feet to a 5/8 inch iron rod set for the Northwest corner of said Elliot tract;

THENCE South 00 degrees 31 minutes 41 seconds East, with the West line of said Elliot tract, a distance of 314.99 feet to a 5/8 inch iron rod set in the South line of said Tract III and the North line of said 30 foot alleyway for the Southwest corner of said Elliot tract;

THENCE South 89 degrees 21 minutes 57 seconds West, with the South line of said Tract III, a distance of 879.59 feet to the POINT OF BEGINNING and containing, within the metes and bounds herein recited, 76.224 acres of land, more or less.

Tract 6

BEING A TRACT OF LAND LOCATED IN THE HENRY BENTLEY SURVEY, ABSTRACT NO. 124, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MARK S. JOHNSON, RECORDED IN VOLUME 5038, PAGE 7629, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND IN THE EXISTING EAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD (FM) 455, A VARIABLE WIDTH RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID JOHNSON TRACT AND A TRACT OF LAND DESCRIBED IN

DEED TO MATTHEW D. KIRAN, RECORDED IN INSTRUMENT NO. 20070418000520430, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.);

THENCE NORTH 89°18'26" EAST,LEAVING SAID EAST RIGHT-OF-WAY LINE AND ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID KIRAN TRACT, A DISTANCE OF 1,714.40 FEET TO A 3/8-INCH IRON ROD FOUND AT THE NORTH COMMON CORNER OF SAID JOHNSON TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JOE E. HACKNEY AND WIFE, HAZEL M. HACKNEY, RECORDED IN INSTRUMENT NO. 96-0063441, O.P.R.C.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID KIRAN TRACT AND SAID HACKNEY TRACT BEARS NORTH 89°19'06" EAST, A DISTANCE OF 900.24 FEET;

THENCE SOUTH 00°39'47" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID HACKNEY TRACT, A DISTANCE OF 476.67 FEET TO A 1/2-INCH IRON ROD FOUND IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OLD CELINA, LTD., RECORDED IN INSTRUMENT NO. 20180323000355690, O.P.R.C.C.T., AT THE SOUTH COMMON CORNER OF SAID JOHNSON TRACT AND SAID HACKNEY TRACT, FROM WHICH A 3/8-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID HACKNEY TRACT AND SAID OLD CELINA TRACT BEARS NORTH 89°28'43" EAST, A DISTANCE OF 910.17 FEET;

THENCE SOUTH 87°38'51" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND THE OLD CELINA TRACT, A DISTANCE OF 58.03 FEET TO A 1/2-IRON ROD FOUND AT THE NORTH COMMON CORNER OF SAID OLD CELINA TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO CELINA 428, L.P., RECORDED IN INSTRUMENT NO. 20070222000245920, O.P.R.C.C.T.;

THENCE SOUTH 88°35'59" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID CELINA 428 TRACT, A DISTANCE OF 589.16 FEET TO A 1/2-INCH IRON ROD WITH A YELLOW CAP (ILLEGIBLE) FOUND AT THE NORTH COMMON CORNER OF SAID CELINA 428 TRACT AND TRACT OF LAND DESCRIBED IN DEED TO JC GOODMA NINVESTMENT GROUP, INC., RECORDED IN INSTRUMENT NO. 20200115000063450, O.P.R.C.C.T.;

THENCE SOUTH 88°39'24" WEST, ALONG THE COMMON LINE OF SAID JOHNSON TRACT AND SAID JC GOODMAN INVESTMENT GROUP TRACT, A DISTANCE OF 1,015.89 FEET TO A 5/8 INCH IRON ROD WITH A PINK PLASTIC CAP STAMPED "TXDOT" FOUND IN THE NEW EAST RIGHT-OF-WAY LINE OF SAID FM 455 AS ESTABLISHED BY DEED TO THE STATE OF TEXAS, RECORDED IN INSTRUMENT NO. 2017013000470220, O.P.R.C.C.T.;

THENCE NORTH 06°44'04" WEST, ALONG SAID NEW EAST RIGHT-OF-WAY LINE, A DISTANCE OF 381.29 FEET TO A 5/8 INCH IRON ROD WITH A PINK PLASTIC CAP STAMPED "TXDOT" FOUND FOR CORNER IN THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID FM 544;

THENCE NORTH 00°43'02" WEST, ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE, A DISTANCE OF 117.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 825,624 SQUARE FEET OR 18.954 ACRES OF LAND, MORE OR LESS.

Tract 7

BEING A TRACT OF LAND LOCATED IN THE BENJAMIN BREWTON SURVEY, ABSTRACT NO. 125, COLLIN COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO MOODY RHINOCEROS, LLC, RECORDED IN INSTRUMENT NO. 20140606000572850, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (O.P.R.C.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "RPLS 5674" FOUND IN THE EAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET ROAD 455, A 90-FOOT RIGHT-OF-WAY, AT THE WEST COMMON CORNER OF SAID MOODY TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO MATTHEW DILLON KIRAN, RECORDED IN INSTRUMENT NO. 20070418000524700, O.P.R.C.C.T., FROM WHICH A WOOD RIGHT-OF-WAY MARKER BEARS NORTH 58°16'44" WEST, A DISTANCE OF 1.45 FEET;

THENCE NORTH 00°45'03" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 498.59 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5674" SET FOR CORNER, FROM WHICH A WOOD RIGHT-OF-WAY MARKER BEARS NORTH 02°35'45" WEST, A DISTANCE OF 26.41 FEET;

THENCE NORTH 00°13'52" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 720.60 FEET TO A POINT FOR CORNER FROM WHICH A 3/4-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO KIM CANNADY LEE, RECORDED IN VOLUME 4840, PAGE 1743, DEED RECORDS, COLLIN COUNTY, TEXAS, BEARS SOUTH 88°14'15" EAST, A DISTANCE OF 0.59 FEET AND FROM WHICH A 3/8-INCH IRON ROD FOUND NEAR THE NORTHWEST CORNER OF SAID MOODY TRACT BEARS SOUTH 01°58'05"WEST, A DISTANCE OF 8.20 FEET AND FROM WHICH A 1/2-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LEE TRACT BEARS NORTH 00°13'02" WEST, A DISTANCE OF 546.05 FEET;

THENCE SOUTH 88°14'15" EAST, ALONG THE SOUTH LINE OF SAID LEE TRACT, A DISTANCE OF 2,627.99 FEET TO A 3/4-INCH IRON ROD FOUND IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BILLY STELZER AND JULIA STELZER, CO-TRUSTEES OF THE

STELZER REVOCABLE TRUST TRACT, RECORDED IN INSTRUMENT NO. 20141006001089690, O.P.R.C.C.T. AT THE SOUTHEAST CORNER OF SAID LEE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND NEAR THE NORTHEAST CORNER OF SAID MOODY TRACT BEARS NORTH 00°39'40" WEST, A DISTANCE OF 7.67 FEET AND FROM WHICH A 5/8-INCH IRON ROD WITH A CAP (ILLEGIBLE) FOUND AT THE NORTHEAST CORNER OF SAID LEE TRACT BEARS NORTH 01°00'52" WEST, A DISTANCE OF 583.77 FEET;

THENCE SOUTH 00°07'00" WEST, ALONG THE COMMON LINE OF SAID MOODY TRACT AND SAID STELZER TRACT, A DISTANCE OF 1,107.25 FEET TO A 1/2-INCH IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID MOODY TRACT AND SAID KIRAN TRACT;

THENCE SOUTH 89°21'36" WEST, ALONG THE COMMON LINE OF SAID MOODY TRACT AND SAID KIRAN TRACT, A DISTANCE OF 1,299.36 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5674" FOUND FOR CORNER;

THENCE SOUTH 89°16'45" WEST, CONTINUING ALONG THE COMMON LINE OF SAID MOODY TRACT AND SAID KIRAN TRACT, A DISTANCE OF 1,315.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,048,952 SQUARE FEET OR 69.994 ACRES OF LAND, MORE OR LESS.

Tract 8

LEGAL DESCRIPTION

108.175 ACRES

BEING a tract of land in the J. HEATH SURVEY, ABSTRACT NO. 387 and the J. RAGDALE SURVEY, ABSTRACT NO. 735, Collin County, Texas, and being that tract of land conveyed in Deed to JASC Investments Inc., according to the document of record filed in Document Number 20160610000730460, Official Public Records, Collin County, Texas, and being more particularly described as follows;

BEGINNING at a wooden fence post found for the common northwest corner of said JASC Investments Inc. tract and the southwest corner of that tract of land conveyed in Deed to Pair Of Dice Properties, LLC, according to the document of record filed in Document Number 20181102001367960, Official Public Records, Collin County, Texas, and being in the east line of that tract of land conveyed in Deed to Dynavest Joint Venture, according to the document of record filed in Book 2288, Page 114, Deed Records, Collin County, Texas;

THENCE N 89° 42' 34" E, with the common north line of said JASC Investments Inc. tract and the south line of said Pair Of Dice Properties, LLC tract, a distance of 1147.28 feet to a 1/2" iron rod found for the common southeast corner of said Pair Of Dice Properties, LLC tract and the southwest corner of that tract of land conveyed in Deed to Charles Ray Huddleston and Sherry Lynn Huddleston, according to the document filed of record in Volume 1368, Page 368, Deed Records, Collin County, Texas;

THENCE N 89° 56' 49" E, with the common north line said JASC Investments Inc. tract and the south line of said Charles Ray Huddleston and Sherry Lynn Huddleston tract, a distance of 269.47 feet to a 3/8" iron rod found for the

common southeast corner of said Charles Ray Huddleston and Sherry Lynn Huddleston tract and the southwest corner of that tract of land described as Tract I as conveyed in Deed to Rodney L. Steed and wife, Tommie S. Steed, according to the document of record filed in Book 4393. Page 0942, Official Public Records, Collin County, Texas, from which a 5/8" iron rod found bears N 05° 19' 33" W, 1.19';

THENCE N 89° 06' 37" E, with the common north line said JASC Investments Inc. tract and the south line of said Rodney L. Steed and wife, Tommie S. Steed tract, a distance of 220.24 feet to a 1/2" iron rod found for the common southeast corner of said Rodney L. Steed and wife, Tommie S. Steed tract and the southwest corner of that tract of land described as Tract I as conveyed in Deed to Tommie S. Steed and Rodney L. Steed, according to the document of record filed in Document Number 20071011001400330, Official Public Records, Collin County, Texas;

THENCE N 89° 35' 00" E, with the common north line said JASC Investments Inc. tract and the south line of said Tommie S. Steed and Rodney L. Steed tract, a distance of 220.01 feet to a 1/2" iron rod found for the common southeast corner of said Tommie S. Steed and Rodney L. Steed tract and the southwest corner of that tract of land described as Steed Tract I as conveyed in Deed to Frances L. Steed, according to the documents of record filed in Document Number 20160323000342400, in Document Number 20151124001478820, and in Document Number 20150924001214890, Official Public Records, Collin County, Texas;

THENCE N 89° 29' 11" E, with the common north line said JASC Investments Inc. tract and the south line of said Frances L. Steed tract, a distance of 220.84 feet to a 1/2" iron rod found for the common southeast corner of said Frances L. Steed tract and the southwest corner of that tract of land conveyed in Deed to Jacki Cantrell, Co-Trustee of the Cantrell Family Trust; Kenny Cantrell, Co-Trustee of the Cantrell Family Trust; and Debbie Cantrell, Co-Trustee of the Cantrell Family Trust, according to the document of record filed in Document Number 20071205001624610, Official Public Records, Collin County, Texas;

THENCE N 89° 45' 20" E, with the common north line said JASC Investments Inc. tract and the south line of said Cantrell Family Trust tract, distance of 220.24 feet to a 1/2" iron rod found for the common southeast corner of said Cantrell Family Trust tract and the southwest corner of that tract of land conveyed in Deed to Celina Parkway 28 Partners, LTD, according to the document of record filed in Document Number 20170616000786060, Official Public Records, Collin County, Texas;

THENCE N 89° 28' 39" E, with the common north line said JASC Investments Inc. tract and the south line of said Celina Parkway 28 Partners, LTD, a distance of 161.26 feet to a 4" metal fence post found for the common northeast of said JASC Investments Inc. tract and the most southern southeast corner of said Celina Parkway 28 Partners, LTD and being in the west line of that tract of land conveyed in Deed to Leslie C. Hall and Spouse, Barbara P. Hall, according to the document of record filed in Document Number 19920408000221690, Official Public Records, Collin County, Texas, from which a wooden fence post found for

the common northwest corner of said Leslie C. Hall and Spouse, Barbara P. Hall tract and an interior ell corner of said Celina Parkway 28 Partners, LTD tract, bears N 01 01' 07" W, 145.26';

THENCE S 01° 00' 02" E, with the common east line of said JASC Investments Inc. tract and the west line of said Leslie C. Hall and Spouse, Barbara P. Hall tract, a distance of 199.15 feet to an 8" wooden fence post found for the common southwest corner of said Leslie C. Hall and Spouse, Barbara P. Hall tract and the northwest corner of that tract of land conveyed in Deed to Jerry David Oaks, according to the document of record filed in Document Number 20110217000181560, Official Public Records, Collin County, Texas, from which a 1/2" iron rod found bears S 84° 26' 38" W, 2.58';

THENCE S 00° 23' 10" E, with the common east line of said JASC Investments Inc. tract and the west line of said Jerry David Oaks tract, a distance of 552.10 feet to a 1/2" iron rod found for the common southwest corner of said Jerry David Oaks tract and the northwest corner of that tract of land conveyed in Deed to Laddie Garner and wife, Joan Garner, according to the document of record filed in Book 3969, Page 3021, Official Public Records, Collin County, Texas, from which a metal fence post bears S 89° 54' 43" E, 6.51';

THENCE S 00° 30' 47" E, with the common east line of said JASC Investments Inc. tract and the west line of said to Laddie Garner and wife, Joan Garner tract, a distance of 573.65 feet to a 1/2" iron rod with a yellow plastic cap stamped "DAA" set for the common interior ell corner of said JASC Investments Inc. tract and the southwest corner of said to Laddie Garner and wife, Joan Garner tract, from which a 1/2" iron pipe found bears S 88° 47' 55" W, 2.61';

THENCE N 88° 47' 55" E, with the common north line said JASC Investments Inc. tract and the south line of said Laddie Garner and wife, Joan Garner tract a distance of 756.71 feet to a 1/2" iron rod found;

THENCE S 89° 25' 38" E, continuing with the common line of said JASC Investments Inc. tract and said Laddie Garner and wife, Joan Garner tract, a distance of 447.04 feet to a 6" wooden fence post found;

THENCE S 51° 55' 44" E, a distance of 65.81 feet to a wooden fence post found for the most easterly northeast corner of said JASC Investments Inc. tract and being in the west line of Farm-to-Market Road (FM) 455, a 90' right-of-way;

THENCE S 00° 17' 07" E, with the common east line of said JASC Investments Inc. tract and west line of said Farm-to-Market Road (FM) 455, a distance of 945.84 feet to a 1/2" iron rod with a yellow plastic cap stamped "DAA" set for the southeast corner of said JASC Investments Inc. tract, said being the intersection of the west line of said FM 455 and the north line of County Road (CR) 9, from which a 6" wooden fence post bears S 89° 16' 10" W, 2.65';

THENCE S 89° 16' 10" W, with the common south line of said JASC Investments Inc. tract and the north line of said County Road (CR) 9, a distance of 2,532.41 feet to a wooden fence post found for the southwest corner of said JASC Investments Inc. tract, said being in the east line of the above mentioned Dynavest Joint Venture tract;

THENCE N 01° 29' 13" W, with the common west line of said JASC Investments Inc. tract and the east line of said Dynavest Joint Venture tract, a distance of 1,940.30 feet to a 1/2" iron rod with a red plastic cap stamped "PEISER-MANKIN" found for the common interior ell corner of said JASC Investments Inc. tract and the most easterly northeast corner of said Dynavest Joint Venture tract;

THENCE S 88° 23' 39" W, with the common south line of said JASC Investments Inc. tract and the north line of said Dynavest Joint Venture tract, a distance of 1,140.47 feet to a 5/8" iron rod found the common most westerly southwest corner of said JASC Investments Inc. tract and an interior ell corner of said Dynavest Joint Venture tract;

THENCE N 01° 16' 34" W, with the common west line of said JASC Investments Inc. tract and the east line of said Dynavest Joint Venture tract, a distance of 409.06 feet to the POINT OF BEGINNING, and containing 108.175 acres of land, more or less.

