HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — SUNDAY, MAY 30, 2021

The house met at 1:31 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1729).

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; 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; 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.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Coleman.

Absent — Campos; Crockett; Johnson, J.D.; Morales Shaw; Ortega; Pacheco.

The invocation was offered by Representative Moody as follows:

Lord, we thank you for having had the opportunity this session to serve our fellow Texans. Few have this chance, and we pray that we've made the most of it. I often think about the words we find in 1 Corinthians, urging us to look to faith, to hope, to love, and reminding us that love is the greatest of these. That verse was recited at my wedding, in fact, and I think probably a lot of other members' weddings, as well. But a wedding, that is an easy love—to love someone we've chosen, someone who loves us back.

Jesus stood for more complex and difficult love. Anyone can simply return love, but we have to find a higher and truer love for those who oppose us, those who might even hate us. Jesus urged that kind of radical love at the Sermon on

the Mount. He told Simon Peter to stay his sword in the garden. His first words on the cross were a prayer for the forgiveness of those who had put him there. And in the Gospel of John, we find Jesus' simple, final command to his apostles: "Love one another as I have loved you."

I was moved by Representative Thierry's prayer yesterday, where she talked about asking for forgiveness when we wrong each other. God, today we pray that you give us the strength to go one step farther and not lose sight of our love for one another even in conflict. That's when we need it the most. And there will be conflict today. Many of us will passionately disagree with one another here on this floor. But as we do, Lord, help us remember our respect for each other as human beings. Help us remember who we are and who you want us to be. Help us reflect the revolutionary love that Jesus showed for all of us. Because if we do that, then love can remain between us here when the dust has settled, and Texas will be the better for it. It is in your name we pray. Amen.

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

HR 1969 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1969**, suspending the limitations on the conferees for **HB 1281**.

HR 1982 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1982**, suspending the limitations on the conferees for **SB 155**.

HR 1994 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1994**, suspending the limitations on the conferees for **HB 2658**.

HR 1997 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1997**, suspending the limitations on the conferees for **SB 15**.

HR 2005 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2005**, suspending the limitations on the conferees for **HB 2462**.

HR 2006 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2006**, suspending the limitations on the conferees for **HB 3774**.

HR 2007 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2007**, suspending the limitations on the conferees for **SB 7**.

HR 2008 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2008**, suspending the limitations on the conferees for **HB 2030**.

HR 2014 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2014**, suspending the limitations on the conferees for **SB 713**.

HR 2022 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2022**, suspending the limitations on the conferees for **HB 1987**.

HR 2027 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2027**, suspending the limitations on the conferees for **HB 3720**.

HR 2076 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2076**, suspending the limitations on the conferees for **HB 20**.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 32).

(Morales Shaw and Ortega now present)

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).

(Crockett now present)

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.)

HCR 113 - ADOPTED
(by Shaheen)

Representative Shaheen moved to suspend all necessary rules to take up and consider at this time **HCR 113**.

The motion prevailed.

The following resolution was laid before the house:

HCR 113, Recalling **HB 1322** from the governor.

HCR 113 was adopted by (Record 1730): 141 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; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; 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 — Campos; Fierro; González, J.; González, M.; Johnson, A.; Johnson, J.D.; Pacheco.

SB 1588 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative C. Turner submitted the conference committee report on **SB 1588**.

SB 1588 - REMARKS

REPRESENTATIVE C. TURNER: Members, this is the conference committee report on **SB 1588**, which of course is the bill dealing with property owners' associations. The conference committee report removes the repealer clause that was added on third reading in the house relating to payments made by the Texas Real Estate Commission to the General Revenue Fund. The CCR also updates language from a second reading floor amendment by our joint sponsor, Chairman Bonnen, so that his language mirrors his standalone bill which has now already passed both chambers.

REPRESENTATIVE MORRISON: Representative Turner, I was just wondering, was Senator Johnson's amendment left on this piece of legislation?

C. TURNER: Senator Johnson's amendment?

MORRISON: Yes, sir.

C. TURNER: Can you remind me the substance of that amendment or amendments?

MORRISON: It was my understanding there was an amendment that actually talked about HOAs, that they could not accept money for maintenance as far as assessments. Is there an amendment such as that in this legislation?

C. TURNER: Representative Morrison, my understanding is there is not a Senator Johnson amendment at all in the bill, and I don't recall the provision you're speaking of.

MORRISON: Okay, so there's not anything that says that HOAs cannot collect money—assess money—and that HOAs will not be disbanded if they do so?

C. TURNER: Oh, absolutely not. No. Not at all. This bill provides for HOAs to continue to operate and function and provide the many valuable services they provide. As I mentioned before when we heard this bill previously, I live in a HOA, and I think it benefits my neighborhood. And this bill is about increasing transparency and due process for homeowners in HOAs, for buyers and sellers of properties that are in HOAs, and protecting private property rights. The bill provides for HOAs to continue to serve the vital role that they play in many of our communities around the state and certainly they have the ability to continue to assess fees or dues, as the case may be, to support their functions.

MORRISON: Okay, so there is not anything in here that would keep an HOA from assessing those fees and using it for management or maintenance for the property?

C. TURNER: Absolutely not. I think that's one of the most vital functions that HOAs provide, which is management, beautification, maintenance of common areas. So absolutely not. Those abilities that they have today are absolutely preserved 100 percent under this legislation.

REPRESENTATIVE ISRAEL: Chair Turner, thank you for carrying this legislation. I know it got more difficult, but there's a lot of forces that you're going against here. But I wanted to ask, on behalf of those of us who are involved in real estate transactions, and you may have mentioned it previously, but is there a cap? Talk about the fees that are built in now that it's coming back to the house. And I ask that on behalf of those for whom the fees have gotten horribly large and difficult and become a barrier to people buying a house, which sounds ridiculous, but it's become a barrier. So would you speak a little bit to the fees where the new homeowner just needs to get a hold of the HOA bylaws, rules, and regulations?

C. TURNER: Certainly, Representative Israel. And I know this scenario you have a lot of expertise in. And I'll tell you, we heard a lot of testimony to the effect of what you just said in the Committee on Business and Industry when we heard this bill for the first time—seems like years ago now—earlier this session. And specifically, what we tried to address in the bill is the real estate transfer fees. We heard stories that at closings, one, the parties involved may not know what those fees are until they actually get to the closing. And of course, for many home buyers, they're stretching every dollar, right, to be able to close the purchase on that home. And they've got, obviously, the cost with buying the home; they've got have moving costs; and perhaps they need to prepare to do some repairs or maintenance once they take acquisition of the new property. So to be surprised with a fee that could run into several hundreds of dollars at closing is a real barrier for a lot of people. So what the bill does, and this was extensively negotiated between various stakeholders, is it caps those fees at $375. In the initial house bill version that I authored, we had that capped at—I believe it was $250. But we did negotiate and we agreed to negotiate it at a $375 fee cap.

ISRAEL: Well, thank you so much. That sounds like a reasonable amount. And I will say, it also helps with predictability. As you're entering a transaction, I know predictability is important. So to know that these fees are going north of $1,000 was a pain point for a lot of people who, as you noted, are just scraping their pennies together to get ready to make that transaction happen. And then they get a surprise, correct?

C. TURNER: That's absolutely right. Buying a home is the American dream.

ISRAEL: It's painful.

C. TURNER: But it is a very stressful process. So we want to remove as many barriers as we can, and we think this bill accomplishes that.

ISRAEL: Well, thank you. On behalf of homeowners who are going through this, I like that we're eliminating the surprise billing part. I appreciate your work.

MORRISON: It is my understanding that the Johnson amendment—and I'm sorry, it was Representative Johnson's amendment that was put on the second reading. I just want to read you what this amendment does, and this is very concerning to me. We need to sort it out. The amendment added on second reading to **SB 1588** voids condominium associations' assessment collection ability for tens of thousands of Texas condos. Condo assessments pay for roof maintenance, exterior maintenance, utility bills, pools, parking, et cetera, and it is imperative for condo associations to be able to collect assessments to fund their mandatory obligations for maintenance. So what this says is that POAs and HOAs in condos cannot collect regular assessments unless the deed restrictions expressly authorize it. In other words, the duty to pay regular assessments has to be noted in the deed restrictions in order for an HOA or condo association to charge and collect them. So this is an issue for me. I'm a member of a condo association. I'm on the board, and if this is what this amendment does, and this is what the wording I have is, I think this will leave thousands of condo regimes—the ones with documents that don't expressly reference assessment

rights—with no ability to collect the assessments because of the way the law posed in the amendment reads. And so I just want you to know that this is what the amendment that was put on this bill did and want you to know about it before we take this vote. Mr. Speaker, I'm speaking in opposition to this bill.

C. TURNER: I want to just address the comments from my good friend Representative Morrison. One, I think there may be some confusion here. Senator Johnson does not have an amendment on this bill. In the house-passed version of **SB 1588**, there was a Representative Jarvis Johnson amendment, so I don't know if that's where the discrepancy is. But let me just address that amendment. I think there's been some confusion. No secret, because you all have gotten a lot of e-mails and phone calls on this bill over the last several weeks, there are some powerful special interests that don't want the legislature to pass this bill. And unfortunately, there's been some, I'm afraid, intentional misleading or conflating of issues and there's been a conflating of deed restrictions and dedicatory instruments. Those are two very different types of documents. And so specifically, Chapter 82 of the Property Code does give condo associations the right to collect assessments via their bylaws. However, in Chapter 202, the Property Code requires that all dedicatory instruments—which are defined as "each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium or townhouse regime, or any similar planned development"—including bylaws, shall be filed in the real property records of the county in which the property to which those instruments relate reside. So regardless of whether Chapter 82 provides condos the right to charge assessments, via their bylaws, they're still required to publicly file those bylaws with the county.

And the Johnson amendment, the Representative Jarvis Johnson amendment, which is what I think we are talking about here, merely says that if they fail to meet that current legal requirement—again, so members, listen, it's currently required in the law—Representative Johnson's amendment on this bill simply says if they fail to meet that requirement, they're unable to collect those assessments. All they have to do is comply with existing statute and there's no change. So it's simply a safeguard to better enforce compliance with existing law. That's all Representative Johnson's amendment did, and so any suggestion that they'll be unable to collect or assess fees to do maintenance is simply, simply not true. This is a good bill to protect private property rights, to protect the rights of homeowners, and it's going to help provide a needed transparency into the world of property owner associations—many of which, admittedly, do a lot of great work around our state but many of which also yield tremendous power over homeowners and their properties. And the legislature has an obligation to make sure that those powers are being used appropriately and transparently and with due process with the goal of protecting homeowners' private property rights. So I'd ask that you vote yes on the motion to adopt the conference committee report.

Representative C. Turner moved to adopt the conference committee report on **SB 1588**.

The motion to adopt the conference committee report on **SB 1588** prevailed by (Record 1731): 139 Yeas, 4 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; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Rose; 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; Wilson; Wu; Zwiener.

Nays — Geren; King, P.; Morrison; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Johnson, J.D.; Pacheco; Romero; Rosenthal.

STATEMENTS OF VOTE

When Record No. 1731 was taken, I was shown voting no. I intended to vote yes.

Geren

When Record No. 1731 was taken, I was shown voting no. I intended to vote yes.

White

SB 383 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Perez submitted the conference committee report on **SB 383**.

Representative Perez moved to adopt the conference committee report on **SB 383**.

The motion to adopt the conference committee report on **SB 383** prevailed by (Record 1732): 111 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; 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.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Bell, C.; Bell, K.; Cain; Cason; Clardy; Ellzey; Gates; Harris; Hefner; Holland; Krause; Landgraf; Leman; Metcalf; Murr; Oliverson; Patterson; Paul; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Spiller; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Biedermann; Campos; Dutton; Johnson, J.D.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1732 was taken, I was in the house but away from my desk. I would have voted no.

Biedermann

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Harless

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

P. King

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Morrison

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Raney

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Rogers

HB 3476 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Schofield submitted the following conference committee report on **HB 3476**:

Austin, Texas, May 28, 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 3476** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt	Schofield
Gutierrez	Oliverson
Perry	Zwiener
Springer	Rodriguez
	Moody
On the part of the senate	On the part of the house

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.

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

SECTION 1. Section 13.245, Water Code, is amended by amending Subsections (b), (c-3), (c-4), and (c-5) and adding Subsection (c-6) to read as follows:

(b) Except as provided by Subsections (c), (c-1), and (c-2), the utility commission may not grant to a retail public utility a certificate of public convenience and necessity for a service area within the boundaries or extraterritorial jurisdiction of a municipality without the consent of the municipality. The municipality may not unreasonably withhold the consent. [~~As a condition of the consent, a municipality may require that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for facilities.~~]

(c-3) The utility commission must include, as a condition of a certificate of public convenience and necessity granted under Subsection (c-1) or (c-2) for a service area within the boundaries of a municipality, that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for water and sewer facilities.

(c-4) The utility commission must include, as a condition of a certificate of public convenience and necessity granted under this section for a service area within the extraterritorial jurisdiction of a municipality, that all water and sewer facilities be designed and constructed in accordance with:

(1) the commission's standards for water and sewer facilities applicable to water systems that serve greater than 250 connections; or

(2) the commission's standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections, if the utility commission determines that:

(A) standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections are appropriate for the service area; and

(B) regionalization of the retail public utility or consolidation of the retail public utility with another retail public utility is not economically feasible under Section 13.241(d).

(c-5) Subsections (c-1), (c-2), [~~and~~] (c-3), and (c-4) do not apply to:

(1) a county that borders the United Mexican States and the Gulf of Mexico or a county adjacent to such a county;

(2) a county with a population of more than 30,000 and less than 35,000 that borders the Red River; or

(3) a county with a population of more than 100,000 and less than 200,000 that borders a county described by Subdivision (2).

(c-6) [~~(c-5)~~] Subsections (c-1), (c-2), [~~and~~] (c-3), and (c-4) do not apply to:

(1) a county with a population of 130,000 or more that is adjacent to a county with a population of 1.5 million or more that is within 200 miles of an international border; or

(2) a county with a population of more than 40,000 and less than 50,000 that contains a portion of the San Antonio River.

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

Representative Schofield moved to adopt the conference committee report on **HB 3476**.

The motion to adopt the conference committee report on **HB 3476** prevailed by (Record 1733): 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; 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.; 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; Johnson, J.D.; Morales Shaw; Pacheco.

STATEMENT OF VOTE

When Record No. 1733 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

HB 2483 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the following conference committee report on **HB 2483**:

Austin, Texas, May 28, 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 2483** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hancock	P. King
Campbell	Guillen
Johnson	Harless
Nichols	Hernandez
	Paddie
On the part of the senate	On the part of the house

HB 2483, A bill to be entitled An Act relating to utility facilities for restoring electric service after a widespread power outage.

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

SECTION 1. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.918 to read as follows:

Sec. 39.918. UTILITY FACILITIES FOR POWER RESTORATION AFTER WIDESPREAD POWER OUTAGE. (a) In this section, "widespread power outage" means an event that results in:

(1) a loss of electric power that:

(A) affects a significant number of distribution customers of a transmission and distribution utility; and

(B) has lasted or is expected to last for at least eight hours; and

(2) a risk to public safety.

(b) Notwithstanding any other provision of this subtitle, a transmission and distribution utility may:

(1) lease and operate facilities that provide temporary emergency electric energy to aid in restoring power to the utility's distribution customers during a widespread power outage in which:

(A) the independent system operator has ordered the utility to shed load; or

(B) the utility's distribution facilities are not being fully served by the bulk power system under normal operations; and

(2) procure, own, and operate, or enter into a cooperative agreement with other transmission and distribution utilities to procure, own, and operate jointly, transmission and distribution facilities that have a lead time of at least six months and would aid in restoring power to the utility's distribution customers following a widespread power outage. In this section, long lead time facilities may not be electric energy storage equipment or facilities under Chapter 35, Utilities Code.

(c) A transmission and distribution utility that leases and operates facilities under Subsection (b)(1) may not sell electric energy or ancillary services from those facilities.

(d) Facilities described by Subsection (b)(1):

(1) must be operated in isolation from the bulk power system; and

(2) may not be included in independent system operator:

(A) locational marginal pricing calculations;

(B) pricing; or

(C) reliability models.

(e) A transmission and distribution utility that leases and operates facilities under Subsection (b)(1) shall ensure, to the extent reasonably practicable, that retail customer usage during operation of those facilities is adjusted out of the usage reported for billing purposes by the retail customer's retail electric provider.

(f) A transmission and distribution utility shall, when reasonably practicable, use a competitive bidding process to lease facilities under Subsection (b)(1).

(g) A transmission and distribution utility that leases and operates facilities under Subsection (b)(1) or that procures, owns, and operates facilities under Subsection (b)(2) shall include in the utility's emergency operations plan filed with the commission, as described by Section 186.007, a detailed plan on the utility's use of those facilities.

(h) The commission shall permit:

(1) a transmission and distribution utility that leases and operates facilities under Subsection (b)(1) to recover the reasonable and necessary costs of leasing and operating the facilities, including the present value of future payments required under the lease, using the rate of return on investment established in the commission's final order in the utility's most recent base rate proceeding; and

(2) a transmission and distribution utility that procures, owns, and operates facilities under Subsection (b)(2) to recover the reasonable and necessary costs of procuring, owning, and operating the facilities, using the rate of return on investment established in the commission's final order in the utility's most recent base rate proceeding.

(i) The commission shall authorize a transmission and distribution utility to defer for recovery in a future ratemaking proceeding the incremental operations and maintenance expenses and the return, not otherwise recovered in a rate proceeding, associated with the leasing or procurement, ownership, and operation of the facilities.

(j) A transmission and distribution utility may request recovery of the reasonable and necessary costs of leasing or procuring, owning, and operating facilities under this section, including any deferred expenses, through a proceeding under Section 36.210 or in another ratemaking proceeding. A lease under Subsection (b)(1) must be treated as a capital lease or finance lease for ratemaking purposes.

(k) This section expires September 1, 2029.

SECTION 2. Not later than January 1, 2029, the Public Utility Commission of Texas shall:

(1) analyze the effects of authorizing transmission and distribution utilities to lease, operate, procure, or own the facilities described by Section 39.918(b), Utilities Code, as added by this Act; and

(2) submit a report to the legislature that includes the analysis produced under Subdivision (1) of this section and a recommendation of whether the legislature should allow Section 39.918, Utilities Code, as added by this Act, to expire.

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

Representative P. King moved to adopt the conference committee report on **HB 2483**.

The motion to adopt the conference committee report on **HB 2483** prevailed by (Record 1734): 143 Yeas, 0 Nays, 1 Present, not voting.

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

SB 800 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 800**.

Representative Paddie moved to adopt the conference committee report on **SB 800**.

The motion to adopt the conference committee report on **SB 800** prevailed by (Record 1735): 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; 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 — Campos; Johnson, J.D.; Pacheco.

HB 1869 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Burrows submitted the following conference committee report on **HB 1869**:

Austin, Texas, May 28, 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 1869** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt	Burrows
Hall	Cyrier
Kolkhorst	Meyer
Lucio	Middleton
Springer	
On the part of the senate	On the part of the house

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.

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

SECTION 1. Section 26.012, Tax Code, is amended by amending Subdivision (7) and adding Subdivisions (9), (18-a), and (18-b) to read as follows:

(7) "Debt" means:

(A) a bond, warrant, certificate of obligation, or other evidence of indebtedness owed by a taxing unit that:

(i) is payable [~~solely~~] from property taxes in installments over a period of more than one year, not budgeted for payment from maintenance and operations funds, and secured by a pledge of property taxes; and

(ii) meets one of the following requirements:

(a) has been approved at an election;

(b) includes self-supporting debt;

(c) evidences a loan under a state or federal financial assistance program;

(d) is issued for designated infrastructure;

(e) is a refunding bond;

(f) is issued in response to an emergency under Section 1431.015, Government Code;

(g) is issued for renovating, improving, or equipping existing buildings or facilities;

(h) is issued for vehicles or equipment; or

(i) is issued for a project under Chapter 311, Tax Code, or Chapter 222, Transportation Code, that is located in a reinvestment zone created under one of those chapters;[~~,~~] or

(B) a payment made under contract to secure indebtedness of a similar nature issued by another political subdivision on behalf of the taxing unit.

(9) "Designated infrastructure" means infrastructure, including a facility, equipment, rights-of-way, or land, for the following purposes:

(A) streets, roads, highways, bridges, sidewalks, parks, landfills, parking structures, or airports;

(B) telecommunications, wireless communications, information technology systems, applications, hardware, or software;

(C) cybersecurity;

(D) as part of any utility system, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, or flood control and drainage project;

(E) police stations, fire stations, or other public safety facilities, jails, juvenile detention facilities, or judicial facilities, and any facilities that are physically attached to the facilities described by this paragraph;

(F) as part of any school district; or

(G) as part of any hospital district created by general or special law that includes a teaching hospital.

(18-a) "Refunding bond" means a bond or other obligation issued for refunding or refinancing purposes under Chapter 1207 or 1371, Government Code.

(18-b) "Self-supporting debt" means the portion of a bond, warrant, certificate of obligation, or other evidence of indebtedness described by Subdivision (7)(A)(i) designated by the governing body of a political subdivision as being repaid from a source other than property taxes.

SECTION 2. The changes in law made by this Act apply only to a bond, warrant, certificate of obligation, or other evidence of indebtedness for which the ordinance, order, or resolution authorizing the issuance is adopted by the governing body of a taxing unit on or after the effective date of this Act and for which the taxing unit has not entered into a binding agreement before the effective date of this Act that contemplates the issuance of the debt. The changes in law made by this Act do not apply to a bond, warrant, certificate of obligation, or other evidence of indebtedness for which the ordinance, order, or resolution authorizing the issuance was adopted by the governing body of a taxing unit before the effective date of this Act or for which the taxing unit has entered into a binding agreement before the effective date of this Act that contemplates the issuance of such debt, and the former law is continued in effect for that purpose. For the purposes of this section, "binding agreement" includes a development agreement, ordinance, order, or resolution that authorizes or delegates to an appropriate officer of a taxing unit the execution of a binding agreement at a later date.

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

The vote of the house was taken on the motion to adopt the conference committee report on **HB 1869** and the vote was announced yeas 71, nays 72.

A verification of the vote was requested and was granted.

(Campos now present)

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1736): 72 Yeas, 67 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Meyer; Middleton; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Allison; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, P.; King, T.; Kuempel; Lambert; Lopez; Lozano; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raney; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C); King, K.; Thierry.

Absent, Excused — Coleman.

Absent — Cortez; Herrero; Johnson, J.D.; Larson; Longoria; Lucio; Pacheco.

The chair stated that the motion to adopt the conference committee report on **HB 1869** prevailed by the above vote.

STATEMENTS OF VOTE

When Record No. 1736 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 1736 was taken, I was shown voting present, not voting. I intended to vote yes.

K. King

LEAVE OF ABSENCE GRANTED

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

Herrero on motion of Rodriguez.

HB 3973 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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 to discharge the conferees and concur in the senate amendments to **HB 3973**.

The motion to discharge the conferees and concur in the senate amendments to **HB 3973** prevailed by (Record 1737): 141 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; 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.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; 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; 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; Herrero.

Absent — Cortez; Johnson, J.D.; Larson; Longoria; Lucio; Pacheco.

Senate Committee Substitute

CSHB 3973, A bill to be entitled An Act relating to a study on abandoned oil and gas wells in this state and the use of the oil and gas regulation and cleanup fund.

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

SECTION 1. (a) A joint interim committee is created to study abandoned oil and gas wells in this state and the use of the oil and gas regulation and cleanup fund.

(b) The committee shall be composed of:

(1) five members appointed by the lieutenant governor; and

(2) five members appointed by the speaker of the house of representatives.

(c) The committee shall convene at the call of the presiding officer.

(d) The 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.

(e) Not later than the 60th day after the effective date of this Act, the lieutenant governor and the speaker of the house of representatives shall appoint the members of the interim committee created under this section.

(f) The committee shall:

(1) study matters related to abandoned oil and gas wells in this state, including the costs associated with plugging abandoned wells and bonding requirements imposed on owners or operators of oil and gas wells;

(2) identify potential solutions to reduce the need for general revenue spending to plug abandoned wells;

(3) conduct a review of the oil and gas regulation and cleanup fund, including:

(A) revenue sources of the fund;

(B) projected revenue for the fund through fiscal year 2025 based on the fund's existing fee and fine structure; and

(C) an assessment of the rules and statutory limits that determine the amount of the fees and fines that contribute to the fund; and,

(4) evaluate and identify other sources of potential revenue, including federal funds and other existing taxes and fees paid to the benefit of the state which could be utilized to meet the goals of the committee.

(g) The Railroad Commission of Texas shall provide information to the committee necessary to conduct the study under Subsection (f) of this section, including information related to:

(1) budget and performance measures of the commission and fees and fines collected by the commission; and

(2) any regulatory or statutory changes needed to assure adequate operating revenue for the commission, including revenue used to plug abandoned oil and gas wells.

(h) Not later than December 1, 2022, the joint interim committee shall report the committee's findings and recommendations to the legislature.

(i) The committee is abolished and this section expires January 1, 2023.

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

LEAVES OF ABSENCE GRANTED

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

Longoria on motion of Hernandez.

Lucio on motion of Hernandez.

(J.D. Johnson now present)

HB 686 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 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.

HB 686 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BUCKLEY: Speaker Moody, there were quite a few changes in this bill, and I just want to clarify that I understand what this bill does now. The version that passed this chamber with a supermajority and great bipartisanship that makes me proud to be a Texan allowed children being sent to adult prisons to receive a second look parole hearing at a maximum of 20 years or one-half of the applicable time provided in the section, whichever is less. I understand the senate changed this to 30 years but kept the one-half language. I interpret that to mean that children would be considered for parole at a maximum of 30 years or one-half the time of an adult convicted for the same crime, but it's ambiguous. What was the legislative intent with that language?

REPRESENTATIVE MOODY: Representative Buckley, you are correct. This provision was intended to allow persons subject to this bill to be eligible for parole in half the time of an adult. For example, if an adult was parole eligible after 40 years, then a person subject to this bill would be eligible after 20 years and have the opportunity to present to the governor's Board of Pardons and Paroles evidence of their rehabilitation. Our intention was to recognize that children are different from adults because of their great capacity for redemption, and this provision allows them an earlier chance to prove they have been redeemed.

BUCKLEY: So Speaker Moody, to clarify, what would the eligibility be without this change?

MOODY: Current law allows those eligible under this provision, meaning those eligible under Section 2, outlined in (d-2)(1), to come up for parole after 30 years or one-half of their sentence. We always intended this to be additional considerations for youthful offenders so that they can benefit from earlier parole hearings than adults. Otherwise, this provision would not change much in the law, and, as you know, the entire statute is intended to be effective and not duplicative of existing law.

BUCKLEY: Speaker Moody, one final question. The parole board, they have the ability to look at someone who comes before them and say, hey, this guy hasn't put in the work, he isn't ready to be paroled, and then set off the next parole board hearing for up to 10 years. Is that correct?

MOODY: That is correct. The parole board maintains the discretion to set off folks who aren't ready for parole for up to 10 years for those with capital murder and five years for everyone else.

REMARKS ORDERED PRINTED

Representative Buckley moved to print remarks between Representative Moody and Representative Buckley on **HB 686**.

The motion prevailed.

Representative Moody moved to discharge the conferees and concur in the senate amendments to **HB 686**.

The motion to discharge the conferees and concur in the senate amendments to **HB 686** prevailed by (Record 1738): 134 Yeas, 6 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; 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.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; 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; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Hefner; Paul; Shaheen; Thompson, E.; Tinderholt; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Larson; Pacheco; Schofield; Smithee.

STATEMENTS OF VOTE

When Record No. 1738 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1738 was taken, I was shown voting yes. I intended to vote no.

Holland

Senate Committee Substitute

CSHB 686, A bill to be entitled An Act relating to the release on parole of certain youthful offenders; changing parole eligibility.

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

SECTION 1. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1415 to read as follows:

Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR YOUTHFUL OFFENDERS. (a) This section applies only to the consideration for release on parole of an inmate who was younger than 17 years of age at the time the offense for which the inmate is eligible for release on parole was committed.

(b) In determining whether to release an inmate described by Subsection (a) on parole, a parole panel shall assess the growth and maturity of the inmate, taking into consideration:

(1) the diminished culpability of juveniles, as compared to that of adults;

(2) the hallmark features of youth; and

(3) the greater capacity of juveniles for change, as compared to that of adults.

(c) The board shall adopt a policy establishing factors for a parole panel to consider when reviewing for release on parole an inmate to whom this section applies to ensure that the inmate is provided a meaningful opportunity to obtain release. The policy must:

(1) consider the age of the inmate at the time of the commission of the offense as a mitigating factor in favor of granting release on parole;

(2) permit persons having knowledge of the inmate before the inmate committed the offense or having knowledge of the inmate's growth and maturity after the offense was committed to submit statements regarding the inmate for consideration by the parole panel; and

(3) establish a mechanism for the outcome of a comprehensive mental health evaluation conducted by an expert qualified by education and clinical training in adolescent mental health issues to be considered by the parole panel.

(d) This section does not:

(1) affect the rights granted under this chapter or Article 56A.051, Code of Criminal Procedure, to a victim, guardian of a victim, or close relative of a deceased victim; or

(2) create a legal cause of action.

SECTION 2. Section 508.145, Government Code, is amended by amending Subsection (b) and adding Subsection (d-2) to read as follows:

(b) An inmate serving a life sentence under Section 12.31(a)(1), Penal Code, for a capital felony is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 30 [~~40~~] calendar years, except that an inmate serving a life sentence under Section 12.31(a)(1), Penal Code, for a capital felony under Section 19.03(a)(1) or (7) of that code is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 40 calendar years.

(d-2)(1) This subsection applies only to an inmate who:

(A) is serving a sentence for:

(i) a first degree felony described by Article 42A.054(a), Code of Criminal Procedure;

(ii) an offense under Section 20A.03 or 71.023, Penal Code; or

(iii) a first degree felony under Section 71.02, Penal Code; and

(B) was younger than 17 years of age at the time the offense was committed.

(2) Notwithstanding any other provision of this section, an inmate described by Subdivision (1) is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals 20 calendar years or one-half of the applicable time provided by this section, whichever is less, but in no event is the inmate eligible for release on parole in less than four calendar years unless the inmate would otherwise be eligible for release on parole under another provision of this section.

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 occurred before that date.

SECTION 4. This Act takes effect January 1, 2022.

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

Amend **CSHB 686** (senate committee report) by striking SECTION 3 of the bill, adding transition language (page 2, lines 32-39), and substituting the following:

SECTION 3. 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.

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

Amend **CSHB 686** (senate committee printing) in SECTION 2 of the bill (page 2, line 26), by striking "20" and substituting "30".

HR 2009 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2009**, suspending the limitations on the conferees for **HJR 4**.

SB 626 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Moody submitted the conference committee report on **SB 626**.

Representative Moody moved to adopt the conference committee report on **SB 626**.

The motion to adopt the conference committee report on **SB 626** prevailed by (Record 1739): 139 Yeas, 1 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; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman;

González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; 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; 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 — Allison.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Fierro; King, K.; Larson; Pacheco.

SB 1831 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 1831**.

Representative S. Thompson moved to adopt the conference committee report on **SB 1831**.

The motion to adopt the conference committee report on **SB 1831** prevailed by (Record 1740): 140 Yeas, 0 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; Cain; Campos; Canales; Capriglione; Cason; 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; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Cortez; Larson; Pacheco; Toth.

STATEMENTS OF VOTE

When Record No. 1740 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 1740 was taken, my vote failed to register. I would have voted yes.

Toth

(Larson now present)

SB 49 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murr submitted the conference committee report on **SB 49**.

Representative Murr moved to adopt the conference committee report on **SB 49**.

The motion to adopt the conference committee report on **SB 49** prevailed by (Record 1741): 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; Craddick; Crockett; 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; 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; 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; Herrero; Longoria; Lucio.

Absent — Cortez; Davis; Pacheco.

SB 1438 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Meyer submitted the conference committee report on **SB 1438**.

(Cortez now present)

Representative Meyer moved to adopt the conference committee report on **SB 1438**.

The motion to adopt the conference committee report on **SB 1438** prevailed by (Record 1742): 127 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; 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; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; 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.; VanDeaver; Vo; Walle; White; Wilson; Wu.

Nays — Allen; Anchia; Beckley; Cole; Crockett; Davis; Goodwin; Leach; Minjarez; Ordaz Perez; Ramos; Reynolds; Rose; Turner, J.; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Morales Shaw; Pacheco; Vasut.

STATEMENTS OF VOTE

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Bucy

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1742 was taken, I was shown voting no. I intended to vote yes.

Leach

When Record No. 1742 was taken, I was in the house but away from my desk. I would have voted no.

Morales Shaw

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Rodriguez

When Record No. 1742 was taken, I was in the house but away from my desk. I would have voted yes.

Vasut

SB 2124 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the conference committee report on **SB 2124**.

Representative Canales moved to adopt the conference committee report on **SB 2124**.

The motion to adopt the conference committee report on **SB 2124** prevailed by (Record 1743): 141 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; 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; 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; Lopez; Lozano; 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; Herrero; Longoria; Lucio.

Absent — Cason; Huberty; Murphy; Pacheco.

STATEMENT OF VOTE

When Record No. 1743 was taken, my vote failed to register. I would have voted yes.

Cason

HOUSE AT EASE

At 3:04 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 3:28 p.m.

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. 33).

REMARKS ORDERED PRINTED

Representative Ashby moved to print all remarks on **SB 1588**.

The motion prevailed.

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).

SB 204 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the conference committee report on **SB 204**.

SB 204 - REMARKS

REPRESENTATIVE K. KING: Representative Huberty, just so everybody's clear, the amendment you put on this bill when it passed off the house floor is still intact?

REPRESENTATIVE HUBERTY: That's correct.

K. KING: And I know I'm paraphrasing some, but does your amendment continue the practice that TEA was using during the waiver system?

HUBERTY: That is correct.

K. KING: So we are not going to be cherry-picking kids.

HUBERTY: That's correct.

K. KING: We're not going to allow districts to go in and poach kids from other districts to improve their rating while making the district they took from's rating go down.

HUBERTY: That is correct. In fact, on page 1, Section (A), it's very specific about they have to have "an active policy adopted by the board that prohibits screening transfer students who reside outside the district based on the student's academic performance, disciplinary history, or attendance record, regardless of any relevant district or innovation plan." That is correct.

REMARKS ORDERED PRINTED

Representative K. King moved to print remarks between Represenative Huberty and Representative K. King on **SB 204**.

The motion prevailed.

Representative Huberty moved to adopt the conference committee report on **SB 204**.

The motion to adopt the conference committee report on **SB 204** prevailed by (Record 1744): 138 Yeas, 4 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; 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.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; 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; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; 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.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Allen; Crockett; Morales Shaw; Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, A.; Middleton; Pacheco.

STATEMENTS OF VOTE

When Record No. 1744 was taken, I was shown voting yes. I intended to vote no.

Beckley

When Record No. 1744 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1744 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

HB 4124 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Hinojosa submitted the following conference committee report on **HB 4124**:

Austin, Texas, May 29, 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 4124** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Perry	Hinojosa
Bettencourt	Hernandez
Powell	Ortega
Schwertner	Raymond
Taylor	Price
On the part of the senate	On the part of the house

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.

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

SECTION 1. Section 11.351, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A special-purpose school district established under this section that is operated by a general academic teaching institution, as that term is defined by Section 61.003, may:

(1) in enrolling students or creating a waitlist for student enrollment, prioritize military-connected students, as that term is defined by Section 25.006(d); and

(2) enroll a student who:

(A) is a dependent of a member of the United States military;

(B) was previously enrolled in school in this state; and

(C) does not reside in this state due to a military deployment or transfer.

SECTION 2. Section 48.053(b), Education Code, is amended to read as follows:

(b) A [~~For each student who resides in this state and is enrolled in the district, a~~] school district to which this section applies is entitled to funding under this chapter as if the district had no tier one local share for purposes of Section 48.256 for each student enrolled in the district:

(1) who resides in this state; or

(2) who:

(A) is a dependent of a member of the United States military;

(B) was previously enrolled in school in this state; and

(C) does not reside in this state due to a military deployment or transfer.

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

Representative Hinojosa moved to adopt the conference committee report on **HB 4124**.

The motion to adopt the conference committee report on **HB 4124** prevailed by (Record 1745): 110 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Landgraf; Larson; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Slaton; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Cain; Craddick; Cyrier; Ellzey; Gates; Harless; Harris; Hefner; Holland; Krause; Lambert; Leach; Leman; Metcalf; Middleton; Noble; Patterson; Paul; Sanford; Schaefer; Schofield; Shaheen; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, A.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Cason

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Oliverson

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Slaton

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Stucky

SB 1267 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Lozano submitted the conference committee report on **SB 1267**.

Representative Lozano moved to adopt the conference committee report on **SB 1267**.

The motion to adopt the conference committee report on **SB 1267** prevailed by (Record 1746): 138 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; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; 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; 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; Paddie; Parker; 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; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Patterson; Slaton; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Gervin-Hawkins; Pacheco.

STATEMENTS OF VOTE

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Vasut

SB 766 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the conference committee report on **SB 766**.

Representative Leach moved to adopt the conference committee report on **SB 766**.

The motion to adopt the conference committee report on **SB 766** prevailed by (Record 1747): 142 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; 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; 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; 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; 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); Crockett.

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, A.; Pacheco.

HB 1758 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the following conference committee report on **HB 1758**:

Austin, Texas, May 29, 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 1758** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Birdwell	Krause
Creighton	Martinez
Huffman	Tinderholt
Hughes	Patterson
Johnson	
On the part of the senate	On the part of the house

HB 1758, A bill to be entitled An Act relating to law enforcement's use of force by means of a drone.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE. (a) In this article:

(1) "Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

(A) is controlled remotely by a human operator; or

(B) operates autonomously through computer software or other programming.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

(1) adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and

(2) not later than January 1 of each even-numbered year, submit the policy to the Texas Commission on Law Enforcement in the manner prescribed by the commission.

SECTION 2. Subchapter E, Chapter 9, Penal Code, is amended by adding Section 9.54 to read as follows:

Sec. 9.54. LIMITATION ON USE OF FORCE BY DRONE. (a) In this section:

(1) "Autonomous drone" means a drone that operates autonomously through computer software or other programming.

(2) "Drone" and "law enforcement agency" have the meanings assigned by Article 2.33, Code of Criminal Procedure.

(b) Notwithstanding any other law, the use of force, including deadly force, involving a drone is justified under this subchapter only if:

(1) at the time the use of force occurred, the actor was employed by a law enforcement agency;

(2) the use of force:

(A) would have been justified under another provision of this subchapter; and

(B) did not involve the use of deadly force by means of an autonomous drone; and

(3) before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to the Texas Commission on Law Enforcement a policy on the agency's use of force by means of a drone, as required by Article 2.33, Code of Criminal Procedure, and the use of force conformed to the requirements of that policy.

SECTION 3. Not later than January 1, 2022, each law enforcement agency in this state that uses or intends to use a drone, as defined by Article 2.33, Code of Criminal Procedure, as added by this Act, for law enforcement purposes shall:

(1) adopt the policy required by Article 2.33, Code of Criminal Procedure, as added by this Act; and

(2) submit the policy to the Texas Commission on Law Enforcement as required by that article.

SECTION 4. Section 9.54, Penal Code, as added by this Act, applies only to an offense committed on or after January 1, 2022. An offense committed before January 1, 2022, 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 January 1, 2022, if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2021.

Representative Krause moved to adopt the conference committee report on **HB 1758**.

The motion to adopt the conference committee report on **HB 1758** prevailed by (Record 1748): 103 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Deshotel; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; 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; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Moody; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Price; Ramos; Raney; Raymond; Rodriguez; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Zwiener.

Nays — Anchia; Beckley; Bernal; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Dominguez; Dutton; Gervin-Hawkins; González, J.; González, M.; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Meza; Minjarez; Morales, C.; Morales, E.; Murr; Ordaz Perez; Perez; Reynolds; Romero; Rose; Rosenthal; Sherman; Slaton; Talarico; Thierry; Thompson, S.; Turner, C.; Vo; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hernandez; Pacheco.

STATEMENTS OF VOTE

When Record No. 1748 was taken, I was shown voting no. I intended to vote yes.

E. Morales

When Record No. 1748 was taken, I was shown voting no. I intended to vote yes.

Ordaz Perez

HR 2084 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2084**, suspending the limitations on the conferees for **HB 1281**.

HR 2085 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2085**, suspending the limitations on the conferees for **SB 3**.

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).

(Goldman in the chair)

SB 1123 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the conference committee report on **SB 1123**.

Representative Krause moved to adopt the conference committee report on **SB 1123**.

The motion to adopt the conference committee report on **SB 1123** prevailed by (Record 1749): 134 Yeas, 2 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; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; 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.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; 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; 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; Walle; White; Wilson; Wu; Zwiener.

Nays — Cason; Slaton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bernal; Gervin-Hawkins; Hefner; Leach; Minjarez; Pacheco; Rosenthal; Vo.

HB 671 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Martinez submitted the following conference committee report on **HB 671**:

Austin, Texas, May 29, 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 671** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio	Martinez
Bettencourt	Canales
Hinojosa	Guillen
Perry	Hull

Springer
On the part of the senate

Sanford
On the part of the house

HB 671, A bill to be entitled An Act relating to establishment of the disaster identification system for a declared state of disaster.

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

SECTION 1. Section 418.004, Government Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Illuminated display" means a device that is capable of displaying a flashing light and a continuous light in either the color white or the colors blue, green, red, and yellow.

SECTION 2. Section 418.015(a), Government Code, is amended to read as follows:

(a) An executive order or proclamation declaring a state of disaster:

(1) activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; [~~and~~]

(2) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies, equipment, and materials or facilities assembled, stockpiled, or arranged to be made available under this chapter or other law relating to disasters; and

(3) activates for the area subject to the declaration the disaster identification system described by Section 418.0151.

SECTION 3. Subchapter B, Chapter 418, Government Code, is amended by adding Section 418.0151 to read as follows:

Sec. 418.0151. DISASTER IDENTIFICATION SYSTEM. (a) In an area subject to a state of disaster declaration, a person may elect to participate in the disaster identification system activated for the area. The system must authorize the use of an illuminated display to communicate with disaster relief personnel.

(b) A person participating in the disaster identification system shall:

(1) affix to each individual and domesticated animal in the person's household an illuminated display of the following colors:

(A) if the person has a monochromatic illuminated display, the color white for each individual and animal; or

(B) if the person has a multicolored illuminated display:

(i) blue for each individual 18 years of age or older;

(ii) green for each individual with a disability;

(iii) red for each individual younger than 18 years of age; and

(iv) yellow for each animal; and

(2) using the illuminated display, signal to disaster relief personnel responding to the area after the disaster with:

(A) a continuous light on the display of each household member who does not need medical assistance; or

(B) a flashing light on the display of each household member who needs medical assistance.

(c) Disaster relief personnel may patrol the designated disaster area by air or ground at night to locate individuals or animals with activated illuminated displays.