Tract 9

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 170, Collin County, Texas, Collin County, Texas, and being all of a called 114.889 acre tract of land described in a Special Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332040 of the Official Public Records of Collin County, Texas, being all of a called 11.202 acre tract of land described in a Special Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332150 of the Official Public Records of Collin County, Texas, being all of a called 2.932 acre tract of land described in a General Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332120 of the Official Public Records of Collin County, Texas, being all of a called 0.479 acre tract of land described in a General Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332180 of the Official Public Records of Collin County, Texas, and also being all of a called 0.868 acre tract of land described as Tract 1 and all of a called 0.438 acre tract of land described as Tract 2 in a General Warranty Deed with Vendor's Lien to RCI-Celina 115 LP, as recorded in Instrument No. 20200306000332190 of the Official Public Records of Collin County, Texas, and also being all of Lots 1 through 5, Block 1, Lots 1 and 2, Block 2, and Lot 1, Block 4 of Malone Addition, an unrecorded plat, and being more particularly described as follows:

BEGINNING at the southeast corner of said 114.889 acre tract on the northerly right-of-way line of Malone Street, a variable width right-of-way, no record found;

THENCE South 88°50'41" West, along the southerly line of said 114.889 acre tract and the northerly right-of-way line of said Malone Street, a distance of 1212.59 feet to the southerly southwest corner of said 114.889 acre tract;

THENCE departing the northerly right-of-way line of said Malone Street and continuing along the southerly line of said 114.889 acre tract, the following:

North 2°00'20" West, a distance of 155.16 feet to an ell corner of said 114.889 acre tract;

North 89°57'33" West, a distance of 457.72 feet to the northeast corner of said 0.479 acre tract;

THENCE South 1°11'25" West, departing the southerly line of said 114.889 acre tract and along the easterly line of said 0.479 acre tract, a distance of 208.88 feet to the southeast corner of said 0.479 acre tract, being on the northerly right-of-way line of said Malone Street;

THENCE North 89°56'31" West, along the southerly line of said 0.479 acre tract and the northerly right-of-way line of said Malone Street, a distance of 100.00 feet to the southwest corner of said 0.479 acre tract;

THENCE North 1°11'25" East, departing the northerly right-of-way line of said Malone Street and along the westerly line of said 0.479 acre tract, a distance of 208.85 feet to the northwest corner of said 0.479 acre tract, being on the southerly line of said 114.889 acre tract;

THENCE North 89°57'33" West, along the southerly line of said 114.889 acre tract, a distance of 234.93 feet to the northeast corner of said Tract 1;

THENCE South 1°15'19" West, departing the southerly line of said 114.889 acre tract and along the easterly line of said Tract 1, a distance of 187.69 feet to the southeast corner of said Tract 1, being on the northerly right-of-way line of said Malone Street;

THENCE North 89°29'53" West, along the southerly line of said Tract 1 and the northerly right-of-way line of said Malone Street, a distance of 200.00 feet to the southwest corner of said Tract 1, being on the easterly right-of-way line of a 20 foot wide alley;

THENCE North 1°15'01" East, departing the northerly right-of-way line of said Malone Street, along the westerly line of said Tract 1 and the easterly right-of-way line of said 20 foot wide alley, a distance of 190.37 feet to the northwest corner of said Tract 1, common to the east end of the northerly terminus of said 20 foot wide alley, being on southerly line of aforesaid 2.932 acre tract;

THENCE North 88°42'26" West, along the northerly terminus of said 20 foot wide alley and the southerly line of said 2.932 acre tract, a distance of 20.00 feet to the west end of said terminus, common to the northeast corner of aforesaid Tract 2;

THENCE South 1°15'01" West, departing the southerly line of said 2.932 acre tract, along the easterly line of said Tract 2 and the westerly right-of-way line of said 20 foot wide alley, a distance of 190.64 feet to the southeast corner of said Tract 2, being on the northerly right-of-way line of said Malone Street;

THENCE North 89°29'53" West, departing the westerly right-of-way line of said 20 foot wide alley, along the southerly line of said Tract 2 and the northerly right-of-way line of said Malone Street, a distance of 99.86 feet to the southwest corner of said Tract 2, being on the easterly line of said 2.932 acre tract;

THENCE South 1°16'58" West, continuing along the northerly right-of-way line of said Malone Street and along the easterly line of said 2.932 acre tract, a distance of 17.01 feet to the southerly southeast corner of said 2.932 acre tract;

THENCE North 88°45'14" West, continuing along the northerly right-of-way line of said Malone Street and along the southerly line of said 2.932 acre tract, a distance of 230.05 feet to the southwest corner of said 2.932 acre tract, being on the easterly right-of-way line of the St. Louis and San Francisco Railroad, a 100 foot wide right-of-way;

THENCE North 12°26'44" East, departing the northerly right-of-way line of said Malone Street, along the westerly line of said 2.932 acre tract and the easterly right-of-way line of said St. Louis and San Francisco Railroad, a distance of 387.82 feet to the northwest corner of said 2.932 acre tract, common to the northerly southwest corner of said 114.889 acre tract;

THENCE North 12°26'19" East, along the westerly line of aforesaid 114.889 acre tract and continuing along the easterly right-of-way line of said St. Louis and San Francisco Railroad, a distance of 2792.89 feet to the northwest corner of said 114.889 acre tract;

THENCE North 88°55'09" East, departing the easterly right-of-way line of said St. Louis and San Francisco Railroad and along the northerly line of said 114.889 acre tract, a distance of 1315.73 feet to the northeast corner of said 114.889 acre tract;

THENCE along the easterly line of said 114.889 acre tract, the following:

South 0°14'01" East, a distance of 915.38 feet to a point for corner;

North 89°52'46" East, a distance of 70.06 feet to a point for corner;

South 0°21'08" East, a distance of 416.20 feet to a point for corner;

South 89°36'42" West, a distance of 133.06 feet to a point for corner;

South 0°18'12" East, a distance of 245.29 feet to the northwest corner of aforesaid 11.202 acre tract;

THENCE North 89°21'01" East, departing the easterly line of said 114.889 acre tract and along the northerly line of said 11.202 acre tract, a distance of 321.10 feet to the northeast corner of said 11.202 acre tract;

THENCE along the easterly line of said 11.202 acre tract and the easterly line of said 114.889 acre tract, the following:

South 1°16'12" East, a distance of 530.89 feet to a point for corner;

North 88°43'48" East, a distance of 269.14 feet to a point for corner;

South 2°04'32" East, a distance of 564.22 feet to a point for corner;

South 0°24'08" West, a distance of 402.60 feet to the POINT OF BEGINNING and containing 130.809 acres (5,698,027 square feet) of land, more or less.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7909A, Special District Local Laws Code, as added by Section 2(a) of this Act, is amended by adding Section 7909A.0307 to read as follows:

Sec. 7909A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 2(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

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

SECTION 3. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7913A to read as follows:

CHAPTER 7913A. AUSTIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7913A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Austin County Municipal Utility District No. 1.

Sec. 7913A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7913A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7913A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7913A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7913A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7913A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 3(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 3(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7913A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7913A.0202, directors serve staggered four-year terms.

Sec. 7913A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7913A.0103; or

(2) January 1, 2026.

(c) If permanent directors have not been elected under Section 7913A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7913A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7913A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7913A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7913A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7913A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7913A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7913A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7913A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7913A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7913A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7913A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7913A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7913A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7913A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Austin County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

A 38.118 acre, or 1,660,419 square feet more or less, tract of land, being a portion of that residue of called 38.143 acre tract of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 153921 of the Official Records of Austin County, Texas, situated in the San Felipe de Austin Survey, Abstract 5, in the City of Sealy, Austin County, Texas. Said 38.118 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System of 1983, South Central Zone from the North American Datum of 1983 (NA2011) epoch 2010.00:

BEGINNING: At an iron rod with aluminum cap found in the centerline of Harrison Road (30 feet wide) as recorded under Volume Y, Page 318 of the Deed Records of Austin County, Texas and the northeast corner of said 38.143 acre tract and for the northeast corner of the herein described tract and being on the west right-of-way line of Schmidt Road (60 feet wide) a called 3.946 acres of land as conveyed to the City of Sealy as recorded under Clerk's File No. 025841 of the official Records of Austin County, Texas;

THENCE: S 42°42'31" W, along and with the said west right-of-way line, a distance of 2,864.13 feet to a point to a 1/2 inch iron pipe with cap stamped "Brown & Gay" found for the southeast corner of the herein described tract and being on the northeast line of a called 237.88 acre tract as described in a deed to Wal-Mart Stores East, LP recorded under Clerk's File No. 031749 of the Official Records of Austin County, Texas;

THENCE: N 47°18'41" W, along and with said northeast line, a distance of 578.43 feet to an iron rod with a yellow cap stamped "Pate-Dawson" to be set for the southwest corner of the herein described tract and the southeast corner of a called 70.00 acres of land conveyed to David Cryan as recorded in Clerk's File No. 126232 of the Official Records of Austin County, Texas;

THENCE: N 42°39'39" E, along with said north line, a distance of a distance of 2,865.17 feet to a 1/2 inch iron rod found in the said centerline of Harrison Road and for the northwest corner of the herein described tract and the northeast corner of said 70.00 acres;

THENCE: S 47°12'30" E, along said centerline of Harrison Road, a distance of 580.82 feet to the POINT OF BEGINNING, and containing 38.118 acres in the City of Houston, Harris County, Texas.

A 118.535 acre, or 5,163,385 square feet more or less, tract of land, being a portion of that residue of called 140.000 acre tract of land conveyed to Ranch County of Texas, Inc. as described in a deed recorded in Clerk's File No. 081189 of the Official Records of Austin County, Texas, and a portion of Tract 1, a residue of a called 55.3 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 164420 of the Official Records of Austin County, Texas, and all of Tract 2, a called 28.172 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 153921 of the Official Records of Austin County, Texas, and all of Tract 5, a called 6.1259 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 164420 of the Official Records of Austin County,

Texas, and all of Tract 4, a called 6.1259 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 164420 of the Official Records of Austin County, Texas, and all of Tract 3, a called 6.1259 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 164420 of the Official Records of Austin County, Texas, and all of Tract 2, a called 6.1259 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 164420 of the Official Records of Austin County, Texas, and all of Parcel 1, a called 5.452 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 191010 of the Official Records of Austin County, Texas, and all of Parcel 2, a called 5.350 acres of land conveyed to David Cryan as described in a deed recorded in Clerk's File No. 191010 of the Official Records of Austin County, Texas, situated in the San Felipe de Austin Survey, Abstract 5, in the City of Sealy, Austin County, Texas. Said 118.535 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System of 1983, South Central Zone from the North American Datum of 1983 (NA2011) epoch 2010.00:

BEGINNING: At an iron rod with aluminum cap found on the west right-of-way line of F.M. Highway No. 3013 (width varies) and the northeast corner of a called 38.69 acre tract of land conveyed to Jinsung T.E.C. Texas, L.L.C. Texas, L.L.C. as described in a deed recorded in Clerk's File No. 126413 of the Official Records of Austin County, Texas, and for the most northerly southeast corner of the herein described tract;

THENCE: N 47°17'47" W, a distance of 950.10 feet to a 5/8 inch iron rod found for an interior corner of the herein described tract and being the northwest corner of said 38.69 acres and on the east line of said Tract 1, a residue of a called 55.3 acres;

THENCE: S 42°39'37" W, along the common line of said Tract 1, a residue of a called 55.3 acres and said 38.69 acres, a distance of 1,774.20 feet to an iron rod with aluminum cap found for the southeast corner of said Tract 1, a residue of a called 55.3 acres and the southwest corner of said 38.69 acres and for the most southerly southeast corner of the herein described tract and on the northerly line of a called 6.362 acres of land conveyed to the City of Sealy, Texas as recorded in Clerk's File No. 031750 of the Official Records of Austin County, Texas;

THENCE: N 47°18'41" W, along with said north line, a distance of 1,607.38 feet to an iron rod with aluminum cap found on the east right-of-way line to Schmidt Road (60 feet wide) a called 3.946 acres of land as conveyed to the City of Sealy as recorded under Clerk's File No. 025841 of the official Records of Austin County, Texas, and the southwest corner said Tract 2 of called 28.172 acres and the southwest corner of the herein described tract;

THENCE: N 42°42'31" E, along the said east right-of-way line and along said Tract 2 of called 28.172 acres, a distance of 2,864.02 feet to an iron rod with aluminum cap found in the centerline of Harrison Road (30 feet wide) as recorded under Volume Y, Page 318 of Deed Records of Austin County, Texas and the northwest corner of said Tract 2 of called 28.172 acres and the northwest corner of the herein described tract;

THENCE: S 47°12'30" E, along and with said centerline of Harrison Road, a distance of 1,921.18 feet to a Mag Nail found for the most northerly northeast corner of the herein described tract and for the northeast corner of said Parcel 2 and the northwest corner of said Residue of called 140.000 acres;
THENCE: S 42°38'14" W, along and with the east line of said Parcel 2, a distance of 736.53 feet to an iron rod with aluminum cap found for an interior corner of the herein described tract and for the southeast corner of said Parcel 2;
THENCE: S 47°18'33" E, departing said east line and along and with the north line of said Parcel 1, a distance of 633.63 feet to an iron rod with aluminum cap found on the west right-of-way line of said F.M. No. 3013 and the most southerly northeast corner of the herein described tract;
THENCE: S 42°39'57" W, a distance of 350.05 feet to the POINT OF BEGINNING, and containing 118.535 acres in the City of Houston, Harris County, Texas.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7913A, Special District Local Laws Code, as added by Section 3(a) of this Act, is amended by adding Section 7913A.0306 to read as follows:

Sec. 7913A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 3(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

(e) This section takes effect August 1, 2022.