SECTION 4. Section 418.042(a), Government Code, is amended to read as follows:

(a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:

(1) provisions for prevention and minimization of injury and damage caused by disaster;

(2) provisions for prompt and effective response to disaster;

(3) provisions for emergency relief;

(4) provisions for energy emergencies;

(5) identification of areas particularly vulnerable to disasters;

(6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(7) provisions for assistance to local officials in designing local emergency management plans;

(8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;

(9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;

(10) organization of manpower and channels of assistance;

(11) coordination of federal, state, and local emergency management activities;

(12) coordination of the state emergency management plan with the emergency management plans of the federal government;

(13) coordination of federal and state energy emergency plans;

(14) provisions for providing information to local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11;

(15) a database of public facilities that may be used under Section 418.017 to shelter individuals during a disaster, including air-conditioned facilities for shelter during an extreme heat disaster and fortified structures for shelter during a wind disaster;

(16) provisions for quickly replenishing the food supplies of area food banks or food pantries following a disaster;

(17) provisions for the use of the disaster identification system described by Section 418.0151; and

(18) [~~(17)~~] other necessary matters relating to disasters.

SECTION 5. This Act takes effect September 1, 2021.

Representative Martinez moved to adopt the conference committee report on **HB 671**.

The motion to adopt the conference committee report on **HB 671** prevailed by (Record 1750): 109 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bonnen; Bowers; Bucy; Burrows; Campos; Canales; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; 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; Larson; Leach; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; 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; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Buckley; Burns; Cain; Capriglione; Craddick; Dean; Harris; Hefner; Holland; Landgraf; Leman; Middleton; Murr; Oliverson; Parker; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Swanson; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Button; Pacheco.

STATEMENT OF VOTE

When Record No. 1750 was taken, I was shown voting yes. I intended to vote no.

Anderson

SB 696 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guillen submitted the conference committee report on **SB 696**.

Representative Guillen moved to adopt the conference committee report on **SB 696**.

The motion to adopt the conference committee report on **SB 696** prevailed by (Record 1751): 83 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bonnen; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Davis; Dominguez; Dutton; Fierro; Frank; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Kuempel; Larson; Lopez; 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; Rogers; Romero; Rose; Rosenthal; Sherman; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Ashby; Bell, K.; Biedermann; Buckley; Burns; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Gates; Geren; Harless; Harris; Hefner; Holland; Hull; Jetton; King, K.; Klick; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Oliverson; Parker; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bowers; Deshotel; Hernandez; Pacheco.

STATEMENTS OF VOTE

When Record No. 1751 was taken, my vote failed to register. I would have voted yes.

Bowers

When Record No. 1751 was taken, I was shown voting yes. I intended to vote no.

Noble

When Record No. 1751 was taken, I was shown voting yes. I intended to vote no.

Rogers

HB 2315 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative J. Turner submitted the following conference committee report on **HB 2315**:

Austin, Texas, May 29, 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 2315** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman	J. Turner
Bettencourt	Rose
Johnson	Meyer
Nelson	Collier
Nichols	Murr
On the part of the senate	On the part of the house

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.

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

SECTION 1. (a) Article 59.01(2), Code of Criminal Procedure, as effective until January 1, 2022, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);

(iv) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 151, Finance Code;

(iv) any felony under Chapter 20A or 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;

(vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(ix) any offense under Section 42.10, Penal Code;

(x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi) any offense under Chapter 71, Penal Code;

(xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; [~~or~~]

(xiii) an offense under Section 326.002, Business & Commerce Code; or

(xiv) a Class A misdemeanor or any felony under Section 545.420, Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.

(b) Article 59.01(2), Code of Criminal Procedure, as effective on January 1, 2022, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);

(iv) any felony under The Securities Act (Title 12, Government Code); or

(v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 151, Finance Code;

(iv) any felony under Chapter 20A or 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;

(vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(ix) any offense under Section 42.10, Penal Code;

(x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi) any offense under Chapter 71, Penal Code;

(xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; [~~or~~]

(xiii) an offense under Section 326.002, Business & Commerce Code; or

(xiv) a Class A misdemeanor or any felony under Section 545.420, Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.

SECTION 2. The change in law made by this Act applies only to property or proceeds seized on or after the effective date of this Act. Property or proceeds seized before the effective date of this Act are governed by the law in effect on the date the property or proceeds were seized, and the former law is continued in effect for that purpose. For purposes of this section, property or proceeds were seized before the effective date of this Act if any portion of the property or proceeds were seized before that date.

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

Representative J. Turner moved to adopt the conference committee report on **HB 2315**.

The motion to adopt the conference committee report on **HB 2315** prevailed by (Record 1752): 103 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Larson; Lopez; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Ordaz Perez; Ortega; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez;

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

Nays — Bailes; Bell, C.; Bell, K.; Biedermann; Buckley; Cain; Cason; Dean; Ellzey; Gates; Harless; Harris; Hefner; Holland; Hull; Jetton; King, P.; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Middleton; Noble; Oliverson; Patterson; Paul; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENT OF VOTE

When Record No. 1752 was taken, I was shown voting yes. I intended to vote no.

Anderson

HB 1493 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Walle submitted the following conference committee report on **HB 1493**:

Austin, Texas, May 29, 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 1493** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa	Herrero
Campbell	Leach
Hughes	Martinez Fischer
Nelson	Rodriguez
Zaffirini	Walle
On the part of the senate	On the part of the house

HB 1493, A bill to be entitled An Act relating to the use of an entity name that falsely implies governmental affiliation.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150C to read as follows:

CHAPTER 150C. ENTITY NAME FALSELY IMPLYING GOVERNMENTAL AFFILIATION

Sec. 150C.001. DEFINITION. In this chapter, "governmental unit" has the meaning assigned by Section 101.001.

Sec. 150C.002. FALSELY IMPLYING GOVERNMENTAL AFFILIATION. (a) A governmental unit is entitled to enjoin another person's use of an entity name that falsely implies governmental affiliation with the governmental unit.

(b) In an action brought under this section, the governmental unit is entitled to injunctive relief throughout the state.

(c) If the court finds that the person against whom the injunctive relief is sought wilfully intended to imply governmental affiliation with the governmental unit, the court, in the court's discretion, may award reasonable attorney's fees and court costs to the governmental unit.

SECTION 2. Subchapter B, Chapter 5, Business Organizations Code, is amended by adding Sections 5.064 and 5.065 to read as follows:

Sec. 5.064. NAME FALSELY IMPLYING GOVERNMENTAL AFFILIATION PROHIBITED. (a) A filing entity or a foreign filing entity may not use a name in this state that falsely implies an affiliation with a governmental entity.

(b) The submission of a filing instrument is an affirmation by the organizer or by a managerial official named in the filing instrument that the name provided as the name of the filing entity does not falsely imply an affiliation with a governmental entity.

(c) The addition of a word, phrase, or abbreviation that is required to be included in the name of a domestic or foreign filing entity under the provisions of this chapter is not a factor when determining whether a name violates Subsection (a).

(d) For purposes of this section, an entity name means:

(1) the name of a domestic filing entity, as evidenced by its certificate of formation, as amended or restated; or

(2) in the case of a foreign filing entity, the name of the foreign filing entity or the fictitious name of a foreign filing entity, as evidenced by its application for registration or its most recent amended registration.

(e) The secretary of state shall adopt rules and prescribe procedures to implement this section.

Sec. 5.065. FALSE IMPLICATION OF GOVERNMENTAL AFFILIATION; AUTHORITY OF SECRETARY OF STATE AND ATTORNEY GENERAL. (a) On the written request of a governmental entity specifying the basis on which a filing entity's or foreign filing entity's name falsely implies affiliation with the governmental entity, the secretary of state may, in the secretary's reasonable discretion and after consultation with the attorney general, determine not later than the 30th day after the date of the secretary's acceptance of a filing instrument that a filing entity's or a foreign filing entity's name falsely implies an affiliation with a governmental entity in violation of Section 5.064.

(b) If the secretary of state determines under Subsection (a) that a filing entity's or foreign filing entity's name falsely implies an affiliation with a governmental entity, the secretary of state shall notify the entity in writing of the determination. The secretary of state shall provide the filing entity or foreign filing entity an opportunity to respond to the notice not later than the 60th day after the date of the notice, including through the submission of documentation verifying that the entity is affiliated with the governmental entity or by demonstrating that the entity's name does not falsely imply affiliation with the governmental entity. The secretary of state shall make a final determination, based on the filing entity's or foreign filing entity's response, as to whether or not the entity's name falsely implies an affiliation with a governmental entity.

(c) After making a final determination based on the filing entity's or foreign filing entity's response under Subsection (b), the secretary of state shall notify the filing entity or foreign filing entity of the secretary's final determination. If the entity does not timely respond to notice provided to the entity under Subsection (b), the secretary's initial determination becomes final. If the secretary of state finally determines that the filing entity's or foreign filing entity's name falsely implies an affiliation with a governmental entity, not later than the 90th day after the date the secretary of state sends the notification required by Subsection (b), the entity shall:

(1) cease transacting business or operating under that name in this state; and

(2) file with the secretary of state the applicable instrument to amend the entity's name as shown in the records of the secretary of state.

(d) If a filing entity or a foreign filing entity fails to take the action required by Subsection (c)(2), the secretary of state shall notify the attorney general of the entity's failure to file the applicable filing instrument.

(e) The attorney general may bring an action in the name of the state for injunctive relief to require compliance with this section.

(f) An action under this section may be brought in a district court in Travis County.

(g) The attorney general may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney's fees, and investigatory costs.

(h) The secretary of state shall adopt rules and prescribe procedures to implement this section.

(i) Notwithstanding Subsection (a), on the written request of a governmental entity specifying the basis on which a filing entity's or foreign filing entity's name falsely implies affiliation with the governmental entity, the secretary of state may, in the secretary's reasonable discretion and after consultation with the attorney general, determine within eight years after the secretary's acceptance of a filing instrument that a filing entity's or a foreign filing entity's name falsely implies an affiliation with a governmental entity in violation of Section 5.064. A determination made under this subsection is subject to Subsections (b)-(g) to the same extent as a determination made under Subsection (a). This subsection expires December 31, 2021.

SECTION 3. Not later than December 1, 2021, the secretary of state shall adopt rules and prescribe procedures under Section 5.065(h), Business Organizations Code, as added by this Act.

SECTION 4. The secretary of state and the attorney general retain the authority under Section 5.065, Business Organizations Code, as added by this Act, to act on a written request by a governmental entity under Section 5.065(i), Business Organizations Code, as added by this Act, that is made before December 31, 2021.

SECTION 5. This Act takes effect September 1, 2021.

Representative Walle moved to adopt the conference committee report on **HB 1493**.

The motion to adopt the conference committee report on **HB 1493** prevailed by (Record 1753): 134 Yeas, 8 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; 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; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Patterson; 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; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Middleton; Murr; Oliverson; Paul; Slaton; Vasut.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1753 was taken, I was shown voting present, not voting. I intended to vote yes.

Capriglione

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 1315 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dominguez submitted the conference committee report on **SB 1315**.

Representative Dominguez moved to adopt the conference committee report on **SB 1315**.

The motion to adopt the conference committee report on **SB 1315** prevailed by (Record 1754): 106 Yeas, 33 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; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Landgraf; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Slawson; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Cain; Clardy; Cook; Cyrier; Dean; Ellzey; Harless; Hefner; Holland; Hull; Krause; Kuempel; Lambert; Leach; Murr; Noble; Oliverson; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Smith; Stucky; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Frank; Gates; Klick; Larson; Pacheco.

STATEMENTS OF VOTE

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Slawson

HB 1929 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Wilson submitted the following conference committee report on **HB 1929**:

Austin, Texas, May 29, 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 1929** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Buckingham	Wilson
Bettencourt	Bucy
Hall	Cyrier
Paxton	Darby
Springer	Rodriguez
On the part of the senate	On the part of the house

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.

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

SECTION 1. Section 212.172, Local Government Code, is amended by amending Subsections (a), (c), (e), (f), (g), and (h) and adding Subsections (i), (j), and (k) to read as follows:

(a) In this subchapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an authorized arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract agreement for the arbitration proceedings.

(2) "Contract" means a contract for a development agreement authorized by this subchapter.

(3) "Extraterritorial [~~, "extraterritorial~~] jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42.

(c) A contract [~~An agreement under this subchapter~~] must:

(1) be in writing;

(2) contain an adequate legal description of the land;

(3) be approved by the governing body of the municipality and the landowner; and

(4) be recorded in the real property records of each county in which any part of the land that is subject to the contract [~~agreement~~] is located.

(e) A municipality in an affected county, as defined by Section 16.341, Water Code, may not enter into a contract [~~an agreement under this subchapter~~] that is inconsistent with the model rules adopted under Section 16.343, Water Code.

(f) The contract [~~agreement~~] between the governing body of the municipality and the landowner is binding on the municipality and the landowner and on their respective successors and assigns for the term of the contract [~~agreement~~]. The contract [~~agreement~~] is not binding on, and does not create any encumbrance to title as to, any end-buyer of a fully developed and improved lot within the development, except for land use and development regulations that may apply to a specific lot. Annexation by a municipality of land subject to a contract does not invalidate the enforceability of the contract or infringe on the rights of a party to adjudicate a claim arising under the contract.

(g) A contract:

(1) [~~An agreement under this subchapter~~] constitutes a permit under Chapter 245; and

(2) is a program authorized by the legislature under Section 52-a, Article III, Texas Constitution.

(h) A contract [~~An agreement~~] between a municipality and a landowner entered into prior to the effective date of this section, or any amendment to this section, and that complies with this section is validated, enforceable, and may be adjudicated subject to the terms and conditions of this subchapter, as amended.

(i) A municipality that enters into a contract waives immunity from suit for the purpose of adjudicating a claim for breach of the contract.

(j) Except as provided by Subsection (k), actual damages, specific performance, or injunctive relief may be granted in an adjudication brought against a municipality for breach of a contract. The total amount of money awarded in an adjudication brought against a municipality for breach of a contract is limited to the following:

(1) the balance due and owed by the municipality under the contract as it may have been amended;

(2) any amount owed by the landowner as a result of the municipality's failure to perform under the contract, including compensation for the increased cost of infrastructure as a result of delays or accelerations caused by the municipality;

(3) reasonable attorney's fees; and

(4) interest as allowed by law, including interest as calculated under Chapter 2251, Government Code.

(k) Damages awarded in an adjudication brought against a municipality for breach of a contract may not include:

(1) consequential damages, except as expressly allowed under Subsection (j)(2); or

(2) exemplary damages.

SECTION 2. Section 212.174, Local Government Code, is amended to read as follows:

Sec. 212.174. MUNICIPAL UTILITIES. A municipality may not require a contract [~~an agreement under this subchapter~~] as a condition for providing water, sewer, electricity, gas, or other utility service from a municipally owned or municipally operated utility that provides any of those services.

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

Representative Wilson moved to adopt the conference committee report on **HB 1929**.

The motion to adopt the conference committee report on **HB 1929** prevailed by (Record 1755): 110 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Guerra; Guillen; Harless; Harris; Hefner; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Moody; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Nays — Allen; Beckley; Bowers; Campos; Collier; Crockett; Davis; Dominguez; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Johnson, A.; Johnson, J.D.; Larson; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ramos; Reynolds; Romero; Rose; Sherman; Thompson, S.; Toth; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1755 was taken, I was shown voting no. I intended to vote yes.

E. Morales

When Record No. 1755 was taken, I was shown voting no. I intended to vote yes.

Ordaz Perez

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Perez

HB 3578 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guerra submitted the following conference committee report on **HB 3578**:

Austin, Texas, May 28, 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 3578** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Johnson	Guerra
Kolkhorst	Meyer
Perry	Noble
Powell	Thierry
	Sanford
On the part of the senate	On the part of the house

HB 3578, A bill to be entitled An Act relating to the payment methods for cigarette and tobacco products permit fees.

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

SECTION 1. Section 154.1135(b), Tax Code, is amended to read as follows:

(b) The payment must be made in cash or by money order, [~~or~~] check, or credit card.

SECTION 2. Section 155.050(b), Tax Code, is amended to read as follows:

(b) The payment must be made in cash or by money order, [~~or~~] check, or credit card.

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

Representative Guerra moved to adopt the conference committee report on **HB 3578**.

The motion to adopt the conference committee report on **HB 3578** prevailed by (Record 1756): 143 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; 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; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

SB 2154 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 2154**.

Representative Paddie moved to adopt the conference committee report on **SB 2154**.

The motion to adopt the conference committee report on **SB 2154** prevailed by (Record 1757): 109 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Crockett; Cyrier; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Harless; Hefner; Huberty; Hull; Hunter; Jetton; Johnson, A.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen;

Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bailes; Burns; Cain; Craddick; Darby; González, M.; Harris; Hinojosa; Holland; Howard; Israel; Lambert; Landgraf; Larson; Martinez Fischer; Middleton; Murr; Parker; Rogers; Sherman; Smithee; Stucky; Talarico; Toth; Vasut.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Hernandez; Johnson, J.D.; Johnson, J.E.; Meza; Pacheco; Thierry; White; Wilson.

STATEMENTS OF VOTE

When Record No. 1757 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1757 was taken, I was shown voting yes. I intended to vote no.

Bucy

When Record No. 1757 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1757 was taken, I was in the house but away from my desk. I would have voted no.

White

When Record No. 1757 was taken, I was temporarily out of the house chamber. I would have voted no.

Wilson

SB 794 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Meyer submitted the conference committee report on **SB 794**.

Representative Meyer moved to adopt the conference committee report on **SB 794**.

The motion to adopt the conference committee report on **SB 794** prevailed by (Record 1758): 138 Yeas, 1 Nays, 2 Present, not voting.

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

González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; 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.

Nays — Buckley.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Button; Holland; Johnson, J.E.; Meza; Pacheco.

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 2593 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Moody submitted the following conference committee report on **HB 2593**:

Austin, Texas, May 29, 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 2593** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Johnson	Moody
Hughes	Biedermann
Kolkhorst	Dutton
Perry	Krause
Schwertner	Slaton
On the part of the senate	On the part of the house

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.

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

SECTION 1. Sections 481.002(5) and (6), Health and Safety Code, are amended to read as follows:

(5) "Controlled substance" means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 2-B, 3, or 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Section 121.001, Agriculture Code, or the tetrahydrocannabinols in hemp.

(6) "Controlled substance analogue" means:

(A) a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, 2, [~~or~~] 2-A, or 2-B; or

(B) a substance specifically designed to produce an effect substantially similar to, or greater than, the effect of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, 2, [~~or~~] 2-A, or 2-B.

SECTION 2. Section 481.103(a), Health and Safety Code, is amended to read as follows:

(a) Penalty Group 2 consists of:

(1) any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

5-(2-aminopropyl)benzofuran (5-APB);

6-(2-aminopropyl)benzofuran (6-APB);

5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

5-(2-aminopropyl)indole (5-IT,5-API);

6-(2-aminopropyl)indole (6-IT,6-API);

1-(benzofuran-5-yl)-N-methylpropan-2-amine (5-MAPB);

1-(benzofuran-6-yl)-N-methylpropan-2-amine (6-MAPB);

Benzothiophenylcyclohexylpiperidine (BTCP);

8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran- 4-ethanamine (trade or other name: Bromo-DragonFLY);

Desoxypipradrol (2-benzhydrylpiperidine);

2, 5-dimethoxyamphetamine (some trade or other names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

Diphenylprolinol (diphenyl(pyrrolidin-2-yl) methanol, D2PM);

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product (some trade or other names for Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro-6,6, 9- trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9- (trans)-tetrahydrocannabinol);

Ethylamine Analog of Phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1- phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (trade or other name: methoxetamine);

Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);

5-iodo-2-aminoindane (5-IAI);

Mescaline;

5-methoxy-3, 4-methylenedioxy amphetamine;

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);

4-methoxymethamphetamine (PMMA);

2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone (some trade and other names: 2-MeO-ketamine; methoxyketamine);

1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP, PPMP);

4-methyl-2, 5-dimethoxyamphetamine (some trade and other names: 4-methyl-2, 5-dimethoxy-alpha- methylphenethylamine; "DOM"; "STP");

3,4-methylenedioxy methamphetamine (MDMA, MDM);

3,4-methylenedioxy amphetamine;

3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl MDA);

5,6-methylenedioxy-2-aminoindane (MDAI);

Nabilone (Another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6, 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;

N-benzylpiperazine (some trade or other names: BZP; 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);

4-methylaminorex;

N-methyl-3-piperidyl benzilate;

Parahexyl (some trade or other names: 3-Hexyl-1- hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran; Synhexyl);

1-Phenylcyclohexylamine;

1-Piperidinocyclohexanecarbonitrile (PCC);

Pyrrolidine Analog of Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

[~~Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:~~

[~~delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;~~

[~~delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;~~

[~~delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers; or~~

[~~compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized;~~]

Thiophene Analog of Phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP);

1-pyrrolidine (some trade or other name: TCPy);

1-(3-trifluoromethylphenyl)piperazine (trade or other name: TFMPP); and

3,4,5-trimethoxy amphetamine;

(2) Phenylacetone (some trade or other names: Phenyl-2-propanone; P2P, Benzymethyl ketone, methyl benzyl ketone);

(3) unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system:

Aminorex (some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5- phenyl-2-oxazolamine);

Amphetamine, its salts, optical isomers, and salts of optical isomers;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2- aminopropiophenone);

Etaqualone and its salts;

Etorphine Hydrochloride;

Fenethylline and its salts;

Lisdexamfetamine, including its salts, isomers, and salts of isomers;

Mecloqualone and its salts;

Methaqualone and its salts;

Methcathinone (some trade or other names: 2- methylamino-propiophenone; alpha-(methylamino)propriophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N- methylaminopropriophenone; monomethylpropion; ephedrone, N- methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR 1431);

N-Ethylamphetamine, its salts, optical isomers, and salts of optical isomers; and

N,N-dimethylamphetamine (some trade or other names: N,N,alpha-trimethylbenzeneethanamine; N,N,alpha-trimethylphenethylamine), its salts, optical isomers, and salts of optical isomers;