SECTION 4. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7919A to read as follows:

CHAPTER 7919A. HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7919A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "City" means the City of Aubrey, Texas.

(4) "Director" means a board member.

(5) "District" means the High Pointe Ranch Municipal Utility District No. 1 of Denton County.

Sec. 7919A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7919A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 7919A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7919A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7919A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7919A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 4(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 4(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7919A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each even-numbered year.

(b) The governing body of the city, by a majority vote, shall appoint one member of the board.

(c) The commission shall appoint four members of the board in the manner provided by Section 7919A.0202.

Sec. 7919A.0202. APPOINTMENT BY COMMISSION. (a) Before the term of a director appointed by the commission expires, the board shall recommend to the commission a person to serve as a successor director. The commission shall appoint as director the person recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

(1) at least 18 years of age;

(2) an owner of property in the district;

(3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;

(4) an owner of a beneficial interest in a trust that owns property in the district; or

(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

Sec. 7919A.0203. VACANCY. (a) Except as provided by Subsection (b), if a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.

(b) If a vacancy occurs in the position of the board member appointed by the city, the city shall appoint a director for the remainder of the unexpired term.

Sec. 7919A.0204. INITIAL DIRECTORS. (a) The initial directors that will be replaced by appointment by the commission are as follows:

(1) Clark Overlander;

(2) Justin Morse;

(3) Zach Stateson; and

(4) Michelle Dobson.

(b) The initial director that will be replaced by appointment by the governing body of the city is Mark Kaiser.

(c) The initial directors shall determine by lot which two positions expire after two years, and which three positions expire after four years.

(d) This section expires March 31, 2026.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7919A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7919A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7919A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7919A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7919A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7919A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 4(b) of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7919A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7919A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

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

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

(k) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7919A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7919A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7919A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7919A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7919A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7919A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7919A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7919A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7919A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The High Pointe Ranch Municipal Utility District No. 1 of Denton County initially includes all the territory contained in the following area:

HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 - TRACT 1

OF a 357.445 acres tract of land out of the Francisco Trevino Survey, Abstract No. 1243, Denton County, Texas; being all of a certain 229.479 acres tract (Tract 1), a 32.8 acres tract (Tract 2) and a 29.885 acres tract (Tract 3), all described in Volume 4257, Page 1101, Document No. 99-0004597 of the Deed Records of Denton County, Texas; also being all of a certain 6.874 acres tract described in Volume 4574, Page 1528, Document No. 00-000036697 and all of a certain 57.6071 acres tract described in Volume 4483, Page 133, Document No. 99-000123273, both in the Deed Records of Denton County, Texas; and being further described by metes and bounds as follows:

BEGINNING at a set "PK" nail in Blackjack Road (paved) and in the southeast right of way line of U.S. Highway No. 377 and in the recognized north line of said Francisco Trevino Survey and at the northwest corner of said 32.8 acres tract

for the most northerly northwest and beginning corner of this tract. Whence the recognized southwest corner of the Thomas Chambers Survey, Abstract No. 223 bears South 87°12'41" East 60.40 feet.

THENCE South 87°12'41" East at 60.40 feet pass a "PK" nail at the southwest corner of a certain 6.164 acres tract (Tract 5) described in said Volume 4257, Page 1101 and in all 1160.06 feet along said Blackjack Road to a found "PK" nail at the southeast corner of said 6.164 acres tract for a corner of this tract.

THENCE South 88°09'42" East 505.03 feet to a set "PK" nail in said Blackjack Road for a corner of this tract.

THENCE South 89°21'04" East 1356.90 feet to a set "PK" nail in said Blackjack Road for the northeast corner of this tract.

THENCE South 01°40'27" West at 20.69 feet pass a 4" steel post in the south line of said Blackjack Road and in all 2322.77 feet to a set capped 1/2" iron rod for the most easterly southeast corner of this tract.

THENCE South 89°35'01" West at 250.28 feet pass a found capped 1/2" iron rod at the northeast corner of a certain 27.104 acres tract described in Document No. 96-000070599 and in all 1539.46 feet to a found 1/2" iron pipe at the northwest corner of a certain 27.600 acres tract described in Document No. 96-000070600 for an ell corner of this tract.

THENCE South 00°10'39" East 956.88 feet to a set capped 1/2" iron rod in the west line of said 27.600 acres tract for a corner of this tract.

THENCE South 00°56'07" West 1132.15 feet to a set capped 1/2" iron rod in the north right of way line of F.M. Highway No. 428 and at the southwest corner of said 27.600 acres tract for the most southerly southeast corner of this tract.

THENCE along the north right of way line of said F.M. Highway No. 428 the following courses and distances:

South 71°34'50" West 144.40 feet to a set capped 1/2" iron rod;

Westerly along the arc of a 07 deg. 21 min. 35 sec. non-tangent curve to the right having a radius of 778.51 feet, a central angle of 18 deg. 46 min. 14 sec., a chord of South 82°46'29" West 253.91 feet and an arc length of 255.05 feet to a set capped 1/2" iron rod;

South 88°45'46" West 378.48 feet to a set capped 1/2" iron rod;

South 89°36'06" West 1349.02 feet to a set capped 1/2" iron rod;

And South 89°52'21" West 1364.91 feet to a set capped 1/2" iron rod in the southeast right of way line of said U.S. Highway No. 377 for the most southerly southwest corner of this tract;

THENCE North 32°23'53" West 213.57 feet along the southeast right of way line of said U.S. Highway 377 to a wood right of way marker for the most westerly southwest corner of this tract.

THENCE North 25°19'53" East 4804.08 feet along the southeast right of way line of said U.S. Highway No. 377 to a set capped 1/2" iron rod for the most westerly northwest corner of this tract.

THENCE North 59°03'36" East at 101.21 feet pass a set 1/2" iron rod and in all 166.34 feet to the POINT OF BEGINNING and containing 357.445 acres of land, more or less.

HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 - TRACT 2

BEING a tract of land situated in the F. Trevino Survey, Abstract No. 1243, Denton County, Texas, and being all of a called 61.667 acre tract of land described in a General Warranty Deed to Betsy Turner, as recorded in Instrument No. 97-0010270 of the Official Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a mag nail set for the northeast corner of said 61.667 acre tract, common to the northwest corner of a called 41.640 acre tract of land described in a deed to Michael Ray Self and spouse, Hannah Carter Self, as recorded in Instrument No. 2020-72317 of the Official Records of Denton County, Texas, being on the southerly line of Tract I described in a deed to LTR Dressage, LLC, as recorded in Instrument No. 2012-60776 of the Official Records of Denton County, Texas, and in the centerline of Black Jack Road, a variable width right-of-way, no record found;

THENCE South 0°37'22" West, departing the southerly line of said Tract I and the centerline of said Black Jack Road, along the easterly line of said 61.667 acre tract and the westerly line of said 41.640 acre tract, a distance of 2297.48 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southeast corner of said 61.667 acre tract, common to the southwest corner of said 41.640 acre tract, being on the northerly line of a called 94.58 acre tract of land described in a deed to Robert J. Houlihan, Trustee of the Jacqueline A. Houlihan Family Trust, as recorded in Instrument No. 2015-75670 of the Official Records of Denton County, Texas;

THENCE South 89°33'30" West, along the southerly line of said 61.667 acre tract, the northerly line of said 94.58 acre tract and the northerly line of a called 5.000 acre tract of land described in a deed to Robert J. Houlihan, as recorded in Instrument No. 2015-75669 of the Official Records of Denton County, Texas, a distance of 1184.22 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said 61.667 acre tract, being on the easterly line of a called 166.34 acre tract of land described in a deed to ALW 377, LLC, as recorded in Instrument No. 2018-78707 of the Official Records of Denton County, Texas;

THENCE North 1°40'23" East, departing the northerly line of said 94.58 acre tract, along the westerly line of said 61.667 acre tract and the easterly line of said 166.34 acre tract, a distance of 2319.56 feet to a 1 inch iron pipe found for the northwest corner of said 61.667 acre tract, common to the northeast corner of said 166.34 acre tract, being on the southerly line of a called 37.115 acre tract of land described in a deed to Calvin Paul Redfearn, as recorded in Instrument No. 2014-96676 of the Official Records of Denton County, Texas, and in the middle of Black Jack Road;

THENCE South 89°23'35" East, along the northerly line of said 61.667 acre tract, the southerly line of said 37.115 acre tract, the southerly line of a called 20.236 acre tract of land described in a deed to Gary Conway and Debbie Conway, as recorded in Instrument No. 2019-158825 of the Official Records of Denton County, Texas, and the southerly line of said Tract I, a distance of 1141.49 feet to the POINT OF BEGINNING and containing 61.611 acres (2,683,778 square feet) of land, more or less.

HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 - TRACT 3
BEING a tract of land situated in the F. Trevino Survey, Abstract No. 1243, Denton County, Texas, and being all of a called 41.640 acre tract of land described in a Warranty Deed with Vendor's Lien to Michael Ray Self and spouse, Hannah Carter Self, as recorded in Instrument No. 2020-72317 of the Official Records of Denton County, Texas, and being more particularly described as follows:
BEGINNING at a mag nail set for the northwest corner of said 41.640 acre tract, common to the northeast corner of a called 61.667 acre tract of land described in a deed to Betsy Turner, as recorded in Instrument No. 97-0010270 of the Official Records of Denton County, Texas, being on the southerly line of Tract I described in a deed to LTR Dressage, LLC, as recorded in Instrument No. 2012-60776 of the Official Records of Denton County, Texas, and in the centerline of Black Jack Road, a variable width right-of-way, no record found;
THENCE South 89°10'02" East, along a northerly line of said 41.640 acre tract, the southerly line of said Tract I, the southerly line of a called 22.380 acre tract of land described as Tract II in said deed recorded in Instrument No. 2012-60776 of the Official Records of Denton County, Texas, and the centerline of said Black Jack Road, a distance of 570.47 feet to a 1 inch iron pipe found for the northerly northeast corner of said 41.640 acre tract, common to the northwest corner of a called 14.975 acre tract of land described in a deed to K & T Swan Family Limited Partnership, L.P., as recorded in Instrument No. 2017-78524 of the Official Records of Denton County, Texas;
THENCE South 1°07'20" East, departing the southerly line of said Tract II and the centerline of said Black Jack Road, along an easterly line of said 41.640 acre tract and the westerly line of said 14.975 acre tract, a distance of 1528.04 feet to a 1/2 inch iron rod found for the southwest corner of said 14.975 acre tract, common to an ell corner of said 41.640 acre tract;
THENCE South 89°22'10" East, along a northerly line of said 41.640 acre tract and the southerly line of said 14.975 acre tract, a distance of 570.06 feet to a 3/8 inch iron rod found for the southerly northeast corner of said 41.640 acre tract, common to the southeast corner of said 14.975 acre tract;
THENCE South 1°04'44" East, along an easterly line of said 41.640 acre tract, a distance of 745.84 feet to a 1/2 inch iron pipe found for the southeast corner of said 41.640 acre tract, common to the northeast corner of a called 16.597 acre tract of land described in a deed to Phillip J. Anton and wife, Karen M. Anton, as recorded in Instrument No. 95-65740 of the Official Records of Denton County, Texas;
THENCE South 89°33'30" West, along the southerly line of said 41.640 acre tract, the northerly line of said 16.597 acre tract, the northerly line of a called 6.703 acre tract of land described in a deed to Phillip John Anton and wife, Karen Marie Anton, as recorded in Instrument No. 2005-92268 of the Official Records of Denton County, Texas, and the northerly line of a called 94.58 acre tract of land described in a deed to Robert J. Houlihan, Trustee of the Jacqueline A. Houlihan Family Trust, as recorded in Instrument No. 2015-75670 of the Official Records of Denton County, Texas, a distance of 1209.41 feet to a

5/8 inch iron rod with plastic cap stamped "KHA" set for the southwest corner of said 41.640 acre tract, common to the southeast corner of aforesaid 61.667 acre tract;

THENCE North 0°37'22" East, departing the northerly line of said 94.58 acre tract, along the westerly line of said 41.640 acre tract and the easterly line of said 61.667 acre tract, a distance of 2297.48 feet to the POINT OF BEGINNING and containing 41.650 acres (1,814,290 square feet) of land, more or less.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7919A, Special District Local Laws Code, as added by Section 4(a) of this Act, is amended by adding Section 7919A.0307 to read as follows:

Sec. 7919A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 4(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

(e) This section takes effect March 31, 2022.

SECTION 5. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7933A to read as follows:

CHAPTER 7933A. NORTHWEST DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7933A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Northwest Denton County Municipal Utility District No. 1.

Sec. 7933A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7933A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7933A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7933A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7933A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7933A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 5(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 5(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7933A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7933A.0202, directors serve staggered four-year terms.

Sec. 7933A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Lance Martin;

(2) Jason Tuberville;

(3) Zach Stateson;

(4) Clarke Overlander; and

(5) Michelle Dobson.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7933A.0103; or

(2) the fourth anniversary of the effective date of the section enacting this chapter.