(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:

(A) compounds further modified by:

(i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;

(ii) substitution at the 3-position with an alkyl substituent; or

(iii) substitution at the 2-amino nitrogen atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and

(B) by example, compounds such as:

4-Methylmethcathinone (Also known as Mephedrone);

3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);

3-Fluoromethcathinone (Also known as 3-FMC);

4-Fluoromethcathinone (Also known as Flephedrone);

3,4-Methylenedioxy-N-methylcathinone (Also known as Methylone);

3,4-Methylenedioxypyrovalerone (Also known as MDPV);

alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);

Naphthylpyrovalerone (Also known as Naphyrone);

alpha-Methylamino-valerophenone (Also known as Pentedrone);

beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);

beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylone);

beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and

3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone);

(5) any compound structurally derived from tryptamine (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

(A) by modification in any of the following ways:

(i) by substitution at the amine nitrogen atom of the sidechain to any extent with alkyl or alkenyl groups or by inclusion of the amine nitrogen atom of the side chain (and no other atoms of the side chain) in a cyclic structure;

(ii) by substitution at the carbon atom adjacent to the nitrogen atom of the side chain (alpha-position) with an alkyl or alkenyl group;

(iii) by substitution in the 6-membered ring to any extent with alkyl, alkoxy, haloalkyl, thioaklyl, alkylenedioxy, or halide substituents; or

(iv) by substitution at the 2-position of the tryptamine ring system with an alkyl substituent; and

(B) including:

(i) ethers and esters of the controlled substances listed in this subdivision; and

(ii) by example, compounds such as:

alpha-ethyltryptamine;

alpha-methyltryptamine;

Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl) - 5- indolol; N, N-dimethylserotonin; 5-hydroxy-N, N- dimethyltryptamine; mappine);

Diethyltryptamine (some trade and other names: N, N-Diethyltryptamine, DET);

Dimethyltryptamine (trade or other name: DMT);

5-methoxy-N, N-diisopropyltryptamine (5-MeO-DiPT);

O-Acetylpsilocin (Trade or other name: 4-Aco-DMT);

Psilocin; and

Psilocybin;

(6) 2,5-Dimethoxyphenethylamine and any compound structurally derived from 2,5-Dimethoxyphenethylamine by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), including, by example, compounds such as:

4-Bromo-2,5-dimethoxyphenethylamine (trade or other name: 2C-B);

4-Chloro-2,5-dimethoxyphenethylamine (trade or other name: 2C-C);

2,5-Dimethoxy-4-methylphenethylamine (trade or other name: 2C-D);

4-Ethyl-2,5-dimethoxyphenethylamine (trade or other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (trade or other name: 2C-I);

2,5-Dimethoxy-4-nitrophenethylamine (trade or other name: 2C-N);

2,5-Dimethoxy-4-(n)-propylphenethylamine (trade or other name: 2C-P);

4-Ethylthio-2,5-dimethoxyphenethylamine (trade or other name: 2C-T-2);

4-Isopropylthio-2,5-dimethoxyphenethylamine (trade or other name: 2C-T-4); and

2,5-Dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7); and

(7) 2,5-Dimethoxyamphetamine and any compound structurally derived from 2,5-Dimethoxyamphetamine by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), including, by example, compounds such as:

4-Ethylthio-2,5-dimethoxyamphetamine (trade or other name: Aleph-2);

4-Isopropylthio-2,5-dimethoxyamphetamine (trade or other name: Aleph-4);

4-Bromo-2,5-dimethoxyamphetamine (trade or other name: DOB);

4-Chloro-2,5-dimethoxyamphetamine (trade or other name: DOC);

2,5-Dimethoxy-4-ethylamphetamine (trade or other name: DOET);

4-Iodo-2,5-dimethoxyamphetamine (trade or other name: DOI);

2,5-Dimethoxy-4-methylamphetamine (trade or other name: DOM);

2,5-Dimethoxy-4-nitroamphetamine (trade or other name: DON);

4-Isopropyl-2,5-dimethoxyamphetamine (trade or other name: DOIP); and

2,5-Dimethoxy-4-(n)-propylamphetamine (trade or other name: DOPR).

SECTION 3. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.1032 to read as follows:

Sec. 481.1032. PENALTY GROUP 2-B. (a) Penalty Group 2-B consists of any quantity of the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers; or

compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized.

(b) For the purposes of this section, the term "isomer" includes an optical, position, or geometric isomer.

SECTION 4. Section 481.106, Health and Safety Code, is amended to read as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. For the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, 2, [~~and~~] 2-A, and 2-B include a controlled substance analogue that:

(1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group; or

(2) is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

SECTION 5. The heading to Section 481.113, Health and Safety Code, is amended to read as follows:

Sec. 481.113. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2, [~~OR~~] 2-A, OR 2-B.

SECTION 6. Section 481.113(a), Health and Safety Code, is amended to read as follows:

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 2, [~~or~~] 2-A, or 2-B.

SECTION 7. The heading to Section 481.1161, Health and Safety Code, is amended to read as follows:

Sec. 481.1161. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 2-A OR 2-B.

SECTION 8. Section 481.1161(a), Health and Safety Code, is amended to read as follows:

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly possesses a controlled substance listed in Penalty Group 2-A or 2-B, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.

SECTION 9. Section 481.122(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, 2-B, or 3 or knowingly delivers marihuana and the person delivers the controlled substance or marihuana to a person:

(1) who is a child;

(2) who is enrolled in a public or private primary or secondary school; or

(3) who the actor knows or believes intends to deliver the controlled substance or marihuana to a person described by Subdivision (1) or (2).

SECTION 10. Sections 551.003(11) and (12), Occupations Code, are amended to read as follows:

(11) "Controlled substance" means a substance, including a drug:

(A) listed in Schedule I, II, III, IV, or V, as established by the commissioner of public health under Chapter 481, Health and Safety Code, or in Penalty Group 1, 1-A, 2, 2-B, 3, or 4, Chapter 481; or

(B) included in Schedule I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

(12) "Dangerous drug" means a drug or device that:

(A) is not included in Penalty Group 1, 2, 2-B, 3, or 4, Chapter 481, Health and Safety Code, and is unsafe for self-medication; or

(B) bears or is required to bear the legend:

(i) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(ii) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

SECTION 11. 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 when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 12. This Act takes effect September 1, 2021.

Representative Moody moved to adopt the conference committee report on **HB 2593**.

The motion to adopt the conference committee report on **HB 2593** prevailed by (Record 1759): 95 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Cason; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Krause; Lambert; Landgraf; Larson; Leach; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Patterson; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Sherman; Shine; Spiller; Stephenson; Talarico; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Cain; Capriglione; Clardy; Darby; Dean; Ellzey; Frullo; Gates; Harless; Harris; Hefner; King, K.; King, P.; Klick; Kuempel; Leman; Metcalf; Morrison; Murr; Noble; Oliverson; Paddie; Paul; Price; Raney; Rogers; Sanford; Shaheen; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Meza; Pacheco; Parker; Schofield; Thierry.

STATEMENTS OF VOTE

When Record No. 1759 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1759 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 1759 was taken, I was shown voting yes. I intended to vote no.

Lambert

SB 248 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Thierry submitted the conference committee report on **SB 248**.

Representative Thierry moved to adopt the conference committee report on **SB 248**.

The motion to adopt the conference committee report on **SB 248** prevailed by (Record 1760): 81 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dutton; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Leach; Lopez; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Swanson; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Capriglione; Cason; Cook; Cyrier; Darby; Dean; Dominguez; Ellzey; Frank; Frullo; Gates; Harless; Harris; Hefner; Hull; Jetton; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Lozano; Metcalf; Middleton; Morrison; Murr; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Thompson, S.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1760 was taken, I was shown voting no. I intended to vote yes.

Dominguez

When Record No. 1760 was taken, I was shown voting yes. I intended to vote no.

Geren

When Record No. 1760 was taken, I was shown voting no. I intended to vote yes.

S. Thompson

HB 900 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 900**:

Austin, Texas, May 28, 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 900** 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.

Springer	Huberty
Buckingham	Murphy
Schwertner	J.E. Johnson
Hinojosa	Leach
Hancock	Walle
On the part of the senate	On the part of the house

HB 900, A bill to be entitled An Act relating to the liability of a landlord for damages resulting from the execution of a writ of possession in an eviction suit.

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

SECTION 1. Section 24.0061, Property Code, is amended by adding Subsection (i) to read as follows:

(i) A landlord is not liable for damages to the tenant resulting from the execution of a writ of possession by an officer under this section.

SECTION 2. Section 24.0061(i), Property Code, as added by this Act, applies only to the execution of a writ of possession issued in an eviction suit filed on or after the effective date of this Act. Execution of a writ of possession issued in an eviction suit filed 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 September 1, 2021.

Representative Huberty moved to adopt the conference committee report on **HB 900**.

The motion to adopt the conference committee report on **HB 900** prevailed by (Record 1761): 134 Yeas, 7 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; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; 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; 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; Paddie; Parker; Patterson; Perez; Price; 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; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wu; Zwiener.

Nays — Dutton; Paul; Ramos; Reynolds; Toth; Vasut; Walle.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — González, J.; González, M.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1761 was taken, I was shown voting yes. I intended to vote no.

Crockett

When Record No. 1761 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

When Record No. 1761 was taken, I was shown voting no. I intended to vote yes.

Toth

HR 1969 - ADOPTED
(by Wilson)

The following privileged resolution was laid before the house:

HR 1969

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 1281** (relating to the operation of golf carts in certain areas) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3 of the bill by amending Section 551.404(c), Transportation Code, to read as follows:

(c) Subsection (b) applies only to a county that:

(1) borders or contains a portion of the Red River; or

(2) [~~borders or contains a portion of the Guadalupe River and contains a part of a barrier island that~~] borders the Gulf of Mexico and has a population of less than 500,000[~~; or~~

[~~(3) is adjacent to a county described by Subdivision (2) and:~~

[~~(A) has a population of less than 37,000; and~~

[~~(B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico~~].

Explanation: This change is necessary to authorize certain counties to allow the operation of a golf cart on certain highways.

HR 1969 was adopted by (Record 1762): 135 Yeas, 2 Nays, 2 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; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; 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.

Nays — Cole; Minjarez.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bell, C.; González, J.; González, M.; Hernandez; King, K.; Meza; Pacheco.

HB 1281 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Wilson submitted the following conference committee report on **HB 1281**:

Austin, Texas, May 28, 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 1281** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Schwertner	Wilson
Hancock	Canales
Huffman	Middleton
Nichols	Moody
	Reynolds
On the part of the senate	On the part of the house

HB 1281, A bill to be entitled An Act relating to the operation of golf carts in certain areas.

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

SECTION 1. Section 551.403, Transportation Code, is amended to read as follows:

Sec. 551.403. OPERATION AUTHORIZED IN CERTAIN AREAS. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that is a residential subdivision as defined by Section 209.002(9), Property Code, or has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved one or more plats [~~a plat~~];

(2) on a public or private beach that is open to vehicular traffic; or

(3) on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than five [~~two~~] miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) Notwithstanding Section 551.402(b), a person may operate a golf cart in a master planned community described by Subsection (a) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour.

SECTION 2. Section 551.4031, Transportation Code, is amended to read as follows:

Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality may prohibit the operation of a golf cart on a highway under Section 551.403 [~~551.404~~] if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) The Texas Department of Transportation may prohibit the operation of a golf cart on a highway under Section 551.403 [~~551.404~~] if the department determines that the prohibition is necessary in the interest of safety.

SECTION 3. Section 551.404(c), Transportation Code, is amended to read as follows:

(c) Subsection (b) applies only to a county that:

(1) borders or contains a portion of the Red River; or

(2) [~~borders or contains a portion of the Guadalupe River and contains a part of a barrier island that~~] borders the Gulf of Mexico and has a population of less than 500,000[~~; or~~

[~~(3) is adjacent to a county described by Subdivision (2) and:~~

[~~(A) has a population of less than 37,000; and~~

[~~(B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico~~].

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.

Representative Wilson moved to adopt the conference committee report on **HB 1281**.

The motion to adopt the conference committee report on **HB 1281** prevailed by (Record 1763): 143 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; 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; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

SB 23 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Oliverson submitted the conference committee report on **SB 23**.

Representative Oliverson moved to adopt the conference committee report on **SB 23**.

The motion to adopt the conference committee report on **SB 23** prevailed by (Record 1764): 112 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Button; Cain; Campos; Capriglione; Cason; Clardy; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Rodriguez; Rogers; Rosenthal; Sanford; Schaefer; Schofield;

Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Vo; Walle; White; Wilson.

Nays — Allen; Beckley; Bowers; Canales; Cole; Fierro; Gervin-Hawkins; Goodwin; Johnson, J.D.; Martinez; Minjarez; Moody; Morales, C.; Neave; Perez; Ramos; Reynolds; Romero; Rose; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Burrows; Cortez; Hernandez; Johnson, J.E.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1764 was taken, my vote failed to register. I would have voted no.

Anchia

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Bucy

When Record No. 1764 was taken, I was in the house but away from my desk. I would have voted yes.

Burrows

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Campos

When Record No. 1764 was taken, I was in the house but away from my desk. I would have voted no.

Cortez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Crockett

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Dominguez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Israel

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Lopez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Meza

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Ordaz Perez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Ortega

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

HR 2005 - ADOPTED
(by Neave)

The following privileged resolution was laid before the house:

HR 2005

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 2462** (the

reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense) to consider and take action on the following matters:

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

SECTION 11. Section 420.003(1-a), Government Code, is amended to read as follows:

(1-a) "Active criminal case" means a case:

(A) in which:

(i) a sexual assault or other sex offense has been reported to a law enforcement agency; [~~and~~]

(ii) physical evidence of the offense has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(iii) the agency documents that an offense has been committed and reported; and

(B) for which:

(i) the statute of limitations has not run with respect to the prosecution of the offense; or

(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

SECTION 12. Sections 420.034(a) and (c), Government Code, are amended to read as follows:

(a) For purposes of this section, "evidence" means evidence collected during the investigation of a [~~an alleged~~] sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(c) The tracking system must:

(1) include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2) track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;

(3) [~~(2)~~] allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and

(4) [~~(3)~~] allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

SECTION 13. Section 420.045, Government Code, is transferred to Section 420.034, Government Code, redesignated as Subsection (h), Section 420.034, Government Code, and amended to read as follows:

(h) Not later than December 1 of each year, the department [~~Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory~~] shall submit a [~~quarterly~~] report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature [~~department~~] identifying the number of evidence collection kits that have [~~the law enforcement agency has~~] not yet been submitted for laboratory analysis or for which the [~~crime~~] laboratory analysis has not yet been completed [~~an analysis~~], as applicable. The annual report must be titled "Statewide Electronic Tracking System Report" and must be posted on the department's publicly accessible Internet website.

SECTION 14. Section 420.035(a), Government Code, as added by Chapter 408 (**HB 8**), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a) If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall:

(1) promptly notify any law enforcement agency investigating the [~~alleged~~] offense; and

(2) not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034.

SECTION 15. Section 420.042, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by this section shall provide to the department written documentation of the failure, including a detailed explanation for the failure. The agency shall submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by this section.

SECTION 16. Section 420.046, Government Code, is amended to read as follows:

Sec. 420.046. NONCOMPLIANCE. Failure to comply with the requirements of Subchapter B or this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

SECTION 17. Section 420.042(b), Government Code, is repealed.

SECTION 20. The changes in law made by this Act to Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (**HB 8**), Acts of the 86th Legislature, Regular Session, 2019, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

SECTION 21. Section 420.042(g), Government Code, as added by this Act, applies to evidence of a sexual assault or other sex offense in possession of a law enforcement agency on or after the effective date of this Act.

Explanation: The addition is necessary to improve the tracking and analysis of evidence of a sexual assault or other sex offense and to ensure compliance with certain requirements imposed with respect to a sex offense or evidence of a sex offense.

(2) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement in proposed SECTION 19 of the bill, a transition provision for the bill, to read as follows:

SECTION 19. The changes in law made by this Act to Chapters 56A and 56B, Code of Criminal Procedure, apply only to a sexual assault reported on or after the effective date of this Act. A sexual assault reported before the effective date of this Act is governed by the law in effect on the date the sexual assault was reported, and the former law is continued in effect for that purpose.

Explanation: The change in the provision is necessary to specify a transition for amended Articles 56A.052, 56A.251, 56A.252, 56A.302, 56A.303, 56A.304, 56A.307, and 56B.453, Code of Criminal Procedure, and added Articles 56A.2505 and 56A.2506, Code of Criminal Procedure, in the bill.

HR 2005 was adopted by (Record 1765): 138 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; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; 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; 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; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Clardy; Fierro; Hefner; Johnson, A.; Pacheco; Vo.

HB 2462 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Neave submitted the following conference committee report on **HB 2462**:

Austin, Texas, May 29, 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 2462** 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.

Paxton	Neave
Nichols	Ramos
Huffman	Button
Campbell	Campos
On the part of the senate	On the part of the house

HB 2462, A bill to be entitled An Act relating to the reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense.

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

SECTION 1. Article 56A.052(a), Code of Criminal Procedure, is amended to conform to Section 2, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(a) If the offense is a sexual assault, a victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding:

(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B) the status of any analysis being performed of any evidence described by Paragraph (A);

(2) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; and

(4) for the victim, the right to:

(A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(B) a forensic medical examination to the extent provided by Subchapters F and G if, within 120 [~~96~~] hours of the offense:

(i) the offense is reported to a law enforcement agency; or

(ii) a forensic medical examination is otherwise conducted at a health care provider [~~facility~~].

SECTION 2. Subchapter F, Chapter 56A, Code of Criminal Procedure, is amended to conform to Section 3, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, by adding Article 56A.2505 and further amending that article to read as follows:

Art. 56A.2505. APPLICABILITY. This subchapter applies to health care providers described by Article 56A.302.

SECTION 3. Subchapter F, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.2506 to read as follows:

Art. 56A.2506. DEFINITION. In this subchapter, "reported sexual assault" means a sexual assault that has been reported to a law enforcement agency.

SECTION 4. Article 56A.251, 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:

Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION. (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 reported [~~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.

(b) If a sexual assault is not reported within the period described by Subsection (a) and the victim is a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a) or the consent described by Section 32.003 or 32.005, Family Code, a law enforcement agency

shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense [~~A law enforcement agency may decline to request a forensic medical examination under Subsection (a) only if:~~

[~~(1) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and~~

[~~(2) there is no other evidence to corroborate the current allegations of sexual assault~~].

(c) If a sexual assault is not reported within the period described by Subsection (a) and the victim is not a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a), [~~that subsection~~] a law enforcement agency may request a forensic medical examination of a victim of a reported [~~an alleged~~] sexual assault for use in the investigation or prosecution of the offense if:

(1) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or

(2) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted [~~as considered appropriate by the agency~~].

(d) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a), (b), or (c), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination. The law enforcement agency shall:

(1) provide the documentation of the agency's decision regarding a request for a forensic medical examination to:

(A) the health care provider and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and

(B) the victim or the person who consented to the forensic medical examination on behalf of the victim; and

(2) maintain the documentation of the agency's decision in accordance with the agency's record retention policies.

SECTION 5. Article 56A.252, Code of Criminal Procedure, is amended to conform to Sections 3 and 8, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION. (a) [~~A law enforcement agency that requests a forensic medical examination under Article 56A.251 shall pay all costs of the examination.~~] On application to the attorney general, a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the [~~law enforcement agency is entitled to be reimbursed for the reasonable costs of the examination if the examination was performed by a physician or by a~~] sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and

(2) the evidence collection kit [~~defined by Section 420.003, Government Code~~].

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) the documentation that the law enforcement agency requested the forensic medical examination, as required under Article 56A.251(d); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

(c) A health care provider or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care provider or the sexual assault examiner or sexual assault nurse examiner, as applicable:

(A) requests, in writing, additional reimbursement from the attorney general; and

(B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and

(2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(d) A health care provider is not entitled to reimbursement under this article unless the forensic medical examination was conducted by a physician, sexual assault examiner, or sexual assault nurse examiner.

(e) On request, the attorney general may provide training to a health care provider regarding the process for applying for reimbursement under this article.

SECTION 6. Article 56A.302, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.302. APPLICABILITY. This subchapter applies to the following health care providers [~~facilities~~] that provide diagnosis or treatment services to victims of sexual assault:

(1) a general or special hospital licensed under Chapter 241, Health and Safety Code;

(2) a general or special hospital owned by this state;

(3) an outpatient clinic; and

(4) a private physician's office.

SECTION 7. Article 56A.303, Code of Criminal Procedure, is amended to conform to Section 4, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (b), a health care provider [~~facility~~] shall conduct a forensic medical examination of a victim of a [~~an alleged~~] sexual assault if:

(1) the victim arrives at the provider [~~facility~~] within 120 [~~96~~] hours after the assault occurred;

(2) the victim consents to the examination; and

(3) at the time of the examination the victim has not reported the assault to a law enforcement agency.

(b) If a health care provider [~~facility~~] does not provide diagnosis or treatment services to victims of sexual assault, the provider [~~facility~~] shall refer a victim of a [~~an alleged~~] sexual assault who seeks a forensic medical examination under Subsection (a) to a health care provider [~~facility~~] that provides services to those victims.

(c) A victim of a [~~an alleged~~] sexual assault may not be required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article.

SECTION 8. Article 56A.304, Code of Criminal Procedure, is amended to conform to Sections 4 and 8, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a) On application to the [~~The department shall pay the appropriate fees, as set by~~] attorney general [~~rule~~], a health care provider that provides [~~for the forensic portion of~~] a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the [~~conducted under Article 56A.303(a) and for the evidence collection kit if a physician,~~] sexual assault examiner [~~,~~] or sexual assault nurse examiner who conducts that [~~the forensic portion of the~~] examination, as applicable, within 120 [~~96~~] hours after the [~~alleged~~] sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and

(2) the evidence collection kit.

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) certification that the examination was conducted in accordance with the requirements of Article 56A.303(a); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination [~~attorney general shall reimburse the department for fees paid under Subsection (a)~~].

(c) A health care provider or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care provider or sexual assault examiner or sexual assault nurse examiner, as applicable:

(A) requests, in writing, additional reimbursement from the attorney general; and

(B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and

(2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(d) A health care provider is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the provider by a physician, sexual assault examiner, or sexual assault nurse examiner.

(e) On request, the attorney general may provide training to a health care provider regarding the process for applying for reimbursement under this article.

(f) A victim of a [~~an alleged~~] sexual assault may not be required to pay for:

(1) the forensic portion of the forensic medical examination; or

(2) the evidence collection kit.

SECTION 9. Article 56A.307, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF ADDITIONAL EVIDENCE. The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of a [~~an alleged~~] sexual assault other than through a forensic medical examination as described by Article 56A.303(a).

SECTION 10. Article 56B.453(d), Code of Criminal Procedure, is amended to conform to Section 5, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(d) The attorney general may use the fund to:

(1) reimburse a health care provider or a sexual assault examiner or sexual assault nurse examiner for certain costs of a forensic medical examination that are incurred by the provider or the examiner [~~law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency~~] under Subchapter F or G, Chapter 56A, as provided by those subchapters; and

(2) make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Subchapter F or G, Chapter 56A, in accordance with Section 323.004, Health and Safety Code.

SECTION 11. Section 420.003(1-a), Government Code, is amended to read as follows:

(1-a) "Active criminal case" means a case:

(A) in which:

(i) a sexual assault or other sex offense has been reported to a law enforcement agency; [~~and~~]

(ii) physical evidence of the offense has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(iii) the agency documents that an offense has been committed and reported; and

(B) for which:

(i) the statute of limitations has not run with respect to the prosecution of the offense; or

(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

SECTION 12. Sections 420.034(a) and (c), Government Code, are amended to read as follows:

(a) For purposes of this section, "evidence" means evidence collected during the investigation of a [~~an alleged~~] sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(c) The tracking system must:

(1) include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2) track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;

(3) [~~(2)~~] allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and

(4) [~~(3)~~] allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

SECTION 13. Section 420.045, Government Code, is transferred to Section 420.034, Government Code, redesignated as Subsection (h), Section 420.034, Government Code, and amended to read as follows:

(h) Not later than December 1 of each year, the department [~~Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory~~] shall submit a [~~quarterly~~] report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature [~~department~~] identifying the number of evidence collection kits that have [~~the law enforcement agency has~~] not yet been submitted for laboratory analysis or for which the [~~crime~~] laboratory analysis has not yet been completed [~~an analysis~~], as applicable. The annual report must be titled "Statewide Electronic Tracking System Report" and must be posted on the department's publicly accessible Internet website.

SECTION 14. Section 420.035(a), Government Code, as added by Chapter 408 (**HB 8**), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a) If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall:

(1) promptly notify any law enforcement agency investigating the [~~alleged~~] offense; and

(2) not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034.

SECTION 15. Section 420.042, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by this section shall provide to the department written documentation of the failure, including a detailed explanation for the failure. The agency shall submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by this section.

SECTION 16. Section 420.046, Government Code, is amended to read as follows:

Sec. 420.046. NONCOMPLIANCE. Failure to comply with the requirements of Subchapter B or this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

SECTION 17. Section 420.042(b), Government Code, is repealed.

SECTION 18. 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 19. The changes in law made by this Act to Chapters 56A and 56B, Code of Criminal Procedure, apply only to a sexual assault reported on or after the effective date of this Act. A sexual assault reported before the effective date of this Act is governed by the law in effect on the date the sexual assault was reported, and the former law is continued in effect for that purpose.

SECTION 20. The changes in law made by this Act to Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (**HB 8**), Acts of the 86th Legislature, Regular Session, 2019, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

SECTION 21. Section 420.042(g), Government Code, as added by this Act, applies to evidence of a sexual assault or other sex offense in possession of a law enforcement agency on or after the effective date of this Act.

SECTION 22. This Act takes effect September 1, 2021.

Representative Neave moved to adopt the conference committee report on **HB 2462**.

The motion to adopt the conference committee report on **HB 2462** prevailed by (Record 1766): 140 Yeas, 0 Nays, 2 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; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; 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; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Fierro; Johnson, A.; Pacheco.

STATEMENT OF VOTE

When Record No. 1766 was taken, my vote failed to register. I would have voted yes.

Anchia

HR 2086 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2086**, suspending the limitations on the conferees for **HB 4305**.

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).

HR 1997 - ADOPTED
(by P. King)

The following privileged resolution was laid before the house:

HR 1997

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 **SB 15** (the Texas

Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8 of the bill by adding Section 730.007(a-2), Transportation Code, to read as follows:

(a-2) Subsection (a)(2)(C) does not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a government agency.

Explanation: The addition is necessary to clarify that certain provisions of the Act do not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a governmental agency.

HR 1997 was adopted by (Record 1767): 140 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; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; 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; 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; 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; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Dutton; Fierro; Pacheco; Stephenson.

SB 15 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the conference committee report on **SB 15**.

Representative P. King moved to adopt the conference committee report on **SB 15**.

The motion to adopt the conference committee report on **SB 15** prevailed by (Record 1768): 140 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; Geren; Gervin-Hawkins; 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; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Gates; Morales, E.; Ordaz Perez; Pacheco.

STATEMENT OF VOTE

When Record No. 1768 was taken, I was in the house but away from my desk. I would have voted yes.

E. Morales

SB 1164 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Collier submitted the conference committee report on **SB 1164**.

Representative Collier moved to adopt the conference committee report on **SB 1164**.

The motion to adopt the conference committee report on **SB 1164** prevailed by (Record 1769): 137 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; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Geren; Gervin-Hawkins; 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; 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; 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; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Clardy; Dean; Fierro; Gates; Pacheco; Shine; Slaton.

STATEMENTS OF VOTE

When Record No. 1769 was taken, I was in the house but away from my desk. I would have voted yes.

Clardy

When Record No. 1769 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

SB 22 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Patterson submitted the conference committee report on **SB 22**.

Representative Patterson moved to adopt the conference committee report on **SB 22**.

The motion to adopt the conference committee report on **SB 22** prevailed by (Record 1770): 139 Yeas, 3 Nays, 2 Present, not voting.

Yeas — 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; 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; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; 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; Walle; White; Wilson; Wu; Zwiener.

Nays — Allen; Cason; Oliverson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco; Vo.

STATEMENT OF VOTE

When Record No. 1770 was taken, I was shown voting yes. I intended to vote no.

Slaton

SB 2038 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dean submitted the conference committee report on **SB 2038**.

Representative Dean moved to adopt the conference committee report on **SB 2038**.

The motion to adopt the conference committee report on **SB 2038** prevailed by (Record 1771): 127 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; 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; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; 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.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; 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; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Gates; Hefner; Krause; Middleton; Patterson; Schaefer; Slaton; Slawson; Tinderholt; Toth; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anderson; Dutton; Pacheco.

STATEMENTS OF VOTE

When Record No. 1771 was taken, I was shown voting yes. I intended to vote no.

Schofield

When Record No. 1771 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1771 was taken, I was shown voting yes. I intended to vote no.

Vasut

SB 1704 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the conference committee report on **SB 1704**.

Representative Krause moved to adopt the conference committee report on **SB 1704**.

The motion to adopt the conference committee report on **SB 1704** prevailed by (Record 1772): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; 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; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Campos; Deshotel; Pacheco.

STATEMENTS OF VOTE

When Record No. 1772 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 1772 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

HR 2014 - ADOPTED
(by Cyrier)

The following privileged resolution was laid before the house:

HR 2014

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 **SB 713** (the sunset review process and certain governmental entities subject to that process) to consider and take action on the following matters:

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

SECTION 1.03. ANATOMICAL BOARD OF THE STATE OF TEXAS. Section 691.003, Health and Safety Code, is amended to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2023 [~~2021~~].

SECTION 1.04. TEXAS COMMISSION OF LICENSING AND REGULATION; TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002(a), Occupations Code, is amended to read as follows:

(a) The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2023 [~~2021~~].

SECTION 1.05. TEXAS COMMISSION ON LAW ENFORCEMENT. (a) Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2023 [~~2021~~].

(b) For purposes of Section 1701.002, Occupations Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the Texas Commission on Law Enforcement for the 88th Legislature.

(c) In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the appropriateness of the Sunset Advisory Commission's recommendations for the Texas Commission on Law Enforcement made to the 87th Legislature.

(d) The Sunset Advisory Commission's recommendations to the 88th Legislature may include any recommendation the commission considers appropriate based on the limited-scope review conducted under this section.

SECTION 3.04. TEXAS RACING COMMISSION. (a) Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2027 [~~2021~~].

(b) Not later than December 1, 2021, the Texas Racing Commission shall replace all employees who were employed by the Texas Racing Commission on August 31, 2021, in:

(1) an exempt position; or

(2) a position at or above salary group B27 in the Texas Position Classification Plan, 1961.

(c) The Texas Racing Commission may not hire or rehire an individual to fill a position described by Subsection (b) of this section if the individual was employed by the commission in a position described by Subsection (b) of this section during the six months preceding the effective date of this Act.

Explanation: This addition is necessary to limit the scope of the next sunset review of the Texas Commission on Law Enforcement, to replace certain employees of the Texas Racing Commission, and to change the sunset review date for various state agencies.

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

ARTICLE 9. TRANSITION

SECTION 9.01. CONFLICT WITH OTHER LAWS. If a conflict exists between this Act and another Act of the 87th Legislature, Regular Session, 2021, that amends or repeals the sunset date of a governmental entity, the provisions of the other Act control without regard to the relative dates of enactment.

Explanation: This addition is necessary to address any conflicts with other legislation enacted by the 87th Legislature, Regular Session, 2021.

HR 2014 was adopted by (Record 1773): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; 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; Lopez; Lozano; 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; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee;

Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Middleton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cason; Pacheco; Price; Sanford.

STATEMENTS OF VOTE

When Record No. 1773 was taken, my vote failed to register. I would have voted yes.

Cason

When Record No. 1773 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 713 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Cyrier submitted the conference committee report on **SB 713**.

Representative Cyrier moved to adopt the conference committee report on **SB 713**.

The motion to adopt the conference committee report on **SB 713** prevailed by (Record 1774): 133 Yeas, 7 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; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; 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; 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; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Cason; Middleton; Slaton; Tinderholt; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hernandez; Lozano; Pacheco; Schofield.

STATEMENTS OF VOTE

When Record No. 1774 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 1774 was taken, my vote failed to register. I would have voted yes.

Lozano

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1774 was taken, I was in the house but away from my desk. I would have voted yes.

Schofield

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Toth

HR 2027 - ADOPTED
(by Frank)

The following privileged resolution was laid before the house:

HR 2027

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 3720** (long-term care facilities for and Medicaid waiver programs available to certain individuals, including individuals with intellectual and developmental disabilities) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting proposed Section 531.06035, Government Code, and the transition language associated with that section. The omitted text imposes a duty on the Health and Human Services Commission to conduct a medical necessity assessment of a child who receives Supplemental Security Income (SSI) before placing the child on the interest list for the medically dependent children (MDCP) program.

Explanation: The omission of the text is necessary to remove the duty imposed on the Health and Human Services Commission to conduct certain medical necessity assessments of a child who receives Supplemental Security Income (SSI) before placing the child on the interest list for the medically dependent children (MDCP) program.

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

SECTION 1. Section 531.0581(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall establish a Long-Term Care Facilities Council as a permanent advisory committee to the commission. The council is composed of the following members appointed by the executive commissioner:

(1) at least one member who is a for-profit nursing facility provider;

(2) at least one member who is a nonprofit nursing facility provider;

(3) at least one member who is an assisted living services provider;

(4) at least one member responsible for survey enforcement within the state survey and certification agency;

(5) at least one member responsible for survey inspection within the state survey and certification agency;

(6) at least one member of the state agency responsible for informal dispute resolution;

(7) at least one member with expertise in Medicaid quality-based payment systems for long-term care facilities;

(8) at least one member who is a practicing medical director of a long-term care facility; [~~and~~]

(9) at least one member who is a physician with expertise in infectious disease or public health; and

(10) at least one member who is a community-based provider at an intermediate care facility for individuals with intellectual or developmental disabilities licensed under Chapter 252, Health and Safety Code.

Explanation: This addition is necessary to change the composition of the Texas Long-Term Care Facilities Council to include at least one member who is a community-based provider at certain intermediate care facilities.

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

SECTION 3. Section 252.065(b), Health and Safety Code, is amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than $100 or more than $1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than $100 or more than $5,000 for each violation. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. The total amount of penalties [~~a penalty~~] assessed under this

subsection for an on-site regulatory visit or complaint investigation, regardless of the duration of any ongoing violations, [~~for each day a violation occurs or continues~~] may not exceed:

(1) $5,000 for a facility with fewer than 60 beds; and

(2) $25,000 for a facility with 60 beds or more.

SECTION 4. Section 161.089, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

(1) specify the types of violations that warrant imposition of an administrative penalty;

(2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;

(3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);

(4) authorize the imposition of an administrative penalty in an amount not to exceed $5,000 for each violation;

(5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;

(6) ensure standard and consistent application of administrative penalties throughout the state; [~~and~~]

(7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code; and

(8) ensure standard and consistent interpretation of service delivery rules and consistent application of administrative penalties throughout this state.

(c-1) On adoption of the rules under Subsection (c), the executive commissioner shall develop interpretative guidelines for regulatory staff and providers regarding the imposition of administrative penalties under this section.

SECTION 6. Not later than December 1, 2021, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 252.065(b), Health and Safety Code, as amended by this Act, and Section 161.089, Human Resources Code, as amended by this Act.

SECTION 7. The Health and Human Services Commission may not assess a penalty under Section 161.089, Human Resources Code, as amended by this Act, until the executive commissioner of the Health and Human Services Commission:

(1) adopts the rules necessary to implement Section 161.089(c)(8), Human Resources Code, as added by this Act; and

(2) develops the interpretive guidelines required by Section 161.089(c-1), Human Resources Code, as added by this Act.

Explanation: The changes are necessary to implement certain changes to law relating to the imposition of administrative penalties against certain long-term care facilities, including a change to the amount of an administrative penalty for certain violations committed by intermediate care facilities for individuals with an

intellectual disability and a change to ensure the executive commissioner of the Health and Human Services Commission adopts standard and consistent rules relating to the interpretation and consistent application of administrative penalties against certain long-term care facilities.

HR 2027 was adopted by (Record 1775): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; 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; 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; 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 — Slaton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hinojosa; Pacheco; Slawson.

STATEMENT OF VOTE

When Record No. 1775 was taken, I was in the house but away from my desk. I would have voted yes.

Slawson

HB 3720 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 3720**:

Austin, Texas, May 29, 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 3720** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kolkhorst	Frank
Bettencourt	Klick
Buckingham	Guillen
Perry	M. González
Powell	Noble
On the part of the senate	On the part of the house

HB 3720, A bill to be entitled An Act relating to long-term care facilities for and Medicaid waiver programs available to certain individuals, including individuals with intellectual and developmental disabilities.

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

SECTION 1. Section 531.0581(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall establish a Long-Term Care Facilities Council as a permanent advisory committee to the commission. The council is composed of the following members appointed by the executive commissioner:

(1) at least one member who is a for-profit nursing facility provider;

(2) at least one member who is a nonprofit nursing facility provider;

(3) at least one member who is an assisted living services provider;

(4) at least one member responsible for survey enforcement within the state survey and certification agency;

(5) at least one member responsible for survey inspection within the state survey and certification agency;

(6) at least one member of the state agency responsible for informal dispute resolution;

(7) at least one member with expertise in Medicaid quality-based payment systems for long-term care facilities;

(8) at least one member who is a practicing medical director of a long-term care facility; [~~and~~]

(9) at least one member who is a physician with expertise in infectious disease or public health; and

(10) at least one member who is a community-based provider at an intermediate care facility for individuals with intellectual or developmental disabilities licensed under Chapter 252, Health and Safety Code.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.06011 to read as follows:

Sec. 531.06011. CERTAIN MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) This section applies only with respect to the following waiver programs:

(1) the community living assistance and support services (CLASS) waiver program;

(2) the home and community-based services (HCS) waiver program;

(3) the deaf-blind with multiple disabilities (DBMD) waiver program;

(4) the Texas home living (TxHmL) waiver program;

(5) the medically dependent children (MDCP) waiver program; and

(6) the STAR+PLUS home and community-based services (HCBS) program.

(b) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, the state Medicaid managed care advisory committee, and interested stakeholders, shall develop a questionnaire to be completed by or on behalf of an individual who requests to be placed on or is currently on an interest list for a waiver program.

(c) The questionnaire developed under Subsection (b) must, at a minimum, request the following information about an individual seeking or receiving services under a waiver program:

(1) contact information for the individual or the individual's parent or other legally authorized representative;

(2) the individual's general demographic information;

(3) the individual's living arrangement;

(4) the types of assistance the individual requires;

(5) the individual's current caregiver supports and circumstances that may cause the individual to lose those supports; and

(6) when the delivery of services under a waiver program should begin to ensure the individual's health and welfare and that the individual receives services and supports in the least restrictive setting possible.

(d) If an individual is on a waiver program's interest list and the individual or the individual's parent or other legally authorized representative does not respond to a written or verbal request made by the commission to update information concerning the individual or otherwise fails to maintain contact with the commission, the commission:

(1) shall designate the individual's status on the interest list as inactive until the individual or the individual's parent or other legally authorized representative notifies the commission that the individual is still interested in receiving services under the waiver program; and

(2) at the time the individual or the individual's parent or other legally authorized representative provides notice to the commission under Subdivision (1), shall designate the individual's status on the interest list as active and restore the individual to the position on the list that corresponds with the date the individual was initially placed on the list.

(e) The commission's designation of an individual's status on an interest list as inactive under Subsection (d) may not result in the removal of the individual from that list or any other waiver program interest list.

(f) Not later than September 1 of each year, the commission shall provide to the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, or, if that advisory committee is abolished, an appropriate stakeholder advisory committee, as determined by the

executive commissioner, the number of individuals, including individuals whose status is designated as inactive by the commission, who are on an interest list to receive services under a waiver program.

SECTION 3. Section 252.065(b), Health and Safety Code, is amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than $100 or more than $1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than $100 or more than $5,000 for each violation. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. The total amount of penalties [~~a penalty~~] assessed under this subsection for an on-site regulatory visit or complaint investigation, regardless of the duration of any ongoing violations, [~~for each day a violation occurs or continues~~] may not exceed:

(1) $5,000 for a facility with fewer than 60 beds; and

(2) $25,000 for a facility with 60 beds or more.

SECTION 4. Section 161.089, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

(1) specify the types of violations that warrant imposition of an administrative penalty;

(2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;

(3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);

(4) authorize the imposition of an administrative penalty in an amount not to exceed $5,000 for each violation;

(5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;

(6) ensure standard and consistent application of administrative penalties throughout the state; [~~and~~]

(7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code; and

(8) ensure standard and consistent interpretation of service delivery rules and consistent application of administrative penalties throughout this state.

(c-1) On adoption of the rules under Subsection (c), the executive commissioner shall develop interpretative guidelines for regulatory staff and providers regarding the imposition of administrative penalties under this section.

SECTION 5. As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall develop the questionnaire required by Section 531.06011(b), Government Code, as added by this Act.

SECTION 6. Not later than December 1, 2021, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 252.065(b), Health and Safety Code, as amended by this Act, and Section 161.089, Human Resources Code, as amended by this Act.

SECTION 7. The Health and Human Services Commission may not assess a penalty under Section 161.089, Human Resources Code, as amended by this Act, until the executive commissioner of the Health and Human Services Commission:

(1) adopts the rules necessary to implement Section 161.089(c)(8), Human Resources Code, as added by this Act; and

(2) develops the interpretive guidelines required by Section 161.089(c-1), Human Resources Code, as added by this Act.

SECTION 8. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission 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 9. 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 10. This Act takes effect September 1, 2021.

Representative Frank moved to adopt the conference committee report on **HB 3720**.

The motion to adopt the conference committee report on **HB 3720** prevailed by (Record 1776): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; 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; 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; Walle; White; Wilson; Wu; Zwiener.

Nays — Slaton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, J.E.; Klick; Pacheco.

STATEMENT OF VOTE

When Record No. 1776 was taken, I was in the house but away from my desk. I would have voted yes.

Klick

HR 2084 - ADOPTED
(by P. King)

The following privileged resolution was laid before the house:

HR 2084

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 **SB 1281** (a reliability assessment of the ERCOT power grid and certificates of public convenience and necessity for certain transmission projects) to consider and take action on the following matter:

House Rule 13, Sections 9(a)(1) and (3) are suspended to permit the committee to change, alter, or amend text which is not in disagreement and add text on a matter which is not in disagreement in proposed SECTION 1 of the bill by adding Sections 37.052(c)(1)(A) and (B), Utilities Code, to read as follows:

(1) the transmission line does not exceed:

(A) three miles in length, if the line connects to a load-serving substation or metering point; or

(B) two miles in length, if the line connects to a generation substation or metering point;

Explanation: The change is necessary to distinguish that an electric transmission line to which Subsection 37.056(c), Utilities Code, as added by this bill, applies must measure three miles or less for a load-serving electric transmission line and two miles or less for an electric transmission line that connects to power generation.

HR 2084 was adopted by (Record 1777): 141 Yeas, 1 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; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton;

Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; 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; 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.

Nays — Biedermann.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hernandez; Pacheco.