(c) If permanent directors have not been elected under Section 7933A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7933A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7933A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7933A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7933A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7933A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7933A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7933A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bond debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 5(b) of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7933A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7933A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7933A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7933A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7933A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7933A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7933A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7933A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7933A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7933A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7933A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Northwest Denton County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

BEING a tract of land situated in the William Mason Survey, Abstract No. 801, the B.B.B. & C.R.R. Co. Survey, Abstract No. 199, and the B.B.B. & C.R.R. Co. Survey, Abstract No. 1457, Denton County, Texas, and being a portion of a called 55.27 acre tract of land described in a Warranty Deed to Wilbur Clarence Hoehn, as recorded in Instrument No. 1994-69063 of the Official Records of Denton County, Texas, and also being all of Lots 1 thru 6, Block A of Saddle Ridge Estates, according to the Final Plat thereof recorded in Cabinet M, Page 241 of the Plat Records of Denton County, Texas, and being all of a called 100.00 acre tract of land described as First Tract and all of a called 76.691 acre tract of land described as Second Tract in a Conveyance, Assignment and Deed to MER Energy, LTD., as recorded in Instrument No. 2011- 110535 of the Official Records of Denton County, Texas, in a Conveyance, Assignment and Deed to Rudco Land, LLC, as recorded in Instrument No. 2017-16370 of the Official Records of Denton County, Texas, and in Conveyance, Assignment and Deed of Correction to Ira W. Silverman, Trustee of the Tachina Rudman Trust, as recorded in Instrument No. 2019-142385 of the Official Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a mag nail set for the northwest corner of said 55.27 acre tract, common to the northeast corner of a 30 foot road dedication shown on the Final Plat of said Saddle Ridge Estates, being in the centerline of Hoehn Road, a variable width right of way, and on the southerly line of a called 160.27 acre tract of land described in a deed to Earthland Farms, LLC, as recorded in Instrument No. 2017-144271 of the Official Records of Denton County, Texas;

THENCE South 89°36'45" East, along the northerly line of said 55.27 acre tract, the southerly line of said 160.27 acre tract, the southerly line of a called 10.01 acre tract of land described in a deed to Miguel Del Rosario Vinales and

Souvanna Del Rosario Vinales, as recorded in Instrument No. 2018-84116 of the Official Records of Denton County, Texas, the southerly line of a called 10.01 acre tract of land described in a deed to Christopher M. Conely and Dawn M. Conely, as recorded in Instrument No. 2019-65759 of the Official Records of Denton County, Texas, the southerly line of a called 10.01 acre tract of land described in a deed to Yadira Alvarado, as recorded in Instrument No. 2019-903 of the Official Records of Denton County, Texas, the southerly line of a called 10.01 acre tract of land described in a deed to Armando Olvera, Isidro Olvera and Olivia Olvera, as recorded in Instrument No. 2018-111054 of the Official Records of Denton County, Texas, and the centerline of said Hoehn Road, a distance of 2056.33 feet to a point for corner;

THENCE South 0°29'54" West, departing the centerline of said Hoehn Road, and crossing said 55.27 acre tract, a distance of 826.73 feet to a point for corner on the southerly line of said 55.27 acre tract and on the northerly line of a called 104.5051 acre tract of land described in a deed to Charles E. Stobaugh, as recorded in Volume 2827, Page 965 of the Deed Records of Denton County, Texas;

THENCE along the common line of said 55.27 acre tract and said 104.5051 acre tract, the following courses and distances:

South 87°03'58" West, a distance of 359.14 feet to a metal fence post found for an ell corner of said 55.27 acre tract, common to the northerly northwest corner of said 104.5051 acre tract;

South 2°15'37" West, a distance of 183.36 feet to a 1/2 inch iron rod for the southerly southeast corner of said 55.27 acre tract, common to an ell corner of said 104.5051 acre tract;

North 89°56'04" West, a distance of 1688.00 feet to a 1/2 inch iron rod with plastic cap stamped "RPLS 4561" found for the southwest corner of said 55.27 acre tract, common to the southerly northwest corner of said 104.5051 acre tract, being on the easterly line of said Lot 6;

THENCE South 0°15'53" West, along the easterly line of said Lot 6 and the westerly line of said 104.5051 acre tract, a distance of 1736.32 feet to a 1/2 inch iron rod found for the southeast corner of said Lot 6, common to the southwest corner of said 104.5051 acre tract, the northwest corner of a called 145.493 acre tract of land described in a deed to FFILP Land Holdings, LLC, as recorded in Instrument No. 2019-51911 of the Official Records of Denton County, Texas, and the northeast corner of a called 26.008 acre tract of land described in a deed to Dale P. McCurley, as recorded in Volume 1041, Page 494 of the Deed Records of Denton County, Texas;

THENCE North 89°57'58" West, along the southerly lines of said Lots 1 thru 6, the northerly line of said 26.008 acre tract, the northerly line of a tract of land described in a deed to Carl McCurley, Henry Thompson and V.H. Ward, Jr., as recorded in Volume 663, Page 80 of the Deed Records of Denton County, Texas, the northerly line of a called 13.004 acre tract of land described in a deed to McCurley Ranch, Ltd., as recorded in Instrument No. 1999-126276 of the Official Records of Denton County, Texas, the northerly line of a called 26.008 acre tract of land described as Tract 1 in a deed to McCurley Ranch, Ltd.,

as recorded in Instrument No. 1999- 126276 of the Official Records of Denton County, Texas, and the northerly line of a called 78.473 acre tract of land described in a deed to Ray Sullivan Carson, as recorded in Volume 478, Page 599 of the Deed Records of Denton County, Texas, a distance of 2531.49 feet to a metal post found for the southwest corner of said Lot 1, common to the northwest corner of said 78.473 acre tract, being on the easterly line of a called 100 acre tract of land described in a deed to Adrian J. Butler, Jr., and Margaret J. Butler, as recorded in Instrument No. 1995-47603 of the Official Records of Denton County, Texas;

THENCE North 0°14'24" East, along the westerly line of said Lot 1 and the easterly line of said 100 acre tract, a distance of 226.41 feet to the northeast corner of said 100 acre tract, common to the southeast corner of aforesaid Second Tract;

THENCE North 89°29'36" West, departing the westerly line of said Saddle Ridge Estates, along the southerly line of said Second Tract and the northerly line of said 100 acre tract, a distance of 2983.73 feet to a mag nail set for corner the southwest corner of said Second Tract, common to the northwest corner of said 100 acre tract, being in Lois Road, a variable width right-of-way, and on the easterly line of a called 84.23 acre tract of land described in a deed to Earthland Farms, LLC, as recorded in Instrument No. 2018-88474 of the Official Records of Denton County, Texas;

THENCE North 0°14'24" East, along the westerly lines of said First and Second Tract, the easterly line of said 84.23 acre tract, and said Lois Road, a distance of 2577.69 feet to a mag nail set for northwest corner of said First Tract, being on the northerly right-of-way line of aforesaid Hoehn Road;

THENCE South 89°55'36" East, departing said Lois Road, along the northerly line of said First Tract and the northerly right-of-way line of said Hoehn Road, a distance of 2983.71 feet to a 60D Nail found for the northeast corner of said First Tract, being on the northerly right-of-way line of Hoehn Road, a variable width right-of-way;

THENCE South 0°14'24" West, departing the northerly right-of-way line of said Hoehn Road, crossing said Hoehn Road and along the easterly line of said First Tract, a distance of 50.84 feet to the northwest corner of said Lot 1, same being on the southerly right-of-way line of said Hoehn Road;

THENCE South 89°18'18" East, departing the easterly line of said First Tract, along northerly lines of said Lots 1 thru 6, the southerly line of said 30 foot wide road dedication and the southerly right-of-way line of said Hoehn Road, a distance of 2532.73 feet to the northeast corner of said Lot 6, being on the westerly line of aforesaid 55.27 acre tract;

THENCE North 0°15'53" East, along the easterly line of said 30 foot wide road dedication, the easterly right-of-way line of said Hoehn Road, and the westerly line of said 55.27 acre tract, a distance of 30.00 feet to the POINT OF BEGINNING and containing 385.028 acres (16,771,817 square feet) of land, more or less.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7933A, Special District Local Laws Code, as added by Section 5(a) of this Act, is amended by adding Section 7933A.0307 to read as follows:

Sec. 7933A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 5(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 6. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7938A to read as follows:

CHAPTER 7938A. EAST COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7938A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the East Collin County Municipal Utility District No. 1.

Sec. 7938A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7938A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7938A.0104. CONDITIONS PRECEDENT TO CONFIRMATION ELECTION. (a) The temporary directors may not hold an election under Section 7938A.0103 until:

(1) each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) the district has entered into a contract with a municipality, Collin County, or another entity:

(A) for adequate supplemental police, fire, emergency, and animal control services for the district; and

(B) that is approved by the Commissioners Court of Collin County under Subsection (c).

(b) A contract under Subsection (a) may include a provision that the contract takes effect only on the approval of the Commissioners Court of Collin County and the voters in the district voting in an election held for that purpose.

(c) The Commissioners Court of Collin County shall review a contract under Subsection (a) and evaluate the supplemental police, fire, emergency, and animal control services provided in the contract. If the commissioners court

determines that the contract provides adequate services, the commissioners court shall adopt a resolution stating that the contract has met the requirements of Subsection (a).

Sec. 7938A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7938A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 6(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 6(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7938A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7938A.0202, directors serve staggered four-year terms.

Sec. 7938A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7938A.0103; or

(2) the fourth anniversary of the effective date of the section enacting this chapter.

(c) If permanent directors have not been elected under Section 7938A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7938A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7938A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7938A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7938A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7938A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

(d) The district shall maintain all roads that the district constructs except for roads constructed by the district that another governmental entity agrees to maintain.

Sec. 7938A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7938A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7938A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7938A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7938A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7938A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7938A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7938A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7938A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The East Collin County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

TRACT 1 PROPERTY DESCRIPTION:

BEING 183.834 acres of land situated in the H. Walters Survey, Abstract No. 958, Collin County, Texas and being all of a 183.753 acre tract of land described in a Deed of Trust executed by Carl Raymond Montgomery and wife, Rheda Beth Montgomery to Paul Bennett or James Blakey, trustees, recorded in Volume 2292, Page 279 of the Deed Records of Collin County, Texas (DRCCT) and this tract being more particularly described as follows:

BEGINNING at a point for corner in a Bois D'Arc tree in the south line of a 73.279 acre tract described in a Deed to Marilyn Rice, recorded in Volume 1732, Page 369 (DRCCT), at the northwest corner of said 183.753 acre tract common to the northeast corner of a 43.635 acre tract of land described in a Deed to Raymon Webb Montgomery and Christa Carol Montgomery, recorded as Instrument No. 20131125001578440 (DRCCT), from which a steel fence post found for reference bears South 02°54'15" East a distance of 3.23 feet;

THENCE South 89°54'18" East, along the north line of said 183.753 acre tract common to the south line of said 73.279 acre tract, a distance of 372.95 feet, to a 5/8" iron rod with a yellow cap, stamped "RPLS 3963", set at an angle point thereof;

THENCE South 89°57'56" East, along the north line of said 183.753 acre tract common to the south lines of said 73.279 acre tract and the south line of a 33.279 acre tract of land described in a Deed to Amy Warren, recorded as Instrument No. 20080812000981780 (DRCCT), a distance of 1003.73 feet, to a 5/8" iron rod found for corner near the center of a creek at an exterior ell corner of said 183.753 acre tract common to an interior ell corner of said 33.279 acre tract;

THENCE Southeasterly, along the common lines of said 183.753 acre tract and 33.279 acre tract, the following courses:

South 00°09'50" West, a distance of 65.91 feet, to a 5/8" iron rod found for corner;

South 75°09'08" East, a distance of 718.73 feet, to a point for corner in a west line of a 36.1891 acre tract described in a Deed to Gene Doc Sohn and Sun Young Choi, husband and wife, and Kyoungjoon Cho and Eun Young Choi, husband and wife, recorded as Instrument No. 20141113001243240 (DRCCT) at the northeast corner of said 183.753 acre tract common to a south corner of said 33.279 acre tract, from which a 60D Nail, set for reference bears South 13°38'28" East a distance of 26.03 feet;

THENCE along the common lines of said 183.753 acre tract and said 36.1891 acre tract, the following courses:

South 00°53'07" West, a distance of 32.60 feet, to a 5/8" iron rod found for corner;

South 82°38'52" West, a distance of 22.40 feet, to a 5/8" iron rod found for corner;

THENCE South 00°12'03" West, along an east line of said 183.753 acre tract common to the west lines of said 36.1891 acre tract, a 50.001 acre tract described in a Deed to David Reeder and wife, Becky Reeder, recorded as Instrument No. 92-0071701 (DRCCT), and Spencers Estates Addition, an Addition to Collin County, Texas, recorded in Cabinet H, Slide 622 of the Plat Records of Collin County, Texas (PRCCT), respectively, a distance of 3528.84 feet, to a 1/2" iron rod found for corner in the north right-of-way line of FM 1778 (a 90' a right-of-way) at the southeast corner of said 183.753 acre tract common to the southwest corner of last mentioned Addition;

THENCE South 86°40'47" West, along a south line of said 183.753 acre tract common to the north right-of-way line of said FM 1778, a distance of distance of 430.99 feet, to a 5/8" iron rod with a yellow cap, stamped "RPLS 3963", set for corner at an exterior ell corner of said 183.753 acre tract common to the southeast corner of a 2.00 acre tract described in a Deed to Raymon W. Montgomery, recorded in Volume 2990, Page 495 (DRCCT);

THENCE along common lines of said 183.753 acre tract and said 2.00 acre tract, the following courses:

North 00°42'56" West, a distance of 540.84 feet, to a 5/8" iron rod found for corner;

South 85°10'46" West, a distance of 161.95 feet, to a 1/2" iron rod found for corner;

South 00°43'58" East, a distance of 540.10 feet, to a 5/8" iron rod with a yellow cap, stamped "RPLS 3963", set for corner in the north right-of-way line of said FM 1778 at an exterior ell corner of said 183.753 acre tract common to the southwest corner of said 2.00 acre tract;

THENCE along the common lines of said 183.753 acre tract and the right-of-way lines of said FM 1778, the following courses:

South 85°09'47" West, a distance of 358.92 feet, to a 5/8" iron rod found for corner at the beginning of a tangent curve to the right, having a radius of 2820.26 feet, and a chord which bears South 87°45'47" West a distance of 255.85 feet;

Southwesterly, along said curve to the right, having a central angle of 05°11'58", an arc distance of 255.94 feet, to a 5/8" iron rod with yellow cap, stamped "RPLS 3963", set for corner;

North 89°38'11" West, a distance of 76.11 feet, to a 5/8" iron rod found for corner at the southeast corner of a tract of land described in a Deed to First Baptist Church of Copeville, recorded in Volume 900, Page 353 (DRCCT);

THENCE along the common lines of said 183.753 acre tract and said First Baptist Church of Copeville tract, the following courses:

North 02°55'02" East, a distance of 307.96 feet, to a 5/8" iron rod with a yellow plastic cap, stamped "RPLS 3963", set for corner;

North 89°45'11" West, a distance of 517.40 feet, to a wooden fence post found for corner at the most eastern southeast corner of said 43.635 acre tract common to the northwest corner of said First Baptist Church of Copeville tract;

THENCE along the common lines of said 183.753 acre tract and said 43.635 acre tract, the following courses;

North 63°55'42" West, a distance of 546.96 feet, to a 5/8" iron rod found for corner;

North 19°42'16" West, a distance of 246.95 feet, to a point for corner from which an iron axle found for reference bears North 47°16'17" West, a distance of 4.36 feet;

North 88°17'53" East, a distance of 21.83 feet, to a 3/4" iron pipe found for corner;

North 05°29'46" East, a distance of 3124.24 feet, to THE POINT OF BEGINNING and containing 8,007,806 square feet, or 183.834 acres of land.