STATEMENT OF VOTE

When Record No. 1777 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

SB 1281 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the conference committee report on **SB 1281**.

SB 1281 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZWIENER: I'm really glad to see this piece of legislation here at the finish line. I want to thank you, Representative Darby, the rest of the conferees, and Senator Hancock for working with us on this. Could you tell us the changes we made from the house engrossed version? Or the house amendments, I should say.

REPRESENTATIVE P. KING: Essentially, now if you're trying to build transmission lines to a new generation facility, whether it's renewable or whether it's a thermal unit, you will not have to go to the PUC to get a modification of your CCN as long as you're within two miles if it is to build. If it's for load serving purposes—for example, if there's a new manufacturing facility or something else that uses a lot of electricity and you're building transmission lines to that new business—then you will not have to go get a modification of your CCN if you are within three miles of that facility. It also includes language that the renewables wanted. First off, we left the production cost. That will remain as a test for whether or not lines should be built and how they're assessed and ranked in priority. We left the production cost. It will remain in the rules. We added the consumer test, but it includes language that the renewables wanted in

that, which will require that that test also take into consideration not only current congestion issues but future congestion issues. And it also requires ERCOT to do a biannual grid reliability study with regard to preparations for extreme whether events.

ZWIENER: So just for legislative intent, I want to clarify. This legislation is adding a consumer test but nothing about adding that strikes the existing production cost test used by PUC and ERCOT. Is that correct?

P. KING: That is correct.

Representative P. King moved to adopt the conference committee report on **SB 1281**.

The motion to adopt the conference committee report on **SB 1281** prevailed by (Record 1778): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris; Hefner; 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; Martinez; Martinez Fischer; Metcalf; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anderson; Dutton; Harless; Hernandez; Meyer; Pacheco; Schofield.

STATEMENTS OF VOTE

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Meyer

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Schofield

REMARKS ORDERED PRINTED

Representative Zwiener moved to print remarks between Representative P. King and Representative Zwiener on **SB 1281**.

The motion prevailed.

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).

HB 3752 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 3752**:

Austin, Texas, May 28, 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 3752** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hancock	Frank
Nichols	Klick
Seliger	Oliverson
Whitmire	Buckley
On the part of the senate	On the part of the house

HB 3752, A bill to be entitled An Act relating to the offering of health benefit coverage by subsidiaries of the Texas Mutual Insurance Company.

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

SECTION 1. Section 2054.107, Insurance Code, is amended to read as follows:

Sec. 2054.107. CERTAIN RELATIONSHIPS WITH OTHER INSURERS PROHIBITED. Except as provided by Section 2054.602, the [~~The~~] company may not have:

(1) an affiliate, spin-off, or subsidiary that writes a line of insurance other than workers' compensation insurance; or

(2) interlocking boards of directors with an insurer that writes a line of insurance other than workers' compensation insurance.

SECTION 2. Chapter 2054, Insurance Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. SUBSIDIARIES AUTHORIZED TO PROVIDE HEALTH BENEFIT COVERAGE

Sec. 2054.601. DEFINITION. In this subchapter, "alternative health benefit coverage" means health benefit coverage:

(1) provided by a subsidiary of the company that is not authorized to engage in the business of insurance in this state;

(2) offered only to:

(A) individuals;

(B) small businesses with not more than 250 full-time equivalent employees; or

(C) the company's policyholders or their employees; and

(3) that is not:

(A) provided through an insurance policy or other product the offering or issuance of which constitutes the business of insurance in this state; or

(B) benefit coverage subject to the laws governing workers' compensation in this state.

Sec. 2054.602. HEALTH BENEFIT COVERAGE OFFERED BY SUBSIDIARY AUTHORIZED. (a) The company may create, acquire, or otherwise own or operate one or more subsidiaries that offer accident or health insurance or another type of health benefit coverage or health benefit plan as provided by this subchapter.

(b) A subsidiary of the company may offer in this state:

(1) accident or health insurance or another type of health benefit plan authorized under this code, in accordance with a certificate of authority issued to the subsidiary under this code; or

(2) alternative health benefit coverage as described by Section 2054.601.

(c) A subsidiary of the company may not offer or issue an occupational policy for an employer or an employer's employees covering an occupational bodily injury, disease, or death that explicitly provides liability coverage to an employer that elects not to maintain workers' compensation insurance coverage under Chapter 406, Labor Code.

(d) A subsidiary of the company may not offer or issue any policy, plan, or benefit coverage under this section before September 1, 2023. This subsection expires September 1, 2023.

Sec. 2054.603. CONSIDERATIONS AND GUIDING PRINCIPLES FOR DEVELOPING HEALTH BENEFIT COVERAGE OFFERINGS. (a) In developing health benefit coverage or health benefit plan options to be offered through a subsidiary of the company, the company shall fully explore all health coverage options that may be offered under this subchapter and place emphasis on:

(1) increasing competition in the health insurance market;

(2) utilizing innovations that improve the quality of health care while lowering health care costs;

(3) ensuring adequacy of benefits and access to care for individuals in this state with preexisting conditions;

(4) issuing coverage in a manner that does not discriminate against individuals with preexisting conditions;

(5) leveraging federal tax credits that may be available for private health benefit plans to the greatest extent possible to increase the affordability of health benefit plans;

(6) ensuring transparency and coherence of costs and coverage to inform individuals shopping for health benefits;

(7) reducing incidences of medical debt faced by individuals in this state and uncompensated care faced by providers in this state; and

(8) ensuring equitable costs regardless of gender or prospects of pregnancy or childbirth.

(b) Not later than September 1, 2022, the company shall submit to the legislature a report explaining how any anticipated health benefit coverage offerings would comply with all considerations and guiding principles for developing health benefit coverage offerings under Subsection (a). This subsection expires January 1, 2023.

Sec. 2054.604. RULES. Except with respect to alternative health benefit coverage as described by Section 2054.601 or a subsidiary of the company offering alternative health benefit coverage, the commissioner may adopt rules as necessary to implement this subchapter.

Sec. 2054.605. EXEMPTION FROM OTHER INSURANCE LAWS. A provision of this code, other than this chapter, does not apply to alternative health benefit coverage as described by Section 2054.601 unless alternative health benefit coverage is expressly mentioned in the other law.

Sec. 2054.606. SUBSIDIARY NOT ENGAGED IN BUSINESS OF INSURANCE. Notwithstanding any other provision of this code, for the purposes of offering alternative health benefit coverage as described by Section 2054.601, a subsidiary of the company that acts in accordance with this subchapter is not an insurer and is not engaging in the business of insurance in this state.

Sec. 2054.607. RISK TRANSFER OR COVERAGE. A subsidiary of the company that offers health benefit coverage under this subchapter may contract with an outside company authorized to engage in the business of insurance in this state that is not under common control with the company or the subsidiary to:

(1) transfer to the outside company all or a portion of the subsidiary's risks arising from health benefit coverage offered under this subchapter; or

(2) obtain insurance coverage from the outside company guarantying the subsidiary's obligations arising from health benefit coverage offered under this subchapter.

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

Representative Frank moved to adopt the conference committee report on **HB 3752**.

The motion to adopt the conference committee report on **HB 3752** prevailed by (Record 1779): 89 Yeas, 53 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Guillen; Pacheco.

STATEMENTS OF VOTE

When Record No. 1779 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 1779 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 1779 was taken, I was shown voting no. I intended to vote yes.

Smith

HOUSE AT EASE

At 5:23 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:22 p.m.

HR 2093 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2093**, suspending the limitations on the conferees for **SB 2**.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 8 and 9).

(Murr in the chair)

HB 1560 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Goldman submitted the following conference committee report on **HB 1560**:

Austin, Texas, May 29, 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 1560** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Buckingham	Goldman
Campbell	Canales
Lucio	Cyrier
Paxton	Paddie
Schwertner	S. Thompson
On the part of the senate	On the part of the house

HB 1560, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Licensing and Regulation.

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

ARTICLE 1. GENERAL POWERS AND DUTIES

SECTION 1.01. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. [~~(a)~~] The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2033 [~~2021~~].

[~~(b) The review of the commission and department by the Sunset Advisory Commission under this section may not include a review of any program that was transferred to the department on or after September 1, 2016.~~]

SECTION 1.02. Section 51.053, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other law, a person may be a member of the commission if the person or the person's spouse is registered, certified, or licensed by a regulatory agency in the field of health care.

SECTION 1.03. Section 51.054, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing [~~legislation that created the~~] department operations [~~and the commission~~];

(2) the programs, functions, rules, and budget of [~~operated by~~] the department;

(3) the scope of and limitations on the rulemaking authority of the commission [~~role and functions of the department~~];

(4) [~~the rules of the department, with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

[~~(5) the current budget for the department;~~

[~~(6)~~] the results of the most recent formal audit of the department;

(5) [~~(7)~~] the requirements of:

(A) laws relating to [~~the~~] open meetings, [~~law, Chapter 551, Government Code;~~

[~~(B) the~~] public information, [~~law, Chapter 552, Government Code;~~

[~~(C) the~~] administrative procedure, and disclosing conflicts of interest [~~law, Chapter 2001, Government Code~~]; and

(B) [~~(D)~~] other laws applicable to members of a state policy-making body in performing their duties [~~relating to public officials, including conflict of interest laws~~]; and

(6) [~~(8)~~] any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(d) The executive director of the department shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 1.04. Section 51.209, Occupations Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) An advisory board shall meet at the call of the executive director or the presiding officer of the commission.

(a-2) An advisory board may meet by telephone conference call, videoconference, or other similar telecommunication method, provided that each portion of the meeting that is required to be open to the public shall be audible to

the public and, in the case of a meeting held by videoconference, visible to the public. If a problem occurs that causes a meeting to no longer be visible or audible to the public as required under this subsection, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned. The face of each participant in a meeting held by videoconference, while that participant is speaking, must be clearly visible, and the participant's voice must be audible, to each other participant and, during the open portion of the meeting, to the members of the public. A meeting held by telephone conference call, videoconference, or other similar telecommunication method is not subject to the requirements of Sections 551.127(a-3), (b), (c), (e), (f), (h), (i), and (j), Government Code.

SECTION 1.05. Subchapter D, Chapter 51, Occupations Code, is amended by adding Sections 51.2095 and 51.211 to read as follows:

Sec. 51.2095. INTERDISCIPLINARY ADVISORY BOARDS. The executive director or the presiding officer of the commission may appoint interdisciplinary advisory boards consisting of members from various businesses, industries, general trades, or occupations to provide expertise related to a program regulated by the department.

Sec. 51.211. RISK-BASED INSPECTIONS. (a) The department shall conduct risk-based inspections that prioritize inspections based on key risk factors identified by the department, including:

(1) whether a license holder has previously violated a law establishing a regulatory program administered by the department or a rule or order of the commission or executive director; and

(2) the number of violations committed by a license holder.

(b) The department may use alternative inspection methods, including the use of videoconference technology or other methods instead of conducting an in-person inspection, in circumstances the department considers appropriate.

SECTION 1.06. Section 51.251, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The executive director shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department.

SECTION 1.07. Section 51.252, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsection (b-2) to read as follows:

(a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition [~~The executive director shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department. The department shall provide to the person filing the complaint and~~

~~to each person who is a subject of the complaint information about the department's policies and procedures relating to complaint investigation and resolution~~].

(b-2) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department [~~, at least quarterly and until final disposition of the complaint,~~] shall periodically notify the [~~person filing the~~] complaint parties [~~and each person who is a subject of the complaint~~] of the status of the complaint until final disposition [~~investigation~~] unless the notice would jeopardize an [~~undercover~~] investigation.

SECTION 1.08. Subchapter E, Chapter 51, Occupations Code, is amended by adding Sections 51.2521 and 51.255 to read as follows:

Sec. 51.2521. COMPLAINT INVESTIGATION. (a) The department shall assign priorities and investigate complaints based on risk to the public of the conduct alleged in the complaint.

(b) If the department determines at any time that an allegation made or formal complaint submitted by a person is inappropriate or without merit, the department shall dismiss the complaint.

Sec. 51.255. STATISTICAL ANALYSIS OF COMPLAINTS. (a) The department shall make available on the department's Internet website a statistical analysis of the complaints received by the department.

(b) The analysis under this section must include aggregate information on the number, source, type, and disposition of complaints received during the preceding state fiscal year and must include, as applicable, the following information for each program regulated by the department:

(1) the number of license holders;

(2) the number of complaints received against license holders;

(3) the number of complaints resolved and the manner in which they were resolved, including:

(A) the number of complaints dismissed and the reasons for dismissal;

(B) the number of contested cases referred to and heard by the State Office of Administrative Hearings;

(C) the number of cases appealed to a district court;

(D) the number of complaints resulting in disciplinary action, the disciplinary action taken, and whether the disciplinary action was imposed by an agreed settlement or default order issued by the executive director or a final order issued by the commission;

(E) a breakdown of the nature of the alleged violations in:

(i) complaints opened for investigation; and

(ii) cases that resulted in disciplinary action; and

(F) the number of complaints resolved, categorized by whether the complaint originated from department staff or from the public;

(4) the average time required to resolve a complaint;

(5) the average amount of administrative penalties assessed; and

(6) the number and amount of refunds ordered by the commission or executive director or obtained through an informal resolution.

SECTION 1.09. Section 51.351, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The department may take action under Section 51.353 for a violation identified during an inspection.

SECTION 1.10. Subchapter G, Chapter 51, Occupations Code, is amended by adding Section 51.359 to read as follows:

Sec. 51.359. REFUND. (a) Subject to Subsection (b), the commission or executive director may order a license holder to pay a refund to a consumer as provided in an agreed settlement, default order, or commission order instead of or in addition to imposing an administrative penalty or sanction.

(b) The amount of a refund ordered may not exceed the amount the consumer paid to the license holder for a service regulated by the department. The commission or executive director may not require payment of other damages or estimate harm in a refund order.

SECTION 1.11. Section 51.4012(a), Occupations Code, is amended to read as follows:

(a) Notwithstanding any other law, the commission may determine that a person is not eligible for a license based on the person's criminal history [~~or other information that indicates that the person lacks the honesty, trustworthiness, and integrity to hold a license issued by the department~~].

SECTION 1.12. Section 51.405, Occupations Code, is amended to read as follows:

Sec. 51.405. CONTINUING EDUCATION. (a) The department [~~commission~~] shall recognize, prepare, or administer continuing education programs for license holders. A license holder must participate in the programs to the extent required by the commission to keep the person's license.

(b) Notwithstanding other law, the commission by rule may:

(1) establish a minimum number of hours of continuing education required for license renewal;

(2) provide for the registration and renewal of continuing education providers and the approval of continuing education courses; and

(3) assess reasonable and necessary fees on continuing education providers.

(c) In adopting rules under this section for a program regulated by the department, the commission shall consult, if applicable, with the advisory board established for the program.

SECTION 1.13. Subchapter H, Chapter 51, Occupations Code, is amended by adding Section 51.409 to read as follows:

Sec. 51.409. FINANCIAL DISCLOSURE STATEMENT. (a) The commission by rule may require a person, other than an individual, applying for a license issued by the department to submit with the license application a financial disclosure statement. The rules may require any of the following information to be disclosed based on the type of license for which the application is submitted:

(1) the name of the applicable business entity;

(2) the name of each person who has a direct financial investment in the business;

(3) the name of each person, other than an individual, who:

(A) has a financial investment in the business; and

(B) is not otherwise disclosed under Subdivision (2);

(4) the total amount or percentage of the financial investment made by each person described by Subdivision (2); and

(5) the name of each of the following persons associated with the business, if the person is not otherwise disclosed under Subdivision (2) or (3):

(A) a partner;

(B) an officer;

(C) a director;

(D) a managing employee;

(E) an owner or person who controls the owner; and

(F) a person who acts as a controlling person of the business through the exercise of direct or indirect influence or control over the management of the business, the expenditure of money by the business, or a policy of the business, including:

(i) any management company, landlord, marketing company, or similar person who operates or contracts for the operation of the business and, if the business is a publicly traded corporation or is controlled by a publicly traded corporation, any officer or director of the corporation;

(ii) an individual who has a personal, familial, or other relationship with an owner, manager, landlord, tenant, or provider of a business that allows the individual to exercise actual control of the business; and

(iii) any other person the commission by rule requires to be included based on the person's exercise of direct or indirect influence or control other than a shareholder or lender of the corporation.

(b) The department may deny an application for the issuance or renewal of a license or may suspend or revoke a license on the grounds that an applicant or license holder:

(1) fails to disclose a relationship for which disclosure is required by rules adopted under this section; or

(2) discloses a relationship for which disclosure is required by rules adopted under this section with a person whose license was revoked or who has failed to comply with an order of the commission or executive director.

SECTION 1.14. Section 202.505, Occupations Code, is amended to read as follows:

Sec. 202.505. REEXAMINATION IF LICENSE SUSPENDED OR REVOKED. The department may refuse to reinstate a license or to issue a new license until a podiatrist has passed the regular license examination if the commission or executive director suspended or revoked the license for:

(1) failure to satisfy continuing education requirements [~~under Section 202.305~~]; or

(2) nonpayment of the license renewal fee.

SECTION 1.15. Section 402.207(c), Occupations Code, is amended to read as follows:

(c) An apprentice permit holder shall work under the supervision of a license holder for at least one year. [~~During the apprentice year, the apprentice permit holder shall complete 20 hours of classroom continuing education as required by Section 402.303 for a license holder.~~]

SECTION 1.16. Section 402.305, Occupations Code, is amended to read as follows:

Sec. 402.305. CONTINUING EDUCATION EXEMPTIONS. The department may renew the license of a license holder who does not comply with the applicable continuing education requirements [~~of Section 402.303 or 402.304~~] if the license holder:

(1) was licensed for the first time during the 24 months before the reporting date; or

(2) submits proof from an attending physician that the license holder suffered a serious or disabling illness or physical disability that prevented compliance with the continuing education requirements during the 24 months before the reporting date.

SECTION 1.17. Section 802.062(b), Occupations Code, is amended to read as follows:

(b) An [~~The~~] inspection by the department must be conducted during the facility's normal business hours, and the licensed breeder or a representative of the licensed breeder must be given a reasonable opportunity to be present during the inspection.

SECTION 1.18. Section 1151.1581, Occupations Code, is amended to read as follows:

Sec. 1151.1581. CONTINUING EDUCATION. (a) [~~The commission shall recognize, prepare, or administer continuing education programs for registrants under this chapter.~~

[~~(b)~~] The comptroller must review and approve any [~~all~~] continuing education programs for registrants.

(b) [~~(c) A registrant must participate in the programs to the extent required by the department to keep the person's certificate of registration.~~

[~~(d) The commission may set fees for continuing education courses and providers of continuing education courses in amounts reasonable and necessary to cover the department's costs in administering the department's duties under this section.~~

[~~(e)~~] The comptroller may set fees for any continuing education courses and providers of continuing education courses in amounts reasonable and necessary to cover the comptroller's costs in administering the comptroller's duties under this section.

(c) [~~(f)~~] As part of the continuing education requirements for a registered professional appraiser who is the chief appraiser of an appraisal district, the commission by rule shall require the registrant to complete:

(1) at least half of the required hours in a program devoted to one or more of the topics listed in Section 1151.164(b); and

(2) at least two of the required hours in a program of professional ethics specific to the chief appraiser of an appraisal district, including a program on the importance of maintaining the independence of an appraisal office from political pressure.

SECTION 1.19. Section 1152.106, Occupations Code, is amended to read as follows:

Sec. 1152.106. [~~MEETINGS;~~] VOTE REQUIRED FOR ACTION. [~~(a) The council shall meet at least semiannually at the call of the presiding officer or at the call of a majority of its members.~~

[~~(b)~~] A decision of the council is not effective unless it receives the affirmative vote of at least four members.

SECTION 1.20. Section 1953.106, Occupations Code, is amended to read as follows:

Sec. 1953.106. RENEWAL OF CERTIFICATE. [~~(a)~~] To renew a certificate of registration under this chapter, a professional sanitarian must:

(1) pay to the department a renewal fee prescribed by the commission by rule; and

(2) provide proof of completion of <u>any applicable</u> continuing education requirements prescribed by the commission by rule.

SECTION 1.21. Section 1958.104, Occupations Code, is amended to read as follows:

Sec. 1958.104. RULES REGARDING LICENSE APPLICATION. The commission shall adopt rules regarding a license application. The commission shall adopt rules that establish minimum requirements for a license, including:

(1) the type of license;

(2) the qualifications for the license, including any previous training required under Section 1958.106;

(3) renewal requirements for the license[~~, including ongoing continuing education required under Section 1958.106~~]; and

(4) liability insurance requirements for the license.

SECTION 1.22. Section 1958.106, Occupations Code, is amended to read as follows:

Sec. 1958.106. TRAINING [~~; CONTINUING EDUCATION~~]. (a) The commission shall adopt rules regarding training required under this chapter [~~and continuing education required for a license holder under this chapter~~].

(b) The rules may include requirements regarding training [~~and continuing education~~] providers, including rules establishing:

(1) accreditation by the department;

(2) curriculum requirements; and

(3) qualifications.

SECTION 1.23. Section 2308.157, Occupations Code, is amended to read as follows:

Sec. 2308.157. <u>REQUIREMENT FOR INITIAL RENEWAL OF INCIDENT MANAGEMENT TOWING OPERATOR'S LICENSE</u> [~~CONTINUING EDUCATION~~]. [~~(a) The commission by rule shall recognize, prepare, or administer continuing education programs for license holders. Except~~

~~as provided by Subsection (c), each license holder must complete a continuing education program before the license holder may renew the license holder's license.~~

[~~(b) A person recognized by the commission to offer a continuing education program must:~~

[~~(1) register with the department; and~~

[~~(2) comply with rules adopted by the commission relating to continuing education.~~

[~~(c)~~] To renew an incident management towing operator's license the first time, a license holder must complete a professional development course relating to incident management towing that is approved and administered by the department [~~under this section~~].

SECTION 1.24. Section 2308.159(c), Occupations Code, is amended to read as follows:

(c) A license holder may renew a license issued under this chapter by:

(1) submitting an application on a form prescribed by the executive director;

(2) submitting evidence demonstrating compliance with the requirements for the license type as required by this chapter or commission rule;

(3) paying a renewal fee; and

(4) completing <u>any applicable</u> continuing education <u>requirements</u> [~~as required by Section 2308.157~~].

SECTION 1.25. The following provisions are repealed:

(1) Section 1001.058(h), Education Code;
(2) Section 469.053(e), Government Code;
(3) Section 754.012(d), Health and Safety Code;
(4) Section 754.0174, Health and Safety Code;
(5) Section 755.016, Health and Safety Code;
(6) Section 51.0021, Occupations Code;
(7) Section 51.252(d), Occupations Code;
(8) Section 202.305, Occupations Code;
(9) Section 202.5085, Occupations Code;
(10) Section 203.304, Occupations Code;
(11) Section 203.406, Occupations Code;
(12) Section 401.355, Occupations Code;
(13) Section 402.303, Occupations Code;
(14) Section 403.152, Occupations Code;
(15) Section 455.0571, Occupations Code;
(16) Section 506.105, Occupations Code;
(17) Section 605.261, Occupations Code;
(18) Section 701.303, Occupations Code;
(19) Section 701.512, Occupations Code;
(20) Section 802.065(e), Occupations Code;
(21) Section 1302.208(a), Occupations Code;
(22) Section 1305.055, Occupations Code;
(23) Section 1305.168, Occupations Code;

(24) Section 1901.107(a), Occupations Code;
(25) Section 1952.1051, Occupations Code;
(26) Section 1958.056(b), Occupations Code;
(27) Section 2303.056(b), Occupations Code;
(28) Section 2308.055, Occupations Code;
(29) Section 2309.056, Occupations Code; and
(30) Section 2309.106(a), Occupations Code.

SECTION 1.26. (a) Except as provided by Subsection (b) of this section, Section 51.054, Occupations Code, as amended by this article, applies to a member of the Texas Commission of Licensing and Regulation appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Commission of Licensing and Regulation who, before the effective date of this Act, completed the training program required by Section 51.054, Occupations Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this article to the training program required by Section 51.054, Occupations Code. A member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2021, until the member completes the additional training.

ARTICLE 2. DEREGULATION

SECTION 2.01. The following provisions of the Occupations Code are repealed:

(1) Chapter 1703; and
(2) Section 2052.002(11-a).

SECTION 2.02. Section 54.0405(d), Family Code, is amended to read as follows:

(d) A polygraph examination required as a condition of probation under Subsection (a) must be administered by an individual who is [~~:~~

[~~(1)~~] specified by the local juvenile probation department supervising the child [~~; and~~

[~~(2) licensed as a polygraph examiner under Chapter 1703, Occupations Code~~].

SECTION 2.03. Sections 411.0074(c) and (d), Government Code, are amended to read as follows:

(c) The polygraph examination required by this section may only be administered by a polygraph examiner [~~licensed under Chapter 1703, Occupations Code,~~] who:

(1) is a peace officer commissioned by the department; or

(2) has a minimum of two years of experience conducting preemployment polygraph examinations for a law enforcement agency.

(d) The department and the polygraph examiner shall maintain the confidentiality of the results of a polygraph examination administered under this section, except that [~~:~~

[~~(1) the department and the polygraph examiner may disclose the results in accordance with Section 1703.306, Occupations Code; and~~

[~~(2) notwithstanding Section 1703.306, Occupations Code,~~] the department may disclose any admission of criminal conduct made during the course of an examination to another appropriate governmental entity.

SECTION 2.04. Section 245.053(d), Human Resources Code, is amended to read as follows:

(d) A polygraph examination required as a condition of release under Subsection (a) must be administered by an individual who is [~~:~~

[~~(1)~~] specified by the department [~~; and~~

[~~(2) licensed as a polygraph examiner under Chapter 1703, Occupations Code~~].

SECTION 2.05. Section 2052.107, Occupations Code, is amended to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS LICENSES. Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

(1) professional contestant;

(2) manager of a professional contestant;

(3) referee; or

(4) judge [~~;~~

[~~(5) second;~~

[~~(6) matchmaker; or~~

[~~(7) event coordinator~~].

SECTION 2.06. On the effective date of this Act, the Polygraph Advisory Committee is abolished.

SECTION 2.07. On the effective date of this Act, a pending regulatory action, including a complaint investigation, disciplinary action, or administrative penalty proceeding, of the Texas Department of Licensing and Regulation with respect to a license, permit, or certification issued under a law repealed by this article, is terminated.

SECTION 2.08. On the effective date of this Act, a license, permit, or certification issued under a law repealed by this article expires.

SECTION 2.09. Not later than January 1, 2023, the Texas Department of Licensing and Regulation, in consultation with the Auctioneer Advisory Board, shall study the regulation of auctioneering and prepare a report with any findings and recommendations to improve public safety and the department's processes and to eliminate inefficiencies, including any necessary legislative changes. In conducting the study, the department may consult with any interested organizations, associations, and stakeholders. The department shall submit the report to the standing legislative committees with jurisdiction over the department.

ARTICLE 3. BARBERING AND COSMETOLOGY

SECTION 3.01. Section 1603.001, Occupations Code, is amended to read as follows:

Sec. 1603.001. GENERAL DEFINITIONS. [~~(a)~~] In this chapter:

(1) "Advisory board" means the Barbering and Cosmetology Advisory Board.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) [~~(2)~~] "Department" means the Texas Department of Licensing and Regulation.

(4) "Establishment" means a place:

(A) in which barbering or cosmetology is practiced; and

(B) that is required to hold a license issued under Subchapter E-2.

(5) [~~(3)~~] "Executive director" means the executive director of the department.

(6) "Manager" means the person who controls or directs the business of an establishment or directs the work of a person employed in an establishment.

(7) "School" means a public secondary school, public postsecondary school, or private postsecondary school:

(A) in which barbering or cosmetology is taught; and

(B) that is required to hold a license issued under Subchapter E-3.

[~~(b) Unless the context clearly indicates otherwise, the definitions in Chapters 1601 and 1602 apply to this chapter.~~]

SECTION 3.02. Subchapter A, Chapter 1603, Occupations Code, is amended by adding Sections 1603.0011, 1603.0012, and 1603.0013 to read as follows:

Sec. 1603.0011. PRACTICE OF BARBERING OR COSMETOLOGY. (a) The practices of barbering and cosmetology consist of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(3) cleansing, stimulating, or massaging a person's scalp, face, neck, shoulders, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(4) beautifying a person's face, neck, shoulders, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(5) administering facial treatments;

(6) removing superfluous hair from a person's body using depilatories, preparations or chemicals, tweezers, or other devices or appliances of any kind or description;

(7) treating a person's nails by:

(A) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or

(B) attaching false nails;

(8) massaging, cleansing, treating, or beautifying a person's hands or feet; or

(9) weaving a person's hair by using any method to attach commercial hair to a person's hair or scalp.

(b) In addition to the services described by Subsection (a), the practice of barbering includes performing or offering to perform for compensation the service of shaving a person's face, neck, mustache, or beard with a razor of any type.

(c) In addition to the services described by Subsection (a), the practice of cosmetology includes performing or offering to perform for compensation the service of applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes.

(d) Advertising or representing to the public in any manner that a person is licensed to perform a barbering or cosmetology service under this chapter, or that a location or place of business is an establishment or school, constitutes the practice of barbering or cosmetology.

(e) In this section, "safety razor" means a razor that is fitted with a guard close to the cutting edge of the razor that is intended to:

(1) prevent the razor from cutting too deeply; and

(2) reduce the risk and incidence of accidental cuts.

Sec. 1603.0012. SERVICES NOT CONSTITUTING BARBERING OR COSMETOLOGY. Barbering and cosmetology do not include:

(1) threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair; or

(2) servicing a person's wig, toupee, or artificial hairpiece on a person's head or on a block after the initial retail sale in any manner described by Section 1603.0011(a)(1).

Sec. 1603.0013. APPLICATION OF CHAPTER. This chapter does not apply to a person who:

(1) does not represent or advertise to the public directly or indirectly that the person is authorized by the department to practice barbering or cosmetology and the person is:

(A) licensed in this state to practice medicine, dentistry, podiatry, chiropractic, or nursing and operating within the scope of the person's license;

(B) a commissioned or authorized medical or surgical officer of the United States armed forces; or

(C) an inmate in the institutional division of the Texas Department of Criminal Justice who performs barbering or cosmetology during the person's incarceration;

(2) provides a service in an emergency;

(3) is in the business of or receives compensation for makeup applications only;

(4) provides a cosmetic service as a volunteer or an employee performing regular duties at a licensed nursing or convalescent custodial or personal care home to a patient residing in the home;

(5) owns, operates, or manages a licensed nursing or convalescent custodial or personal care home that allows a person with an operator license to perform cosmetic services for patients residing in the home on an occasional but not daily basis;

(6) provides an incidental cosmetic service, or owns, operates, or manages the location where that service is provided, if the primary purpose of the service is to enable or assist the recipient of the service to participate as the subject of:

(A) a photographic sitting at a permanent establishment that charges a fee exclusively for a photographic sitting;

(B) a television appearance; or

(C) the filming of a motion picture; or

(7) performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives.

SECTION 3.03. Section 1603.002, Occupations Code, is amended to read as follows:

Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter. This chapter [~~and Chapters 1601 and 1602. A reference in this chapter to the commission's or department's powers or duties applies only in relation to those chapters, except that this section~~] does not limit the department's or commission's general powers under Chapter 51.

SECTION 3.04. Subchapter B, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER B. [~~ADVISORY BOARDS FOR~~] BARBERING AND COSMETOLOGY ADVISORY BOARD

Sec. 1603.051. ADVISORY BOARD; MEMBERSHIP. The Barbering and Cosmetology Advisory Board consists of nine members appointed by the presiding officer of the commission, with the commission's approval, as follows:

(1) four members who each hold an individual practitioner license under Subchapter E-1, including:

(A) at least one holder of a Class A barber license; and

(B) at least one holder of a cosmetology operator license;

(2) two members who each hold an establishment license;

(3) two members who each hold a school license; and

(4) one member who represents the public.

Sec. 1603.052. DUTIES OF ADVISORY BOARD. (a) The advisory board [~~boards established under Chapters 1601 and 1602~~] shall advise the commission and the department on:

(1) education and curricula for applicants;

(2) the content of examinations;

(3) proposed rules and standards on technical issues related to barbering and cosmetology; and

(4) other issues affecting [~~administering this chapter and Chapters 1601 and 1602 regarding~~] barbering and [~~or~~] cosmetology[~~, as applicable~~].

(b) The advisory board shall respond to questions from the commission and the department regarding barbering and cosmetology.

Sec. 1603.053. TERMS; VACANCY. (a) Members of the advisory board serve staggered six-year terms, with the terms of three members expiring January 31 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement to fill the unexpired term.

Sec. 1603.054. PRESIDING OFFICER. The presiding officer of the commission shall appoint one of the advisory board members to serve as the presiding officer of the advisory board for a term of two years.

SECTION 3.05. Section 1603.101, Occupations Code, is amended to read as follows:

Sec. 1603.101. RULES. The commission shall adopt rules consistent with this chapter for[~~:~~

[~~(1)~~] the administration of this chapter and the operations of the department in regulating barbering and cosmetology[~~; and~~

[~~(2) the administration of Chapters 1601 and 1602~~].

SECTION 3.06. Section 1603.103(a), Occupations Code, is amended to read as follows:

(a) Until the department determines, by inspection, that the person has established the school in compliance with this chapter, [~~Chapter 1601, or Chapter 1602,~~] a person may not operate a school licensed [~~or permitted~~] under this chapter[~~, Chapter 1601, or Chapter 1602~~].

SECTION 3.07. The heading to Section 1603.104, Occupations Code, is amended to read as follows:

Sec. 1603.104. [~~PERIODIC~~] INSPECTIONS.

SECTION 3.08. Sections 1603.104(a) and (d), Occupations Code, are amended to read as follows:

(a) The department may enter and inspect at any time during business hours:

(1) the place of business of any person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~]; or

(2) any place in which the department has reasonable cause to believe that a [~~certificate,~~] license[~~,~~] or permit holder is practicing in violation of this chapter[~~, Chapter 1601, or Chapter 1602~~] or in violation of a rule or order of the commission or executive director.

(d) An inspector who discovers a violation of this chapter[~~, Chapter 1601, or Chapter 1602~~] or of a rule or order of the commission or executive director shall[~~:~~

[~~(1)~~] provide written notice of the violation to the license[~~, certificate,~~] or permit holder on a form prescribed by the department[~~; and~~

[~~(2) file a complaint with the executive director~~].

SECTION 3.09. Section 1603.1045, Occupations Code, is amended to read as follows:

Sec. 1603.1045. CONTRACT TO PERFORM INSPECTIONS. The department may contract with a person to perform for the department inspections of a school or establishment [~~, shop, or other facility under this chapter, Chapter 1601, or Chapter 1602~~].

SECTION 3.10. Subchapter C, Chapter 1603, Occupations Code, is amended by adding Section 1603.106 to read as follows:

Sec. 1603.106. CERTAIN BUILDING AND FACILITY STANDARDS PROHIBITED. The commission may not establish building or facility standards for a school that are not related to health and safety, including a requirement that a building or facility of the school have a specific:

(1) square footage of floor space;

(2) number of chairs; or

(3) number of sinks.

SECTION 3.11. Section 1603.151, Occupations Code, is amended to read as follows:

Sec. 1603.151. NOTIFICATION OF PUBLIC INTEREST INFORMATION AND PARTICIPATION. The commission by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology. The department may provide for that notice:

(1) on each registration form, application, or written contract for services of a person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~];

(2) on a sign prominently displayed in the place of business of each person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~]; or

(3) in a bill for service provided by a person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~].

SECTION 3.12. The heading to Subchapter E, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER E. GENERAL [~~CERTIFICATE,~~] LICENSE[~~,~~] AND PERMIT PROVISIONS [~~REQUIREMENTS~~]

SECTION 3.13. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.2001 to read as follows:

Sec. 1603.2001. RULES FOR ISSUANCE OF LICENSE OR PERMIT. (a) The commission by rule shall establish requirements for the issuance of:

(1) a license for an individual practitioner, establishment, or school; and

(2) a student permit.

(b) Requirements established by the commission under Subsection (a) for an individual practitioner may include requirements regarding an applicant's:

(1) minimum age;

(2) education level; and

(3) completed hours of instruction.

(c) In establishing a requirement under this section for the issuance of a license, the commission shall consider whether the requirement is the least restrictive requirement possible to ensure public safety without creating a barrier to entry into the licensed occupation.

(d) Requirements established under this section:

(1) for an individual practitioner specialty license may not be more stringent than requirements for a Class A barber license or a cosmetology operator license; and

(2) for a specialty establishment license may not be more stringent than requirements for an establishment license.

(e) The commission shall establish standardized requirements within license categories.

SECTION 3.14. Sections 1603.201 and 1603.202, Occupations Code, are amended to read as follows:

Sec. 1603.201. APPLICATION FORM. An application for a [~~certificate,~~] license[~~,~~] or permit under this chapter must be made on a form prescribed [~~and provided~~] by the department.

Sec. 1603.202. DUPLICATE [~~CERTIFICATE,~~] LICENSE[~~,~~] OR PERMIT. The department shall issue a duplicate [~~certificate,~~] license[~~,~~] or permit to an applicant who:

(1) submits an application for a duplicate [~~certificate,~~] license[~~,~~] or permit to the department; and

(2) pays the required fee.

SECTION 3.15. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.2025 to read as follows:

Sec. 1603.2025. TEMPORARY LICENSE. (a) The department may issue a temporary license.

(b) The commission by rule may establish requirements for the issuance of a temporary license.

(c) A temporary license expires on the 60th day after the date the license is issued. A temporary license may not be renewed.

SECTION 3.16. Sections 1603.203 and 1603.204, Occupations Code, are amended to read as follows:

Sec. 1603.203. PROVISIONAL [~~CERTIFICATE OR~~] LICENSE. (a) The department may issue a provisional [~~certificate or~~] license to an applicant currently licensed in another jurisdiction who seeks a [~~certificate or~~] license in this state and who:

(1) has been licensed in good standing in the profession for which the person seeks the [~~certificate or~~] license for at least two years in another jurisdiction, including a foreign country, that has requirements substantially equivalent to the requirements of this chapter [~~, Chapter 1601, or Chapter 1602, as appropriate~~]; and

(2) has passed a national or other examination recognized by the department [~~commission~~] relating to the practice of that profession.

(b) A provisional [~~certificate or~~] license is valid until the date the department approves or denies the provisional [~~certificate or~~] license holder's application. The department shall issue a [~~certificate or~~] license to the provisional [~~certificate or~~] license holder if:

(1) the provisional [~~certificate or~~] license holder is eligible to hold a [~~certificate or~~] license under this chapter [~~Chapter 1601 or Chapter 1602~~]; or

(2) the provisional [~~certificate or~~] license holder passes the part of the examination [~~under Chapter 1601 or Chapter 1602~~] that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of the profession in this state and:

(A) the department verifies that the provisional [~~certificate or~~] license holder meets the education [~~academic~~] and experience requirements for the [~~certificate or~~] license; and

(B) the provisional [~~certificate or~~] license holder satisfies any other [~~certificate or~~] license requirements.

(c) The department must approve or deny a provisional [~~certificate or~~] license holder's application for a [~~certificate or~~] license not later than the 180th day after the date the provisional [~~certificate or~~] license is issued. The department may extend the 180-day period if the results of an examination have not been received by the department before the end of that period.

Sec. 1603.204. SUBSTANTIALLY EQUIVALENT [~~RECIPROCAL CERTIFICATE,~~] LICENSE[~~, OR PERMIT~~]. (a) A person who holds a license[~~, certificate, or permit~~] to practice barbering or cosmetology from another state or country that has standards or work experience requirements that are substantially equivalent to the requirements of this chapter [~~, Chapter 1601, or Chapter 1602~~] may apply for a license[~~, certificate, or permit~~] to perform the same acts of barbering or cosmetology in this state that the person practiced in the other state or country.

(b) The person must:

(1) submit an application for the license[~~, certificate, or permit~~] to the department; and

(2) pay fees in an amount prescribed by the commission, including any applicable license[~~, certificate, or permit~~] fee.

(c) A person issued a license[~~, certificate, or permit~~] under this section:

(1) may perform the acts of barbering or cosmetology authorized by [~~stated on~~] the license[~~, certificate, or permit~~]; and

(2) is subject to the renewal procedures and fees provided in this chapter [~~, Chapter 1601, or Chapter 1602~~] for the performance of those acts of barbering or cosmetology.

SECTION 3.17. Sections 1603.208(a)(2) and (3), Occupations Code, are amended to read as follows:

(2) "Digitally prearranged remote service" means a barbering or cosmetology service performed for compensation by a person holding a license[~~, certificate of registration, or permit~~] under Subchapter E-1 [~~Chapter 1601 or 1602 or this chapter~~] that is:

(A) prearranged through a digital network; and

(B) performed at a location other than an establishment [~~a place of business that is~~] licensed [~~or permitted~~] under Subchapter E-2 [~~Chapter 1601 or 1602 or this chapter~~].

(3) "Remote service business" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a client to schedule a digitally prearranged remote service with a person holding a license[~~, certificate of registration, or permit~~] under Subchapter E-1 [~~Chapter 1601 or 1602 or this chapter~~].

SECTION 3.18. Sections 1603.208(c), (d), (f), (g), and (i), Occupations Code, are amended to read as follows:

(c) Sections 1603.2108 and 1603.2109 [~~1601.453, 1601.455, 1602.251(c), and 1602.407~~] do not apply to a digitally prearranged remote service scheduled through a remote service business.

(d) A person who holds a license[~~, certificate of registration, or permit~~] to practice barbering or cosmetology and who performs a digitally prearranged remote service shall:

(1) comply with this section and the rules adopted under this section; and

(2) practice within the scope of the person's license[~~, certificate of registration, or permit~~].

(f) Before a person licensed[~~, registered, or permitted~~] to practice barbering or cosmetology performs a digitally prearranged remote service for a client requesting the service, a remote service business must [~~shall~~] provide through the entity's digital network:

(1) the following information regarding the person who will perform the service:

(A) the person's first and last name;

(B) the [~~number of the~~] person's license number[~~, certificate of registration, or permit, as applicable~~]; and

(C) a photograph of the person;

(2) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(3) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(g) Within a reasonable time after completion of a digitally prearranged remote service, the remote service business shall issue to the client who requested the service a receipt that includes:

(1) the date the service was provided;

(2) a description of the service;

(3) the first and last name of the person who performed the service;

(4) the [~~number of the~~] person's license number[~~, certificate of registration, or permit, as applicable~~];

(5) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(6) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(i) A remote service business shall terminate a person's access to the business's digital network if the business or department determines the person violated:

(1) this chapter; or

(2) a rule adopted under this chapter[~~;~~

[~~(3) Chapter 1601 or 1602; or~~

[~~(4) a rule adopted under Chapter 1601 or 1602~~].