TRACT 2 PROPERTY DESCRIPTION:

BEING 43.704 acres of land situated in the H. Walters Survey, Abstract No. 958, Collin County, Texas and being all of a 43.635 acre tract of land described in a Deed to Raymon Webb Montgomery and Christa Carol Montgomery, recorded as Instrument No. 20131125001578440 of the Deed Records of Collin County, Texas (DRCCT) and this tract being more particularly described as follows:

BEGINNING at a 3/8" iron rod found in the east right-of-way line of Burlington Northern & SF Rail Road at the northwest corner of said 43.635 acre tract common to the southwest corner of a 73.279 acre tract of land described in a Deed to Marilyn Rice, recorded in Volume 1732, Page 369,(DRCCT);

THENCE South 89°23'59" East, along the north line of said 43.635 acre tract common to the south line of said 73.279 acre tract, a distance of 557.73 feet, to a point for corner in a Bois D'Arc tree at the northeast corner of said 43.635 acre tract common to the northwest corner of a 183.753 acre tract of land described in a Deed of Trust executed by Carl Raymond Montgomery and wife, Rheda Beth Montgomery to Paul Bennett or James Blakey, trustees, recorded in Volume 2292, Page 279 (DRCCT), from which a steel fence post found for reference bears South 02°54'15" East a distance of 3.23 feet;

THENCE along the common lines of said 43.635 acre tract and said 183.753 acre tract, the following courses:

South 05°29'46" West, a distance of 3124.24 feet, to a 3/4" iron pipe found for corner;

South 88°17'53" West, a distance of 21.83 feet, to a point for corner from which an iron axle found for reference bears North 47°16'17" West a distance of 4.36 feet;

South 19°42'16" East, a distance of 246.95 feet, to a 5/8" iron rod found for corner;

South 63°55'42" East, a distance of 546.96 feet, to a wooden fence post found for corner at the most eastern southeast corner of said 43.635 acre tract common to the northwest corner of a tract of land described in a Deed to First Baptist Church of Copeville, recorded in Volume 900, Page 353 (DRCCT);

THENCE South 02°37'47" West, along a southeast line of said 43.635 acre tract common to the west line of said First Baptist Church of Copeville tract, a distance of 321.86 feet, to a point for corner near the base of a wood highway marker in the north right-of-way line of FM 1778 (a 60' right-of-way at this point going west), at the most southern southeast corner of said 43.635 acre tract;

THENCE North 89°38'13" West, along a south line of said 43.635 acre tract common to the north right-of-way line of said FM 1778, a distance of 282.00 feet, to a point for corner at a south corner of said 43.635 acre tract common to the southeast corner of a 8.22 acre tract of land described in a Deed to Susan Annie Potter and Jon Trace Hailey, recorded as Instrument No. 20101102001194000 (DRCCT), from which a 1/2" iron rod found for reference bears North 20°20'21" West a distance of 1.42 feet;

THENCE North 20°20'21" West, along a southwest line of said 43.635 acre tract common to the northeast line of said 8.22 acre tract, a distance of 860.95 feet, to a wood fence post found at a common corner thereof;

THENCE South 89°34'33" West, along a south line of said 43.635 acre tract common to the north line of said 8.22 acre tract, a distance of 617.61 feet, to a 5/8" iron rod found for corner at a common west corner thereof and being in the east right-of-way line of said Burlington Northern & SF Rail Road, said point being in a curve to the left, having a radius of 1960.08 feet and a chord which bears North 15°08'31" East a distance of 671.75 feet;

THENCE Northeasterly, along the west lines of said 43.635 acre tract common to the east right-of-way lines of said Burlington Northern & SF Rail Road, the following courses:

Northeasterly with said curve to the left, having a central angle of 19°44'01", an arc distance of 675.09 feet, to the point of tangent;

North 05°16'30" East, a distance of 2468.30 feet, to THE POINT OF BEGINNING and containing 1,903,758 square feet, or 43.704 acres of land.

TRACT 3 PROPERTY DESCRIPTION:

BEING 2.002 acres of land situated in the H. Walters Survey, Abstract No. 958, Collin County, Texas and being all of a 2.00 acre tract of land described in a Deed to Raymon W. Montgomery, recorded in Volume 2990, Page 495 of the Deed Records of Collin County, Texas (DRCCT) and this tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod with a yellow cap, stamped "RPLS 3963", set for corner in the north right-of-way line of FM 1778 (a 90' right-of-way) at the southeast corner of said 2.00 acre tract common to an exterior ell corner of a 183.753 acre tract of land described in a Deed of Trust executed by Carl Raymond Montgomery and wife, Rheda Beth Montgomery to Paul Bennett or James Blakey, trustees, recorded in Volume 2292, Page 279 (DRCCT);

THENCE Southwesterly along the south lines of said 2.00 acre tract common to the north right-of-way lines of said FM 1778, the following courses:

South 86°40'47" West, a distance of 29.08 feet, to a 5/8" iron rod with a yellow cap, stamped "RPLS 3963", set for corner;

South 85°09'47" West, a distance of 132.67 feet, to a 5/8" iron rod with a yellow cap, stamped "RPLS 3963", set for corner at the southwest corner of said 2.00 acre tract common to an exterior ell corner of said 183.753 acre tract;

THENCE along the common lines of said 2.00 acre and 183.753 acre tracts, the following courses:

North 00°43'58" West, a distance of 540.10 feet, to a 1/2" iron rod found for corner;

North 85°10'46" East, a distance of 161.95 feet, to a 5/8" iron rod found for corner;

South 00°42'56" East, a distance of 540.84 feet, to THE POINT OF BEGINNING and containing 87,213 square feet, or 2.002 acres of land.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7938A, Special District Local Laws Code, as added by Section 6(a) of this Act, is amended by adding Section 7938A.0306 to read as follows:

Sec. 7938A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 6(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 7. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7942A to read as follows:

CHAPTER 7942A. MUSTANG RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7942A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Pilot Point, Texas.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Mustang Ranch Municipal Utility District No. 1 of Denton County.

Sec. 7942A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7942A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7942A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7942A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7942A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7942A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 7(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 7(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7942A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7942A.0202, directors serve staggered four-year terms.

Sec. 7942A.0202. TEMPORARY DIRECTORS. (a) On or after October 1, 2021, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7942A.0103; or

(2) October 1, 2025.

(c) If permanent directors have not been elected under Section 7942A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7942A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7942A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7942A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7942A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7942A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7942A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7942A.0306. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 7(b) of the Act enacting this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7942A.0103 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7942A.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7942A.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7942A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7942A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7942A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7942A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7942A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7942A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7942A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7942A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Mustang Ranch Municipal Utility District No. 1 of Denton County initially includes all the territory contained in the following area:

BEING a tract of land situated in the Charles Fliesner Survey, Abstract No. 431 and the Charles Mossenton Survey, Abstract No. 808, Denton County, Texas, and being all of a called 669.40-acre tract of land conveyed to Michael Hall Shelby Revocable Family Trust, as evidenced in a Special Warranty Deed, recorded in Instrument No. 2017-35430 of the Official Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with an orange cap, stamped "KAZ" found for the northwest corner of said 669.40-acre tract and the northerly, northeast corner of a called 1,028.306-acre tract of land conveyed to Bert Field, Jr., as evidenced in a Warranty Deed, recorded in Volume 729, Page 561 of the Deed Records of Denton County, Texas, same also being on the southerly right of way line of F. M. 455, an 80' wide right of way as described in a deed to the State of Texas, recorded in Volume 334, Page 119 of the Deed Records of Denton County, Texas;

THENCE South 88°35'39" East, along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, a distance of 338.12 feet to a 1/2-inch iron rod with an orange cap, stamped "KAZ" found for the beginning of a tangent curve to the right having a central angle of 09°46'00", a radius of 2,824.79 feet, a chord bearing and distance of South 83°42'39" East, 480.93 feet;

THENCE in a southeasterly direction, continuing along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, along said curve to the right, an arc distance of 481.52 feet to a point for corner;

THENCE South 78°49'39" East, continuing along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, a distance of 1,475.57 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

THENCE South 78°43'39" East, continuing along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, a distance of 1657.57 feet to a 1/2-inch iron rod with an orange cap, stamped "KAZ" found for the beginning of a tangent curve to the right having a central angle of 06°48'00", a radius of 3,779.72 feet, a chord bearing and distance of South 75°19'39" East, 448.32 feet;

THENCE in a southeasterly direction, continuing along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, along said curve to the right, an arc distance of 448.59 feet to a 1/2-inch iron rod with an orange cap, stamped "KAZ" found for corner;

THENCE South 71°55'39" East, continuing along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, a distance of 888.92 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for corner;

THENCE South 71°24'39" East, continuing along the northerly line of said 669.40-acre tract and the southerly right of way line of said F. M. 455, a distance of 194.87 feet to a 1/2-inch iron rod with an orange cap, stamped "KAZ" found for the northeast corner of said 669.40-acre tract, same being the northwest corner of a called Tract 2 (137.91-acres), conveyed to Sharon Anne Shelby, as evidenced in a Partition Deed, recorded in Instrument No. 2016-5887 of the Official Records of Denton County, Texas;

THENCE South 00°00'05" East, departing the southerly right of way line of said F. M. 455, along the easterly line of said 669.40-acre tract and the westerly line of said Tract 2 (137.91-acres), and generally with a barbed wire fence, a distance of 4,776.49 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set in an asphalt road, known as Hames Road, for the southeast corner of said 669.40-acre tract and the southwest corner of said Tract 2 (137.91-acres), same being on the northerly line of a called Tract 1 (87.748-acres), conveyed to TLD Willard, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 2014-111011 of the Official Records of Denton County, Texas;

THENCE North 89°56'35" West, along the southerly line of said 669.40-acre tract, the northerly line of said Tract 1 (87.748-acres), and along said Hames Road, a distance of 116.68 feet to a 3/4-inch iron rod found for the northwest corner of said Tract 1 (87.748-acres) and the northeast corner of a called 12.095-acre tract of land, conveyed to Jeff D. Kappel, et ux, as evidenced in a Warranty Deed, recorded in Volume 5085, Page 1484 of the Deed Records of Denton County, Texas;

THENCE North 89°39'47" West, continuing along the southerly line of said 669.40-acre tract, the northerly line of said 12.095-acre tract and said Hames Road, a distance of 705.49 feet to a 5/8-inch iron rod found for the northwest corner of said 12.096-acre tract and the northeast corner of a called 6.05-acre tract, conveyed to Elias Loredo, el al, as evidenced in a Warranty Deed, recorded in Instrument No. 2016-92822 of the Official Records of Denton County, Texas;

THENCE North 89°35'57" West, continuing along the southerly line of said 669.40-acre tract, the northerly line of said 6.05-acre tract and said Hames Road, a distance of 708.43 feet to a 3/4-inch iron rod found in a bend of said Hames Road, for the northwest corner of said 6.05-acre tract, same being the northeast corner of a called Tract 2 (146.593-acres), conveyed to TLD Willard, Ltd., as evidenced in a Special Warranty Deed, recorded in Instrument No. 2014-111011 of the Official Records of Denton County, Texas;

THENCE North 89°28'39" West, departing said Hames Road, continuing along the southerly line of said 699.40-acre tract and the northerly line of said Tract 2 (146.593-acres), a distance of 3,408.99 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for an angle point;

THENCE North 89°38'21" West, continuing along the southerly line of said 699.40-acre tract and the northerly line of said Tract 2 (146.593-acres), passing at a distance of 82.62 feet, a found 1/2-inch iron rod, continuing for a total distance of 455.62 feet to a 1/2-inch iron rod found for the southwest corner of said 699.40-acre tract and a southeasterly corner of aforesaid 1,028.306-acre Bert Fields Jr., tract;

THENCE North 00°24'46" East, along the westerly line of said 699.40-acre tract, the easterly line of said 1,028.306-acre tract, and along a barbed wire fence, a distance of 5,855.81 feet to the POINT OF BEGINNING and containing 669.396 acres (29,158,886 square feet) of land, more or less.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7942A, Special District Local Laws Code, as added by Section 7(a) of this Act, is amended by adding Section 7942A.0307 to read as follows:

Sec. 7942A.0307. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 7(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

(e) This section takes effect October 1, 2021.

SECTION 8. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7948A to read as follows:

CHAPTER 7948A. CLEAR SKY MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7948A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Clear Sky Municipal Utility District of Denton County.

Sec. 7948A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7948A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7948A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7948A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7948A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7948A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 8(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 8(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7948A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7948A.0202, directors serve staggered four-year terms.

Sec. 7948A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Manolo "Manny" Rios;

(2) David "Mike" Boswell;

(3) Ronald Eric Robbins;

(4) Grant Walsh Devlin; and

(5) Demerius "Dee" Seals.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7948A.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 7948A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7948A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7948A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7948A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7948A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7948A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7948A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7948A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7948A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7948A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7948A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7948A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7948A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7948A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7948A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Clear Sky Municipal Utility District of Denton County initially includes all the territory contained in the following area:

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE T. CHAMBERS, ABSTRACT NUMBER 223, AND BEING A PORTION OF A TRACT OF LAND TO AUBREY 64 NORTH LP, A TEXAS LIMITED PARTNERSHIP, RECORDED IN INSTRUMENT NUMBER 2020-3173 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID AUBREY 64 NORTH TRACT WITH A CURVE TO THE LEFT, AN ARC DISTANCE OF 62.71 FEET, THROUGH A CENTRAL ANGLE OF 00° 40' 50", HAVING A RADIUS OF 5,280.00 FEET, AND A LONG CHORD WHICH BEARS N 88° 15' 25" W, 62.71 FEET;

THENCE N 88° 35' 50" W, 3237.22 FEET;

THENCE N 01° 32' 58" E, 894.59 FEET;

THENCE S 88° 39' 54" E, 1967.25 FEET;

THENCE S 01° 48' 01" W, 325.45 FEET;
THENCE S 87° 02' 21" E, 447.69 FEET;
THENCE N 89° 38' 44" E, 718.09 FEET;
THENCE S 85° 43' 18" E, 164.97 FEET;
THENCE S 01° 38' 33" W, 65.30 FEET;
THENCE S 01° 13' 27" E, 100.10 FEET;
THENCE S 01° 38' 33" W, 408.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,520,613 SQUARE FEET OR 57.865 ACRES OF LAND MORE OR LESS.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7948A, Special District Local Laws Code, as added by Section 8(a) of this Act, is amended by adding Section 7948A.0306 to read as follows:

Sec. 7948A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 8(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

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

SECTION 9. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7945A to read as follows:

CHAPTER 7945A. MUSTANG RIDGE MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7945A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Mustang Ridge Municipal Utility District.

Sec. 7945A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7945A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7945A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7945A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7945A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7945A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 9(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 9(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7945A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7945A.0202, directors serve staggered four-year terms.

Sec. 7945A.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7945A.0103; or

(2) the fourth anniversary of the effective date of the section enacting this chapter.

(c) If permanent directors have not been elected under Section 7945A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7945A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7945A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7945A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7945A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7945A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7945A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7945A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7945A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7945A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7945A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7945A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7945A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7945A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7945A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Mustang Ridge Municipal Utility District initially includes all the territory contained in the following area:

BEING A 303.2 ACRE TRACT OUT OF THE JOSE SEFERINA MORA SURVEY NUMBER 6, ABSTRACT NUMBER 522, TRAVIS COUNTY, TEXAS, BEING THE CONSOLIDATION OF SIX TRACTS OF LAND DESCRIBED HEREIN, BEING ALL OF A CALLED 91.81 ACRE TRACT, DESCRIBED TO ALTON BROOKS LAWS, JR. AS RECORDED IN VOLUME 10031, PAGE 431 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS [R.P.R.T.C.T.], AND BEING ALL OF A CALLED 107.33 ACRE TRACT, CONVEYED TO LAWS FAMILY PARTNERSHIP, LTD., AS RECORDED IN DOCUMENT NUMBER 2008202782 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], AND BEING ALL OF A CALLED 92.775 TRACT, CONVEYED TO ALTON B. LAWS JR. AND WIFE, JOYCE KING LAWS, AS RECORDED IN VOLUME 3931, PAGE 2021 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS [D.R.T.C.T.], AND BEING ALL OF A CALLED 6.00 ACRES, CONVEYED TO ALTON B. LAWS, III, AS RECORDED IN DOCUMENT NUMBER 2001109391 [O.P.R.T.C.T.], AND BEING ALL OF A CALLED 6.00 ACRES, CONVEYED TO LARRY L. LAWS AND TERRI R. LAWS, AS RECORDED IN DOCUMENT NUMBER 2000125247 [O.P.R.T.C.T.], AND BEING ALL OF A CALLED 1.00 ACRE TRACT, BEING A PORTION OF THAT 114.34 ACRE TRACT CONVEYED TO ALTON B. LAWS JR. AND WIFE, JOYCE K. LAWS, AS RECORDED IN

VOLUME 174, PAGE 214 [D.R.T.C.T.], SAID 303.2 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found for the west corner of said 91.81 acre tract, same being the south corner of a called 91.784 acre tract described to MRLH, LLC, recorded in Document Number 2020178896 [O.P.R.T.C.T.], same being on the northeast line of a called 223.25 acre tract, described to H. Philip Whitworth, Jr., described in Volume 12605, Page 836 [O.P.R.T.C.T.],

THENCE, N42°21'15"E, along the common line of said 91.81 acre tract and said 91.7984 acre tract, a distance of 3,395.26 feet to a 60D nail found for the north corner of said 91.81 acre tract, same being the east corner of said 91.7984 acre tract, also in the southwest right-of-way of Old Lockhart Highway, a 50-foot wide right-of-way, recorded in Document Number 2000125247 [O.P.R.T.C.T.],

THENCE with the common lines of said right-of-way, said 91.81 acre tract, said 6.00 acre Larry L. Laws tract, said 107.33 acre tract, and said 92.775 acre tract, the following three (3) courses and distances:

1) S47°20'14"E, a distance of 1,465.76 feet to an angle point,

2) N42°02'10"E, a distance of 27.63 feet to an angle point, and

3) S48°15'17"E, a distance of 2,408.01 feet to a 6 inch cedar fence post, found at the east corner of said 92.775 acre tract and the tract described herein, same being a point on the said southwest right-of-way of Old Lockhart Highway, and being on the northwest right-of-way of Elm Grove Road, a variable width right-of-way, described in Volume 3426, Page 1348 [D.R.T.C.T.];

THENCE, S43°03'48"W, along the common line of said 92.775 acre tract, said 6.00 acre Alton B. Laws tract, and the northwest right-of-way of said Elm Grove Road, a distance of 3,469.91 feet to 1/2-inch iron rod found for the south corner of said 92.775 acre tract, and the south corner of the tract described herein, same being the northerly southeast corner of Lot 2, Elm Grove Estates, a plat thereof recorded in Volume 92, Pages 263-264 of the Plat Records of Travis County, Texas, [P.R.T.C.T];

THENCE, N47°12'40"W, along the common line of said 91.775 acre tract and said 107.33 acre tract, said 91.81 acre tract, said Lot 2, and said 223.25 acre tract, a distance of 3,830.62 feet to the POINT OF BEGINNING of the tract described herein and containing approximately 303.2 acres.

Basis of bearing is the Texas Coordinate System, Central Zone [4203], NAD83 (2011), Epoch 2010.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7945A, Special District Local Laws Code, as added by Section 9(a) of this Act, is amended by adding Section 7945A.0306 to read as follows:

Sec. 7945A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 9(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

(e) This section 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.

SECTION 10. (a) Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7954A to read as follows:

CHAPTER 7954A. CLEAR SKY MUNICIPAL UTILITY DISTRICT NO. 1 OF COOKE COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7954A.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Clear Sky Municipal Utility District No. 1 of Cooke County.

Sec. 7954A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7954A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7954A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7954A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7954A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7954A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 10(b) of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 10(b) of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7954A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7954A.0202, directors serve staggered four-year terms.

Sec. 7954A.0202. TEMPORARY DIRECTORS. (a) On or after September 1, 2021, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7954A.0103; or

(2) September 1, 2025.

(c) If permanent directors have not been elected under Section 7954A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7954A.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7954A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7954A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7954A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7954A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7954A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7954A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7954A.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7954A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7954A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7954A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7954A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7954A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7954A.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

(b) The Clear Sky Municipal Utility District No. 1 of Cooke County initially includes all the territory contained in the following area:

TRACT ONE

FIELD NOTES TO 179.94 ACRES IN THE JOHN ADDA SURVEY ABSTRACT 1177, ET AL, COOKE COUNTY, TEXAS

All that certain tract or parcel of land situated in the John Adda Survey Abstract 1177 and the E. Bradley Survey Abstract 34, Cooke County, Texas, being part of a 293.56 acre tract conveyed by Rose Marie Strickland, Trustee to Earl L. Bengtston by deed recorded in Volume 1022, page 263, of the Cooke County Official Public Records, and being more particularly described as follows:

BEGINNING at a found steel pin at the Northeast corner of said Bengtston tract, common to the Southeast corner of a tract conveyed to Alvrone Sater by deed recorded in Volume 734, page 275 of the Cooke County Deed Records, in County Road 200, on the West line of a tract conveyed to John Porter Farms, Inc. by deed recorded in Volume 626, page 123 of said Deed Records, said beginning corner further being South 00 degrees 11 minutes 30 seconds East, a distance of 1219.85 feet from the Southwest corner of the J. R. Davis Survey Abstract 334 in Cooke County.

THENCE South 00 degrees 11 minutes 30 seconds East, in said County Road 200, crossing the South line of said Adda Survey, common to the North line of said Bradley Survey, continuing a total of 2824.05 feet to a found steel pin at the Easternmost Southeast corner of said John Porter Farms tract, on the North line of a tract conveyed to Alvrone Sater, Trustee, by deed recorded in Volume 734, page 271 of said Deed Records, at a turn in said County Road 200, on the South line of Cooke County, common to the North line of Denton County as described in said Bengtston deed;

THENCE North 89 degrees 51 minutes 52 seconds West, with said North line of said Sater tract, a distance of 40.68 feet to a found steel pin;

THENCE South 89 degrees 45 minutes 12 seconds West, a distance of 3012.78 feet to a found steel pin at the Southernmost Southeast corner of a tract conveyed to Troy P. Miller, Jr. by deed recorded in Volume 805, page 156 of said Deed Records;

THENCE with an old fence line the following courses and distances:

North 07 degrees 55 minutes 34 seconds East, crossing the line common to said Adda and Bradley Surveys, a distance of 745.34 feet to a found steel pin,

North 19 degrees 20 minutes 59 seconds East, a distance of 105.60 feet to a found steel pin,

North 10 degrees 07 minutes 43 seconds East, a distance of 796.69 feet to a found steel pin,

North 72 degrees 35 minutes 49 seconds East, a distance of 201.96 feet to a found steel pin;

THENCE North 00 degrees 20 minutes 42 seconds East, along or near a fence, a distance of 1157.87 feet to a found steel pin at the Southwest corner of said Sater tract;

THENCE South 89 degrees 55 minutes 19 seconds East, along or near a fence, passing a found steel pin at a fence corner on the West line of said County Road 200, continuing a total of 2566.42 feet to the point of beginning containing 179.94 acres of land.

(c) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7954A, Special District Local Laws Code, as added by Section 10(a) of this Act, is amended by adding Section 7954A.0306 to read as follows:

Sec. 7954A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(d) Section 10(c) is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

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

SECTION 11. (a) The legal notice of the intention to file bills creating each district described by this Act has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and a copy of a bill to create each district described by this Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to each bill to create each district described by this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of each bill to create each district described by this Act are fulfilled and accomplished.

SECTION 12. Except as otherwise provided by this Act, 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.

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

Amend Amendment No. 1 by Springer to **CSHB 4627** as follows:

(1) In SECTION 3(a) of the amendment, adding Chapter 7913A, Special District Local Laws Code, strike page 41, line 28 through page 42, line 7 and substitute the following:

Sec. 7913A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Aaron Horvitz;

(2) Onyinyechi Muilenburg;

(3) Christine Harris;

(4) Regan John O'Connor; and

(5) Carol J Wooldridge.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8080.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(2) In SECTION 3(e) of the amendment, stating the effective date for the section, strike page 49, line 25.

(3) In SECTION 5 of the amendment, stating the metes and bounds for the Northwest Denton County Municipal Utility District No. 1, strike page 70, line 11 through page 74, line 24 and substitute the following:

NORTHWEST DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO.1
TRACT 1

BEING a tract of land situated in the William Mason Survey, Abstract No. 801, Denton County, Texas, and being all of Lots 1 thru 4 and portions of Lots 5 and 6, Block A of Saddle Ridge Estates, according to the Final Plat thereof recorded in Cabinet M, Page 241 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southeast corner of said Lot 6, common to the southwest corner of a called 104.5051 acre tract of land described in a deed to Charles E. Stobaugh, as recorded in Volume 2827, Page 965 of the Deed Records of Denton County, Texas, the northwest corner of a called 145.493 acre tract of land described in a deed to FFILP Land Holdings, LLC, as recorded in Instrument No. 2019-51911 of the Official Records of Denton County, Texas, and the northeast corner of a called 26.008 acre tract of land described in a deed to Dale P. McCurley, as recorded in Volume 1041, Page 494 of the Deed Records of Denton County, Texas;

THENCE North 89°57'58" West, along the southerly lines of said Lots 1 thru 6, the northerly line of said 26.008 acre tract, the northerly line of a tract of land described in a deed to Carl McCurley, Henry Thompson and V.H. Ward, Jr., as recorded in Volume 663, Page 80 of the Deed Records of Denton County, Texas, the northerly line of a called 13.004 acre tract of land described in a deed to McCurley Ranch, Ltd., as recorded in Instrument No. 1999-126276 of the Official Records of Denton County, Texas, the northerly line of a called 26.008 acre tract of land described as Tract 1 in a deed to McCurley Ranch, Ltd., as recorded in Instrument No. 1999-126276 of the Official Records of Denton County, Texas, and the northerly line of a called 78.473 acre tract of land described in a deed to Ray Sullivan Carson, as recorded in Volume 478, Page 599 of the Deed Records of Denton County, Texas, a distance of 2531.49 feet to a metal post found for the southwest corner of said Lot 1, common to the northwest

corner of said 78.473 acre tract, being on the easterly line of a called 100 acre tract of land described in a deed to Adrian J. Butler, Jr., and Margaret J. Butler, as recorded in Instrument No. 1995-47603 of the Official Records of Denton County, Texas;

THENCE North 0°14'24" East, along the westerly line of said Lot 1, the easterly line of said 100 acre tract, and the easterly lines of a called 100.00 acre tract of land described as First Tract and a called 76.691 acre tract of land described as Second Tract in a deed to M.B. Rudman and Alvrone Sater Trust No. 3, as recorded in Volume 963, Page 78 of the Deed Records of Denton County, Texas, a distance of 2775.82 feet to the northwest corner of said Lot 1, common to the southwest corner of a 30 foot wide road dedication as shown on the Final Plat of aforesaid Saddle Ridge Estates, same being on the southerly right-of-way line of Hoehn Road, a variable width right-of-way;

THENCE South 89°18'18" East, departing the easterly line of said First Tract, along northerly lines of said Lots 1 thru 5, the southerly line of said 30 foot wide road dedication and the southerly right-of-way line of said Hoehn Road, a distance of 1879.75 feet to a point for corner on the westerly line of the City of Sanger ETJ as shown on its GIS Map as of May 6, 2021;

THENCE South, departing the northerly line of said Lot 5, the southerly line of said 30 foot wide road dedication and the southerly right-of-way line of said Hoehn Road, and crossing said Lot 5 and along the westerly line of said City of Sanger ETJ, a distance of 389.56 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 24°26'28", a radius of 5350.00 feet, a chord bearing and distance of South 16°26'37" East, 2264.92 feet;

THENCE in a southeasterly direction continuing across said Lot 5 and along the westerly line of said City of Sanger ETJ, and crossing said Lot 6 and with said curve to the left, an arc distance of 2282.21 feet to a point for corner on the easterly line of said Lot 6 and the westerly line of said 104.5051 acre tract;

THENCE South 0°15'53" West, along the easterly line of said Lot 6 and the westerly line of said 104.5051 acre tract, a distance of 192.66 feet to the POINT OF BEGINNING and containing 134.280 acres (5,849,251 square feet) of land, more or less.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

NORTHWEST DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO.1

TRACT 2

BEING a tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 199 and the B.B.B. & C.R.R. Co. Survey, Abstract No. 1457, Denton County, Texas, and being all of a called 100.00 acre tract of land described as First Tract and all of a called 76.691 acre tract of land described as Second Tract in a Conveyance, Assignment and Deed to MER Energy, LTD., as recorded in Instrument No. 2011-110535 of the Official Records of Denton County, Texas, in a Conveyance, Assignment and Deed to Rudco Land, LLC, as recorded in Instrument No. 2017-16370 of the Official Records of Denton County, Texas, and in Conveyance, Assignment and Deed of Correction to Ira W. Silverman,

Trustee of the Tachina Rudman Trust, as recorded in Instrument No. 2019-142385 of the Official Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 60D Nail found for the northeast corner of said First Tract, being on the northerly right-of-way line of Hoehn Road, a variable width right-of-way;

THENCE South 0°14'24" West, departing the northerly right-of-way line of said Hoehn Road, crossing said Hoehn Road and along the easterly line of said First Tract, passing at a distance of 20.84 feet a 1/2 inch iron rod found for the northwest corner of Saddle Ridge Estates, according to the plat thereof recorded in Cabinet M, Slide 241 of the Plat Records of Denton County, Texas, and continuing along the same course and along the westerly line of said Saddle Ridge Estates and the easterly line of said Second Tract, for a total distance of 2600.25 feet to 5/8 inch iron rod with plastic cap stamped "KHA" set for the southeast corner of said Second Tract, common to the northeast corner of a called 100 acre tract of land described in a deed to Adrian J. Butler, Jr., and Margaret J. Butler, as recorded in Instrument No. 1995-47603 of the Official Records of Denton County, Texas, from which, a wood post found for witness bears South 87°24' West, 4.7 feet;

THENCE North 89°29'36" West, departing the westerly line of said Saddle Ridge Estates, along the southerly line of said Second Tract and the northerly line of said 100 acre tract, a distance of 2983.73 feet to a mag nail set for corner the southwest corner of said Second Tract, common to the northwest corner of said 100 acre tract, being in Lois Road, a variable width right-of-way, and on the easterly line of a called 84.23 acre tract of land described in a deed to Earthland Farms, LLC, as recorded in Instrument No. 2018-88474 of the Official Records of Denton County, Texas;

THENCE North 0°14'24" East, along the westerly lines of said First and Second Tract, the easterly line of said 84.23 acre tract, and said Lois Road, a distance of 2577.69 feet to a mag nail set for northwest corner of said First Tract, being on the northerly right-of-way line of said Hoehn Road;

THENCE South 89°55'36" East, departing said Lois Road, along the northerly line of said First Tract and the northerly right-of-way line of said Hoehn Road, a distance of 2983.71 feet to the POINT OF BEGINNING and containing 177.334 (7,724,689 square feet) of land, more or less.

HB 4294 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 4294, A bill to be entitled An Act relating to the organization and efficient operation of the legislative branch of state government through joint entities.

Representative Metcalf moved to concur in the senate amendments to **HB 4294**.

The motion to concur in the senate amendments to **HB 4294** prevailed by (Record 1711): 133 Yeas, 14 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; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; 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; Kuempel; Lambert; Landgraf; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; 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 — Cook; Frullo; Hefner; Hinojosa; Krause; Leman; Middleton; Patterson; Schaefer; Schofield; Shaheen; Slaton; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Moody.

STATEMENTS OF VOTE

When Record No. 1711 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1711 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

Senate Committee Substitute

CSHB 4294, A bill to be entitled An Act relating to the organization and efficient operation of the legislative branch of state government through joint entities.

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

SECTION 1. Subchapter B, Chapter 301, Government Code, is amended by adding Section 301.035 to read as follows:

Sec. 301.035. JOINT INTERIM COMMITTEE PER DIEM AND TRAVEL EXPENSES. Unless a statute expressly provides otherwise, per diem and travel expenses paid to a member of a joint committee established by statute

shall be paid by the house to which the member belongs. The per diem and travel expenses paid to a public member of the committee shall be paid by the office of the appointing entity.

SECTION 2. Section 326.001, Government Code, is amended to read as follows:

Sec. 326.001. DEFINITION. In this chapter, "legislative agency":

(1) means:

(A) [~~(1)~~] the senate;

(B) [~~(2)~~] the house of representatives;

(C) [~~(3)~~] a committee, division, department, or office of the senate or house;

(D) [~~(4)~~] the Texas Legislative Council;

(E) [~~(5)~~] the Legislative Budget Board;

(F) [~~(6)~~] the Legislative Reference Library;

(G) [~~(7)~~] the office of the State Auditor; or

(H) [~~(8)~~] any other agency in the legislative branch of state government; and

(2) does not include the Texas Ethics Commission.

SECTION 3. Section 326.002, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The Texas Legislative Council may transfer money to another legislative agency to cover expenses of the other agency that the executive director of the council determines to be necessary to further a purpose of the council.

SECTION 4. Chapter 762, Government Code, is transferred to Subtitle C, Title 3, Government Code, redesignated as Chapter 329, Government Code, and amended to read as follows:

CHAPTER 329 [~~762~~]. COMMISSION ON UNIFORM STATE LAWS

Sec. 329.001 [~~762.001~~]. DEFINITIONS. In this chapter:

(1) "Commission" means the Commission on Uniform State Laws.

(2) "National conference" means the National Conference of Commissioners on Uniform State Laws.

Sec. 329.002 [~~762.002~~]. DUTIES OF COMMISSION. (a) The commission shall:

(1) promote the uniform judicial interpretation of all uniform laws; and

(2) before January 1 of each odd-numbered year, submit a biennial report to the legislature that contains an account of the commission's transactions and its advice and recommendations for legislation.

(b) The commission may supplement the report.

Sec. 329.003 [~~762.003~~]. COMPOSITION OF COMMISSION; TERMS. (a) The commission is composed of:

(1) nine members appointed by the governor;

(2) two members appointed by the lieutenant governor, who are members or officers of the senate;

(3) two members appointed by the speaker of the house of representatives, who are members or officers of the house of representatives;

(4) the chair of the standing committee of the senate with primary jurisdiction over uniform state laws;

(5) the chair of the standing committee of the house of representatives with primary jurisdiction over uniform state laws;

(6) the executive director of the Texas Legislative Council or a person designated by the executive director; and

(7) [~~(3)~~] in addition to the persons described by Subdivisions (1) through (6) [~~and (2)~~], residents of this state who have long service in the cause of uniformity in state legislation as shown by:

(A) at least 20 years of service representing the state as an associate member of the national conference;

(B) election as a life member of the national conference; or

(C) at least 15 years of service as a member of the commission and at least five years of combined service as a judge or justice of a trial or appellate court of this state.

(b) Appointments to the commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(c) Members appointed by the governor under Subsection (a)(1) [~~Appointed members~~] serve staggered six-year terms, with the terms of three members expiring September 30 of each even-numbered year.

(d) Members appointed by the lieutenant governor under Subsection (a)(2) serve at the pleasure of the lieutenant governor.

(e) Members appointed by the speaker of the house of representatives under Subsection (a)(3) serve at the pleasure of the speaker.

Sec. 329.004 [~~762.004~~]. ELIGIBILITY [~~FOR APPOINTMENT~~]; LOBBYIST RESTRICTION. (a) To be eligible for appointment to or service on the commission, a person must be an attorney licensed to practice law.

(b) At least one of the commissioners, at the time of that commissioner's appointment, must be a state judge.

(c) At least one of the commissioners, at the time of that commissioner's appointment, must be a legal educator.

(d) A person required to register as a lobbyist under Chapter 305 because of the person's activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a commissioner or act as general counsel to the commission.

Sec. 329.005 [~~762.005~~]. DUTIES OF COMMISSIONERS. Each commissioner shall:

(1) promote uniformity in state laws in subject areas in which uniformity is desirable and practicable; and

(2) attend national conference meetings.

Sec. 329.006 [~~762.006~~]. VACANCY; EXPIRATION OF TERM. (a) This section applies only to a commissioner appointed by the governor.

(b) The office of an appointed commissioner becomes vacant on the death, resignation, failure or refusal to serve, or removal of the commissioner.

(c) [~~(b)~~] The governor shall fill a vacancy by appointing a person to the commission for the unexpired term of the commissioner vacating the office.

(d) [~~(c)~~] On the vacancy or expiration of the term of office of an appointed commissioner, the governor shall appoint a state judge or legal educator if the appointment is required by Section 329.004(b) [~~762.004(b)~~] or (c).

Sec. 329.007 [~~762.008~~]. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission if a member:

(1) did not have, at the time of appointment or election, the qualifications required by Section 329.004 [~~762.004~~];

(2) does not maintain the qualifications required by Section 329.004 [~~762.004~~];

(3) is prohibited from serving as a commissioner under Section 329.004(d) [~~762.004(d)~~]; or

(4) is ineligible to participate in activities of the national conference.

(b) The validity of an action of the commission is not affected because it is taken when a member is subject to removal.

Sec. 329.008 [~~762.009~~]. MEETING AND ELECTION OF OFFICERS. (a) The commission shall meet at least once every two years.

(b) The commissioners shall elect a chair [~~chairman~~] and secretary, who shall each hold office for a term of two years.

Sec. 329.009 [~~762.010~~]. COMPENSATION. A commissioner serves without compensation but is entitled to be reimbursed for reasonable expenses incurred in the performance of the commissioner's duties.

Sec. 329.010 [~~762.011~~]. SUPPORT SERVICES. The Texas Legislative Council shall provide accounting, clerical, and other support services necessary for the commission to carry out its duties.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 1659 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1659, A bill to be entitled An Act relating to the amendment of a residential subdivision's declaration to affect certain types of property located in the subdivision.

Representative Murphy moved to concur in the senate amendments to **HB 1659**.

The motion to concur in the senate amendments to **HB 1659** prevailed by (Record 1712): 139 Yeas, 7 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; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins;

Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; 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; Price; 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.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Hefner; Hinojosa; Schaefer; Slaton; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bell, C.; Dutton.

STATEMENTS OF VOTE

When Record No. 1712 was taken, I was shown voting yes. I intended to vote no.

Cain

When Record No. 1712 was taken, I was shown voting no. I intended to vote yes.

Schaefer

Senate Committee Substitute

CSHB 1659, A bill to be entitled An Act relating to the amendment of a residential subdivision's declaration to affect certain types of property located in the subdivision.

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

SECTION 1. Section 209.0041, Property Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) This section does not apply to an amendment of a declaration if the amendment would affect a portion of a subdivision that is zoned for or that contains, or previously contained as specifically allowed under the declaration, a commercial structure, an industrial structure, an apartment complex, or a condominium as defined by Section 81.002 or 82.003. For purposes of this subsection, "apartment complex" means two or more dwellings in one or more buildings that are owned by the same owner, located on the same lot or tract, and managed by the same owner, agent, or management company.

SECTION 2. Section 209.0041(d-1), Property Code, as added by this Act, applies only to a vote to amend a declaration held on or after the effective date of this Act. A vote to amend a declaration held before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

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 1525 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1525, A bill to be entitled An Act relating to the public school finance system.

Representative Huberty 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 1525**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1525**: Huberty, chair; Bernal, Dutton, K. King, and VanDeaver.

HB 133 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 133, A bill to be entitled An Act relating to the Medicaid eligibility of certain women after a pregnancy.

Representative Rose moved to concur in the senate amendments to **HB 133**.

The motion to concur in the senate amendments to **HB 133** prevailed by (Record 1713): 135 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; 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; 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; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.;

Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Hefner; Middleton; Schaefer; Slaton; Tinderholt; Wilson.

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

Absent, Excused — Coleman.

Absent — Frank; Lozano; Toth.

STATEMENT OF VOTE

When Record No. 1713 was taken, I was shown voting no. I intended to vote yes.

Middleton

Senate Committee Substitute

CSHB 133, A bill to be entitled An Act relating to the provision of certain benefits under Medicaid and the Healthy Texas Women program, including the transition of case management for children and pregnant women program services and Healthy Texas Women program services to a managed care program.

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

SECTION 1. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.002555 to read as follows:

Sec. 533.002555. TRANSITION OF CASE MANAGEMENT FOR CHILDREN AND PREGNANT WOMEN PROGRAM RECIPIENTS TO MANAGED CARE PROGRAM. (a) In this section, "children and pregnant women program" means the benefits program provided under Medicaid and administered by the Department of State Health Services that provides case management services to children who have a health condition or health risk and pregnant women who have a high-risk condition.

(b) The commission shall transition to a Medicaid managed care model all case management services provided to recipients under the children and pregnant women program. In transitioning services under this section, the commission shall ensure a recipient is provided case management services through the managed care plan in which the recipient is enrolled.

(c) In implementing this section, the commission shall ensure:

(1) a seamless transition in case management for recipients receiving benefits under the children and pregnant women program; and

(2) case management services provided under the program are not interrupted.

SECTION 2. Subchapter F, Chapter 32, Health and Safety Code, is amended by amending Section 32.152 and adding Sections 32.156 and 32.157 to read as follows:

Sec. 32.152. [~~ASSESSING~~] PROVISION OF HEALTHY TEXAS WOMEN PROGRAM SERVICES THROUGH MANAGED CARE. (a) The commission shall contract [~~assess:~~

[~~(1) the feasibility and cost-effectiveness of contracting~~] with Medicaid managed care organizations to provide Healthy Texas Women program services [~~through managed care in one or more health care service regions in this state if the Healthy Texas Women Section 1115 Demonstration Waiver is approved; and~~

[~~(2) the potential impact of that delivery model on women receiving services under the program~~].

(b) In implementing this section, the commission shall:

(1) consult with the state Medicaid managed care advisory committee before contracting with Medicaid managed care organizations to provide Healthy Texas Women program services under this section;

(2) identify barriers that prevent women from obtaining Healthy Texas Women program services and seek opportunities to mitigate those barriers; and

(3) designate Healthy Texas Women program service providers as significant traditional providers until at least the third anniversary of the date the commission initially contracts with Medicaid managed care organizations to provide program services. [~~This section expires September 1, 2021.~~]

Sec. 32.156. INFORMATION ABOUT AVAILABILITY OF SUBSIDIZED HEALTH INSURANCE COVERAGE. (a) The commission and each managed care organization participating in the Healthy Texas Women program shall provide a written notice containing information about eligibility requirements for and enrollment in a health benefit plan for which an enrollee receives a premium subsidy under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148), based on family income, to a woman who:

(1) is enrolled in the Healthy Texas Women program; and

(2) has a household income that is more than 100 percent but not more than 200 percent of the federal poverty level.

(b) The commission, in consultation with the Texas Department of Insurance, shall develop the form and content of the notice required under this section. The notice must include:

(1) the latest information written in clear and easily understood language on available options for obtaining a subsidized health benefit plan described by Subsection (a); and

(2) resources for receiving assistance applying for and enrolling in that health benefit plan.

Sec. 32.157. ASSESSING AUTOMATIC ENROLLMENT OF CERTAIN WOMEN IN MANAGED CARE. (a) Not later than January 1, 2023, the commission shall assess the feasibility, cost-effectiveness, and benefits of automatically enrolling in managed care the women who become pregnant while

receiving services through the Healthy Texas Women program. The assessment must examine whether automatically enrolling those women leads to the delivery of prenatal care and services earlier in the women's pregnancies.

(b) This section expires September 1, 2023.

SECTION 3. Section 32.024, Human Resources Code, is amended by adding Subsection (l-1) to read as follows:

(l-1) The commission shall continue to provide medical assistance to a woman who is eligible for medical assistance for pregnant women for a period of not less than six months following the date the woman delivers or experiences an involuntary miscarriage.

SECTION 4. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 5. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Health and Human Services Commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 7. This Act takes effect September 1, 2021.

HB 4305 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 4305, A bill to be entitled An Act relating to the use of hotel occupancy tax revenue by certain municipalities and counties.

Representative E. Morales 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 4305**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4305**: E. Morales, chair; Burrows, T. King, Ordaz Perez, and Zwiener.

HB 686 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

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

HB 686, A bill to be entitled An Act relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.

Representative Moody 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 686**.

The motion prevailed.

HB 686 - CONFERENCE COMMITTEE INSTRUCTED

Representative Leach moved to instruct the Conference Committee on **HB 686** to limit changes to correcting the ambiguity in the language pertaining to calculation of parole eligibility time found in §508.145(d-2)(2), Government Code, caused by a drafting error, in order to accomplish the intent of the bill.

The motion to instruct conferees prevailed.

HB 686 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 686**: Moody, chair; Buckley, Krause, Neave, and White.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 7).

SB 248 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Thierry, the house granted the request of the senate for the appointment of a Conference Committee on **SB 248**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 248**: Thierry, chair; Burrows, Meyer, Noble, and Sanford.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 8).

SB 828 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Goldman, the house granted the request of the senate for the appointment of a Conference Committee on **SB 828**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 828**: Paddie, chair; Clardy, Huberty, Metcalf, and E. Morales.

SB 969 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Klick, the house granted the request of the senate for the appointment of a Conference Committee on **SB 969**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 969**: Klick, chair; Campos, Guerra, Jetton, and Oliverson.

SB 1123 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Krause, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1123**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1123**: Krause, chair; Sanford, Schaefer, Shaheen, and Vasut.

SB 1704 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Moody, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1704**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1704**: Moody, chair; Fierro, M. González, Ordaz Perez, and Ortega.

PROVIDING FOR ADJOURNMENT

At 9:15 p.m., Representative Oliverson moved that, at the conclusion of the receipt of messages from the senate, the house adjourn until 1 p.m. tomorrow in memory of Amy Hinamin of Cypress.

The motion prevailed.

(Jetton in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1 - May 29).

ADJOURNMENT

In accordance with a previous motion, the house, at 9:32 a.m. Saturday, May 29, adjourned until 1 p.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

HCR 109 (By Rodriguez), Honoring the Del Valle Community Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

To Resolutions Calendars.

HCR 110 (By Rodriguez), Honoring the Austin Latino Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

To Resolutions Calendars.

HCR 111 (By Rodriguez), Honoring Travis County constable George Morales III and his team for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

To Resolutions Calendars.

HR 1786 (By Metcalf), Commending Anna Newell for her service as a committee clerk in the office of State Representative Will Metcalf during the 87th Legislative Session.

To Resolutions Calendars.

HR 1787 (By Metcalf), Commending Robert Moncada for his service as a legislative aide in the office of State Representative Will Metcalf during the 87th Legislative Session.

To Resolutions Calendars.

HR 1788 (By Metcalf), Commending Daniel Giese for his service as chief of staff in the office of State Representative Will Metcalf during the 87th Legislative Session.

To Resolutions Calendars.

HR 1789 (By Herrero), Congratulating Candace Rodriguez of Seale Junior High School on her selection as the 2021 Secondary Teacher of the Year in the Robstown Independent School District.

To Resolutions Calendars.

HR 1790 (By Herrero), Congratulating Melinda Venecia of Ortiz Intermediate School on her selection as the 2021 Elementary Teacher of the Year in the Robstown Independent School District.

To Resolutions Calendars.

HR 1791 (By Herrero), Congratulating Martha Martinez on her selection as the 2021 Teacher of the Year at Robert Driscoll Elementary School in the Robstown Independent School District.

To Resolutions Calendars.

HR 1792 (By Herrero), Congratulating Maria Garcia on her selection as the 2021 Teacher of the Year at Lotspeich Elementary School in the Robstown Independent School District.

To Resolutions Calendars.

HR 1793 (By Herrero), Congratulating Tracy Ramirez on her selection as the 2021 Teacher of the Year at San Pedro Elementary School in the Robstown Independent School District.

To Resolutions Calendars.

HR 1794 (By Herrero), Congratulating Luisa White of Foy H. Moody High School on being named the 2020-2021 Secondary Teacher of the Year in Corpus Christi ISD.

To Resolutions Calendars.

HR 1795 (By Guillen), In memory of retired U.S. Navy captain Alan Earl Bentz of Poteet.

To Resolutions Calendars.

HR 1796 (By Guillen), Congratulating Gregorio González of Roma on his 100th birthday.

To Resolutions Calendars.

HR 1797 (By Shine), Commending Pastor Elwyn Johnston and ReGina Johnston for 30 years of service to Bethel Church in Temple.

To Resolutions Calendars.

HR 1798 (By Shine), Congratulating Lizette Wong of Temple on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1799 (By Shine), Congratulating Cassandra Williams of Belton on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1800 (By Shine), Honoring the Sulak family for its stewardship of Tom Sefcik Hall in Seaton.

To Resolutions Calendars.

HR 1801 (By Shine), Commemorating the 120th anniversary of the founding of the RVOS Farm Mutual Insurance Company in Bell County.

To Resolutions Calendars.

HR 1802 (By Shine), In memory of Thomas Gerald Stone of Temple.

To Resolutions Calendars.

HR 1803 (By Collier), Honoring the contributions of TaKiyah Wallace-McMillian and Brown Girls Do Ballet.

To Resolutions Calendars.

HR 1804 (By Toth), In memory of Thomas R. Early of The Woodlands.
To Resolutions Calendars.

HR 1805 (By Toth), Congratulating The Woodlands College Park High School girls' golf team on its participation in the 2021 UIL Golf State Tournament.
To Resolutions Calendars.

HR 1806 (By Toth), Congratulating Zac Winton of The John Cooper School in The Woodlands on his admission to the U.S. Military Academy at West Point.
To Resolutions Calendars.

HR 1807 (By Toth), Congratulating Ben DeLoit of The John Cooper School in The Woodlands on his admission to the U.S. Military Academy at West Point.
To Resolutions Calendars.

HR 1808 (By Lopez), Congratulating Coach Leila Lockett on her selection as the 2018-2019 Teacher of the Year for E. T. Wrenn Middle School in San Antonio.
To Resolutions Calendars.

HR 1809 (By Goldman), Congratulating Zachary Jacobus of R. L. Paschal High School in Fort Worth on earning the gold medal in chemistry at the 2021 UIL 6A Academic State Meet.
To Resolutions Calendars.

HR 1810 (By Dutton), Honoring the Marlin Independent School District for its service to the community.
To Resolutions Calendars.

HR 1811 (By Herrero), In memory of Rene Daniel Rodriguez of Corpus Christi.
To Resolutions Calendars.

HR 1812 (By Price), Congratulating the Panhandle High School boys' golf team on winning the 2A bronze medal at the 2021 UIL Golf State Tournament.
To Resolutions Calendars.

HR 1813 (By Neave), Congratulating Dr. Joe May on his retirement as chancellor of Dallas College.
To Resolutions Calendars.

HR 1814 (By Anderson), Congratulating William David Lacy of Waco on his induction into the Texas Bankers Hall of Fame.
To Resolutions Calendars.

HR 1815 (By Smithee), In memory of former state representative Tony James Goolsby of Dallas.
To Resolutions Calendars.

HR 1816 (By Gervin-Hawkins), Honoring Charles E. Williams Sr. of San Antonio for his contributions to the community.
To Resolutions Calendars.

HR 1817 (By Kacal), Congratulating Terra and Judson Willett of Austin on the birth of their daughter, Macy Kay Willett.

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. 29

HB 2, **HB 1090**, **HB 1256**, **HB 1280**, **HB 1306**, **HB 1477**, **HB 1516**, **HB 1906**, **HB 1914**, **HB 2022**, **HB 3081**, **HB 3088**, **HB 3207**, **HB 3456**, **HB 3920**, **HB 4068**, **HB 4664**, **HB 4668**, **HCR 61**

House List No. 31

HB 999

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 165	(31 Yeas, 0 Nays)
SB 219	(29 Yeas, 2 Nays)
SB 424	(31 Yeas, 0 Nays)
SB 445	(31 Yeas, 0 Nays)
SB 860	(31 Yeas, 0 Nays)
SB 916	(31 Yeas, 0 Nays)
SB 1094	(31 Yeas, 0 Nays)
SB 1102	(31 Yeas, 0 Nays)
SB 1385	(31 Yeas, 0 Nays)
SB 1480	(31 Yeas, 0 Nays)
SB 1605	(31 Yeas, 0 Nays)

SB 1896 (31 Yeas, 0 Nays)

SB 1911 (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 185
Senate Conferees: Perry - Chair/Birdwell/Blanco/Kolkhorst/Powell

SB 2185 (viva-voce vote)
Senate Conferees: Hinojosa - Chair/Bettencourt/Campbell/Perry/Zaffirini

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 14
Senate Conferees: Creighton - Chair/Campbell/Hancock/Lucio/Taylor

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 3476
Senate Conferees: Bettencourt - Chair/Creighton/Gutierrez/Perry/Springer

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 19	(19 Yeas, 12 Nays)
SB 24	(31 Yeas, 0 Nays)
SB 25	(31 Yeas, 0 Nays)
SB 30	(31 Yeas, 0 Nays)
SB 63	(31 Yeas, 0 Nays)
SB 69	(31 Yeas, 0 Nays)
SB 112	(31 Yeas, 0 Nays)
SB 398	(31 Yeas, 0 Nays)
SB 475	(31 Yeas, 0 Nays)
SB 477	(31 Yeas, 0 Nays)
SB 1531	(31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1267
Senate Conferees: West - Chair/Bettencourt/Perry/Powell/Taylor

SB 1281
Senate Conferees: Hancock - Chair/Campbell/Johnson/Nichols/Zaffirini

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1560
Senate Conferees: Buckingham - Chair/Campbell/Lucio/Paxton/Schwertner

Respectfully,
Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 6	(30 Yeas, 1 Nay)
SB 331	(31 Yeas, 0 Nays)
SB 623	(31 Yeas, 0 Nays)
SB 790	(31 Yeas, 0 Nays)
SB 1132	(31 Yeas, 0 Nays)
SB 1580	(31 Yeas, 0 Nays)
SB 1668	(31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1869
Senate Conferees: Bettencourt - Chair/Hall/Kolkhorst/Lucio/Springer

HB 2030
Senate Conferees: West - Chair/Bettencourt/Birdwell/Perry/Powell

HB 3720
Senate Conferees: Kolkhorst - Chair/Bettencourt/Buckingham/Perry/Powell

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 5

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 525
Senate Conferees: Hall - Chair/Birdwell/Hughes/Lucio/Perry

HB 3973
Senate Conferees: Nichols - Chair/Huffman/Kolkhorst/Nelson/Taylor

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 6

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1758
Senate Conferees: Birdwell - Chair/Creighton/Huffman/Hughes/Johnson

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 7

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 248
Senate Conferees: Johnson - Chair/Buckingham/Kolkhorst/Miles/Perry

SB 828
Senate Conferees: Hughes - Chair/Birdwell/Creighton/Kolkhorst/Zaffirini

SB 969
Senate Conferees: Kolkhorst - Chair/Bettencourt/Campbell/Perry/Powell

SB 1123
Senate Conferees: Perry - Chair/Alvarado/Hall/Kolkhorst/Nichols

SB 1704
Senate Conferees: Blanco - Chair/Hinojosa/Nichols/Perry/West

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 5 (31 Yeas, 0 Nays)

SB 13 (28 Yeas, 3 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 8

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 28, 2021 - 8

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 1088 (31 Yeas, 0 Nays)

SB 1421 (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 152
Senate Conferees: Perry - Chair/Creighton/Gutierrez/Kolkhorst/Powell

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 3
Senate Conferees: Birdwell - Chair/Blanco/Campbell/Hall/Whitmire

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 1 - May 29

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 29, 2021

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 2233
Senate Conferees: Menéndez - Chair/Huffman/Kolkhorst/Nelson/Zaffirini

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 492
Senate Conferees: West - Chair/Campbell/Huffman/Nelson/Nichols

HB 572
Senate Conferees: Lucio - Chair/Bettencourt/Buckingham/Powell/Taylor

HB 671
Senate Conferees: Lucio - Chair/Bettencourt/Hinojosa/Perry/Springer

HB 686

Senate Conferees: Lucio - Chair/Bettencourt/Huffman/Nelson/Nichols

HB 1468
Senate Conferees: Taylor - Chair/Bettencourt/Hall/Paxton/West

HB 1493
Senate Conferees: Hinojosa - Chair/Campbell/Hughes/Nelson/Zaffirini

HB 1525
Senate Conferees: Taylor - Chair/Bettencourt/Lucio/Paxton/West

HB 1818
Senate Conferees: Menéndez - Chair/Birdwell/Campbell/Hancock/Johnson

HB 1929
Senate Conferees: Buckingham - Chair/Bettencourt/Hall/Paxton/Springer

HB 1987
Senate Conferees: Taylor - Chair/Alvarado/Campbell/Hughes/Lucio

HB 2315
Senate Conferees: Huffman - Chair/Bettencourt/Johnson/Nelson/Nichols

HB 2462
Senate Conferees: Paxton - Chair/Alvarado/Campbell/Huffman/Nichols

HB 2593
Senate Conferees: Johnson - Chair/Hughes/Kolkhorst/Perry/Schwertner

HB 3578
Senate Conferees: Johnson - Chair/Buckingham/Kolkhorst/Perry/Powell

HB 3752
Senate Conferees: Hancock - Chair/Creighton/Nichols/Seliger/Whitmire

HB 3774
Senate Conferees: Huffman - Chair/Campbell/Hinojosa/Hughes/Nelson

HB 3948
Senate Conferees: Perry - Chair/Bettencourt/Kolkhorst/Powell/Taylor

HB 4124
Senate Conferees: Perry - Chair/Bettencourt/Powell/Schwertner/Taylor

HB 4272
Senate Conferees: Kolkhorst - Chair/Blanco/Hall/Hughes/Perry

HB 4305
Senate Conferees: Blanco - Chair/Birdwell/Gutierrez/Hughes/Perry

HB 4492
Senate Conferees: Hancock - Chair/Gutierrez/Hughes/Paxton/West

THE SENATE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 3979
The Senate has receded from the amendments adopted by the Senate and declared the bill to finally pass in the same form as received from the House.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 27 - HB 2, HB 1090, HB 1256, HB 1280, HB 1306, HB 1477, HB 1516, HB 1906, HB 1914, HB 2022, HB 3081, HB 3088, HB 3207, HB 3456, HB 3920, HB 4068, HB 4664, HB 4668, HCR 61