SECTION 3.19. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.209 to read as follows:

Sec. 1603.209. INFECTIOUS AND CONTAGIOUS DISEASES. (a) A person holding a license or permit issued under Subchapter E-1 may not perform any practice of barbering or cosmetology if the person knows the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(b) A person holding an establishment or school license may not employ a person to perform any practice of barbering or cosmetology or to instruct in the practice of barbering or cosmetology if the license holder knows that the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

SECTION 3.20. Chapter 1603, Occupations Code, is amended by adding Subchapters E-1, E-2, and E-3 to read as follows:

SUBCHAPTER E-1. INDIVIDUAL PRACTITIONER LICENSES; STUDENT PERMIT; PRACTICE

Sec. 1603.2101. INDIVIDUAL PRACTITIONER LICENSE OR STUDENT PERMIT REQUIRED; USE OF CERTAIN TERMS WITHOUT LICENSE PROHIBITED. (a) A person may not perform or offer or attempt to perform any act of barbering or cosmetology unless the person holds a license or permit issued under this subchapter to perform that act.

(b) Unless the person holds an appropriate license issued under this subchapter, a person may not directly or indirectly use or cause to be used as a professional or business identification, title, name, representation, asset, or means of advantage or benefit:

(1) the term "barber" or "barbering";

(2) the term "cosmetologist" or "cosmetology"; or

(3) any combination, variation, or abbreviation of the terms listed in Subdivisions (1) and (2).

Sec. 1603.2102. ISSUANCE OF INDIVIDUAL PRACTITIONER LICENSE. The department shall issue an individual practitioner license to an applicant who:

(1) meets the applicable eligibility requirements;

(2) passes the applicable examination;

(3) pays the required fee;

(4) has not committed an act that constitutes a ground for denial of the license; and

(5) submits an application on a form prescribed by the department.

Sec. 1603.2103. INDIVIDUAL PRACTITIONER LICENSES. (a) A person holding:

(1) a Class A barber license may perform any barbering service;

(2) a cosmetology operator license may perform any cosmetology service;

(3) a manicurist license may perform any service described by Section 1603.0011(a)(7) or (8);

(4) an esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), or (6) or (c);

(5) a manicurist/esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), (6), (7), or (8) or (c);

(6) a hair weaving specialist license may perform any service described by Section 1603.0011(a)(9);

(7) a hair weaving specialist/esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), (6), or (9) or (c); and

(8) an eyelash extension specialist license may perform any service described by Section 1603.0011(c).

(b) The commission by rule shall provide for the issuance of:

(1) a Class A barber license to a person who holds a cosmetology operator license; and

(2) a cosmetology operator license to a person who holds a Class A barber license.

Sec. 1603.2104. WAIVER OF CERTAIN LICENSE REQUIREMENTS. (a) The department may waive any requirement for a license issued under this subchapter for an applicant holding a license from another jurisdiction that has license requirements substantially equivalent to those of this state.

(b) The department shall issue a license to an applicant under Subsection (a) if the applicant:

(1) submits an application on a form prescribed by the department;

(2) pays the application fee; and

(3) provides proof that the applicant holds a current license to engage in the same or a similar activity issued by another jurisdiction that has license requirements substantially equivalent to those of this state.

(c) The department may not require a personal interview as part of the application process under this section.

(d) A license issued under this section may be renewed as provided by Subchapter G.

Sec. 1603.2105. STUDENT PERMIT. (a) A student enrolled in a school licensed under Subchapter E-3 must hold a permit stating the student's name and the name of the school.

(b) The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by the required fee.

(c) A separate application is required for each enrollment. The application fee applies only to the first enrollment. The department may not charge the application fee for any later enrollment.

Sec. 1603.2106. TRANSFER OF LICENSE OR PERMIT PROHIBITED. A license or permit issued under this subchapter is not transferable.

Sec. 1603.2107. DISPLAY OF LICENSE OR PERMIT. (a) The holder of a license issued under this subchapter shall:

(1) display the original license and an attached photograph of the license holder in a conspicuous place near the license holder's work chair in the establishment in which the holder is working; or

(2) make available at the reception desk of the establishment in which the holder is working, in the manner prescribed by the department:

(A) the original license and an attached photograph of the license holder; or

(B) a digital image of the license and photograph of the license holder.

(b) The holder of a student permit issued under this subchapter shall display the permit in a reasonable manner at the school in which the permit holder is enrolled.

Sec. 1603.2108. LOCATION OF PRACTICE. A person holding a license or permit issued under this subchapter may practice barbering or cosmetology only at a licensed establishment or school.

Sec. 1603.2109. SERVICE AT UNLICENSED LOCATION. (a) In this section, "licensed facility" means:

(1) an establishment licensed under Subchapter E-2; or

(2) a school licensed under Subchapter E-3.

(b) A person holding a license under this subchapter may perform a service within the scope of the license at a location other than a licensed facility for a client:

(1) who, because of illness or physical or mental incapacitation, is unable to receive the service at a licensed facility; or

(2) in preparation for and at the location of a special event, including a wedding.

(c) An appointment for a service performed under this section must be made through a licensed facility.

SUBCHAPTER E-2. ESTABLISHMENT LICENSES; OPERATION

Sec. 1603.2201. LICENSE REQUIRED. (a) A person may not own, operate, or manage an establishment in which an act of barbering or cosmetology is practiced unless the person holds a license issued under this subchapter to operate the establishment.

(b) A person may not lease space on the premises of a licensed establishment to engage in the practice of barbering or cosmetology as an independent contractor unless the person holds a license issued under Subchapter E-1.

Sec. 1603.2202. ISSUANCE OF LICENSE. The department shall issue the applicable establishment license under this subchapter to an applicant if:

(1) the applicant:

(A) owns or rents the establishment;

(B) verifies the application;

(C) complies with the application requirements of this chapter;

(D) pays the required inspection and license fees; and

(E) has not committed an act that constitutes a ground for denial of a license; and

(2) the establishment:

(A) meets the commission's minimum health standards for an establishment; and

(B) complies with all commission rules.

Sec. 1603.2203. ESTABLISHMENT LICENSES. (a) An establishment licensed as:

(1) an establishment may provide any barbering or cosmetology service;

(2) a manicurist specialty establishment may provide any service described by Section 1603.0011(a)(7) or (8);

(3) an esthetician specialty establishment may provide any service described by Section 1603.0011(a)(3), (4), (5), or (6) or (c);

(4) a manicurist/esthetician specialty establishment may provide any service described by Section 1603.0011(a)(3), (4), (5), (6), (7), or (8) or (c);

(5) a hair weaving specialty establishment may provide any service described by Section 1603.0011(a)(9);

(6) an eyelash extension specialty establishment may provide any service described by Section 1603.0011(c);

(7) a mini-establishment may provide any barbering or cosmetology service; and

(8) a mobile establishment may provide any barbering or cosmetology service.

(b) In this section:

(1) "Mini-establishment" includes a room or suite of rooms that is one of a number of connected establishments in a single premises that open onto a common hallway or another configuration of operations as authorized by the department in which a person practices under a license issued under Subchapter E-1.

(2) "Mobile establishment" means a facility that is readily movable and where barbering, cosmetology, or both are practiced other than at a fixed location.

Sec. 1603.2204. TRANSFER OF LICENSE PROHIBITED. A license issued under this subchapter is not transferable.

Sec. 1603.2205. USE OF ESTABLISHMENT AS SLEEPING QUARTERS PROHIBITED. (a) An owner or manager of a licensed establishment may not permit a person to sleep in a room used as part of the establishment.

(b) A person may not perform an act for which a license is required in a room in an establishment that is used as sleeping quarters.

SUBCHAPTER E-3. SCHOOL LICENSES; OPERATION

Sec. 1603.2301. LICENSE REQUIRED. A person may not operate a school for instruction in the practice of barbering or cosmetology unless the person holds a license issued under this subchapter to operate the school.

Sec. 1603.2302. ISSUANCE OF LICENSE. The department shall issue a license under this subchapter to an applicant who, as applicable:

(1) submits an application on a form prescribed by the department;

(2) pays the required fee;

(3) provides to the department adequate proof of financial responsibility;

(4) meets the health and safety standards established by the commission; and

(5) satisfies any other requirements of this chapter or commission rule.

Sec. 1603.2303. SCHOOL LICENSES; INSTRUCTORS; ENFORCEMENT. (a) The holder of a public secondary school license, public postsecondary school license, or private postsecondary school license:

(1) may provide instruction in the barbering or cosmetology services for which the license holder has been approved by the department; and

(2) may only employ to provide the instruction described by Subdivision (1) a person who holds a license issued under Subchapter E-1 to perform the acts of barbering or cosmetology for which the person will provide instruction.

(b) The department may take any disciplinary or other enforcement action against a person who violates Subsection (a)(2).

Sec. 1603.2304. CHANGE OF SCHOOL OWNERSHIP OR LOCATION. (a) If a licensed school changes ownership:

(1) the outgoing owner shall notify the department of the change not later than the 10th day before the date the change takes effect; and

(2) the new owner shall obtain a license under this subchapter in accordance with commission rule.

(b) A school may not change the location of the school unless the school obtains approval from the department before the change by showing that the proposed location meets the requirements of this chapter and commission rules.

Sec. 1603.2305. SIGNS REQUIRED. The holder of a school license shall place a sign on the front outside portion of the school's building in a prominent place that reads "SCHOOL–STUDENT PRACTITIONERS" in:

(1) at least 10-inch block letters; or

(2) a manner prescribed by the department.

Sec. 1603.2306. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a school license shall provide to each prospective student, as applicable:

(1) a course outline;

(2) a schedule of the tuition and other fees assessed;

(3) the school's refund policy required under Section 1603.3602;

(4) the school's grading policy and rules relating to incomplete grades;

(5) the school's rules of operation and conduct, including rules relating to absences;

(6) the department's name, mailing address, and telephone number for the purpose of directing complaints to the department; and

(7) the current job placement rates and employment rates of students who complete a course of instruction.

Sec. 1603.2307. COURSE LENGTH AND CURRICULUM CONTENT. (a) A school shall design course length and curriculum content to reasonably ensure that a student develops the job skills and knowledge necessary for employment.

(b) A school must submit to the department for approval the course length and curriculum content for each course offered by the school. The school may not implement a course length and curriculum content without the approval of the department.

(c) Before issuing or renewing a license under this subchapter, the department must require the school to account for each course length and curriculum content.

Sec. 1603.2308. REQUIRED COURSES. (a) A school shall instruct students in the theory and practice of subjects necessary and beneficial to the practice of barbering and cosmetology.

(b) The commission by rule shall establish the subjects in which students shall receive instruction.

(c) A school may not increase, decrease, or withhold for any reason the number of hours earned by a student.

Sec. 1603.2309. DAILY ATTENDANCE RECORDS. (a) A school shall maintain an attendance record showing the students' daily attendance.

(b) The department may inspect a school's attendance records at any time.

Sec. 1603.2310. INSTRUCTOR-TO-STUDENT RATIO. A licensed school must have at least one instructor for every 25 students on the school's premises.

Sec. 1603.2311. REPORTS TO DEPARTMENT. (a) A licensed school shall maintain a monthly progress report regarding each student attending the school. The report must certify the daily attendance record of each student and the number of hours earned by each student during the previous month.

(b) On a student's completion of a prescribed course of instruction, the school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

(c) The holder of a school license shall provide to the department on request:

(1) the current course completion rates of students who attend a course of instruction offered by the school; and

(2) job placement rates and employment rates of students who complete a course of instruction.

Sec. 1603.2312. ADDITIONAL DUTIES OF LICENSE HOLDER. The holder of a school license shall:

(1) maintain a sanitary premises;

(2) establish regular class and instruction hours and grades;

(3) hold examinations before issuing diplomas; and

(4) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed.

Sec. 1603.2313. TRANSFER OF HOURS OF INSTRUCTION. (a) A student at a licensed school may transfer completed hours of instruction to another licensed school in this state.

(b) In order for the hours of instruction to be transferred, a transcript showing the completed courses and number of hours certified by the school in which the instruction was given must be submitted to the department.

(c) In evaluating a student's transcript, the department shall determine whether the agreed tuition has been paid. If the tuition has not been paid, the department shall notify the student that the student's transcript cannot be certified to the school to which the student seeks a transfer until proof is provided that the tuition has been paid.

(d) On evaluation and approval, the department shall certify in writing to the student and to the school to which the student seeks a transfer that:

(1) the stated courses and hours have been successfully completed; and

(2) the student is not required to repeat the hours of instruction.

Sec. 1603.2314. IDENTIFICATION OF AND WORK PERFORMED BY STUDENT. (a) Each licensed school shall maintain in a conspicuous place a list of the names and identifying pictures of the students who are enrolled in the school's courses.

(b) A school may not receive compensation for work done by a student unless the student has completed 10 percent of the required number of hours for a license under Subchapter E-1.

(c) If a school violates this section, the license of the school may be revoked or suspended.

SECTION 3.21. Section 1603.252(b), Occupations Code, is amended to read as follows:

(b) The executive director shall determine uniform standards for acceptable performance on an examination for a license under Subchapter E-1 [~~or certificate under Chapter 1601 and for a license or certificate under Chapter 1602~~].

SECTION 3.22. Sections 1603.253 and 1603.255, Occupations Code, are amended to read as follows:

Sec. 1603.253. WRITTEN EXAMINATION. The department [~~commission~~] shall select an examination for each written examination required under this chapter[~~, Chapter 1601, or Chapter 1602~~]. The written examination must be:

(1) validated by an independent testing professional; or

(2) purchased from a national testing service.

Sec. 1603.255. EARLY EXAMINATION. The commission by rule [~~department~~] may allow for the early written examination of a student [~~who has completed the following number of hours of instruction in a department-approved training program:~~

[~~(1) 1,000 hours for a student seeking a Class A barber certificate in a private barber school;~~

[~~(2) 900 hours for a student seeking an operator license in a private cosmetology school; or~~

[~~(3) 900 hours for a student seeking a Class A barber certificate or operator license in a publicly funded barber or cosmetology school~~].

SECTION 3.23. Sections 1603.256(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission may require a practical examination as it considers necessary for a license [~~or certificate~~] issued under Subchapter E-1 [~~Chapter 1601 or 1602~~].

(c) The following persons may administer a practical examination [~~required under this subchapter~~]:

(1) the department;

(2) a person with whom the department contracts under Section 1603.252;

(3) a licensed [~~barber~~] school[~~, private beauty culture school, or a public secondary or postsecondary beauty culture school~~] that is approved by the department to administer the examination under Section 1603.252; or

(4) the Windham School District.

SECTION 3.24. Subchapter G, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER G. [~~CERTIFICATE,~~] LICENSE[~~, AND PERMIT~~] RENEWAL

Sec. 1603.3001. LICENSE TERMS. (a) Except as provided by Subsection (b), a license other than a temporary license expires on the second anniversary of the date the license is issued.

(b) A school license expires on the first anniversary of the date the license is issued.

Sec. 1603.3002. RENEWAL RULES. (a) The commission by rule may establish requirements for the renewal of a license issued under this chapter, including continuing education requirements.

(b) The commission may establish separate requirements for:

(1) the initial renewal of a license; and

(2) subsequent renewals of a license.

(c) Before establishing continuing education requirements under this section, the commission must consider the potential impact of continuing education with respect to:

(1) identifying and assisting trafficked persons; and

(2) providing license holders with opportunities to acquire new skills.

Sec. 1603.3003. ISSUANCE OF RENEWAL LICENSE. The department shall issue a renewal license on receipt of:

(1) a renewal application in the form prescribed by the department; and

(2) any renewal fee.

Sec. 1603.3004. RENEWAL WHILE IN ARMED FORCES. (a) The department may not require the holder of a license issued under Subchapter E-1 who is serving on active duty in the United States armed forces to renew the person's license.

(b) The department shall issue a renewal license on application and payment of the required renewal fee not later than the 90th day after the date the person is released or discharged from active duty in the United States armed forces.

Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE PENALTY. The department may deny a person's request to renew a [~~certificate,~~] license[~~, or permit~~] issued under this chapter[~~, Chapter 1601, or Chapter 1602~~] if the person has not paid an administrative penalty imposed under Subchapter F, Chapter 51. This section does not apply if:

(1) the person's time to pay or request a hearing has not expired under Section 51.304;

(2) the person has requested a hearing under Section 51.304, but the person's time to pay has not expired under Section 51.307; or

(3) the penalty is stayed.

SECTION 3.25. The heading to Subchapter H, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO MORE THAN ONE LICENSE TYPE [~~CHAPTERS 1601 AND 1602~~]

SECTION 3.26. Section 1603.351, Occupations Code, is amended to read as follows:

Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS; DISTANCE EDUCATION. (a) The commission shall prescribe the minimum curriculum, including the subjects and the number of hours in each subject, taught by a licensed school [~~licensed under this chapter, Chapter 1601, or Chapter 1602~~].

(a-1) Notwithstanding any other law, the commission may adopt rules to:

(1) authorize a licensed school [~~licensed under this chapter, Chapter 1601, or Chapter 1602~~] to account for any hours of instruction completed under this chapter [~~those chapters~~] on the basis of clock hours or credit hours; and

(2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

(b) The commission may adopt rules allowing distance education only for the theory portion of the curriculum taught by a licensed school [~~licensed under this chapter, Chapter 1601, or Chapter 1602~~].

(c) Distance education does not satisfy the requirements of the practical portion of the curriculum taught by a licensed school [~~licensed under this chapter, Chapter 1601, or Chapter 1602~~].

SECTION 3.27. Sections 1603.352(a) and (b), Occupations Code, are amended to read as follows:

(a) A person who holds a license[~~, certificate,~~] or permit issued under this chapter[~~, Chapter 1601, or Chapter 1602~~] and who performs a [~~barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology~~] service described by Section 1603.0011(a)(7) or (8) [~~1602.002(a)(8) or (9)~~] shall, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

(b) The owner or manager of a licensed establishment or [~~barber shop, barber~~] school[~~, beauty shop, specialty shop, beauty culture school, or other facility licensed under this chapter, Chapter 1601, or Chapter 1602,~~] is responsible for providing an autoclave, a dry heat sterilizer, or an ultraviolet sanitizer for use in the establishment [~~shop~~] or school as required by Subsection (a).

SECTION 3.28. Subchapter H, Chapter 1603, Occupations Code, is amended by adding Sections 1603.353, 1603.354, 1603.355, 1603.356, 1603.357, and 1603.358 to read as follows:

Sec. 1603.353. EMPLOYMENT OF LICENSE HOLDER. (a) A licensed school may not employ a person holding a license issued under Subchapter E-1 solely to perform the practices of barbering or cosmetology for which the person is licensed.

(b) A person holding a license for an establishment may not employ or lease to a person to practice barbering or cosmetology at the establishment unless the person holds a license issued under Subchapter E-1.

Sec. 1603.354. NECESSARY EQUIPMENT. The owner, operator, or manager of a licensed establishment or school shall equip the establishment or school with the facilities, supplies, appliances, furnishings, and materials necessary to enable a person employed on the premises to comply with this chapter.

Sec. 1603.355. DISPLAY OF LICENSE. A licensed school or establishment shall display the license in a conspicuous place in the school or establishment for which the license is issued.

Sec. 1603.356. DISPLAY OF HUMAN TRAFFICKING INFORMATION. (a) A licensed school or establishment shall display a sign approved by or acceptable to the commission or the department concerning services and assistance available to victims of human trafficking.

(b) The sign required by this section must:

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

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

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

Sec. 1603.357. DISPLAY OF SANITATION RULES. A licensed school or establishment shall display a copy of the commission's sanitation rules.

Sec. 1603.358. OPERATION OF ESTABLISHMENT AND SCHOOL ON SINGLE PREMISES. A person may not operate an establishment on the same premises as a school unless the facilities are separated by walls of permanent construction without an opening between the facilities.

SECTION 3.29. Chapter 1603, Occupations Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. FINANCIAL PROVISIONS APPLICABLE TO PRIVATE POSTSECONDARY SCHOOLS

Sec. 1603.3601. CANCELLATION AND SETTLEMENT POLICY. The holder of a private postsecondary school license shall maintain a cancellation and settlement policy that provides a full refund of money paid by a student if the student:

(1) cancels the enrollment agreement or contract not later than midnight of the third day after the date the agreement or contract is signed by the student, excluding Saturdays, Sundays, and legal holidays; or

(2) entered into the enrollment agreement or contract because of a misrepresentation made:

(A) in the advertising or promotional materials of the school; or

(B) by an owner or representative of the school.

Sec. 1603.3602. REFUND POLICY. (a) The holder of a private postsecondary school license shall maintain a refund policy to provide for the refund of any unused parts of tuition, fees, and other charges paid by a student who, at the expiration of the cancellation period established under Section 1603.3601:

(1) fails to enter the course of training;

(2) withdraws from the course of training; or

(3) is terminated from the course of training before completion of the course.

(b) The refund policy must provide that:

(1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in scheduled hours, as specified by an enrollment agreement, contract, or other document acceptable to the department;

(2) the effective date of the termination for refund purposes is the earliest of:

(A) the last date of attendance, if the student is terminated by the school;

(B) the date the license holder receives the student's written notice of withdrawal; or

(C) 10 school days after the last date of attendance; and

(3) the school may retain not more than $100 if:

(A) tuition is collected before the course of training begins; and

(B) the student does not begin the course of training before the cancellation period established under Section 1603.3601 expires.

Sec. 1603.3603. WITHDRAWAL OR TERMINATION OF STUDENT. (a) If a student at a private postsecondary school begins a course of training that is scheduled to run not more than 12 months and, during the last 50 percent of the course, withdraws from the course or is terminated by the school, the school:

(1) may retain 100 percent of the tuition and fees paid by the student; and

(2) is not obligated to refund any additional outstanding tuition.

(b) If a student at a private postsecondary school begins a course of training that is scheduled to run not more than 12 months and, before the last 50 percent of the course, withdraws from the course or is terminated by the school, the school shall refund:

(1) 90 percent of any outstanding tuition for a withdrawal or termination that occurs during the first week or first 10 percent of the course, whichever period is shorter;

(2) 80 percent of any outstanding tuition for a withdrawal or termination that occurs after the first week or first 10 percent of the course, whichever period is shorter, but within the first three weeks of the course;

(3) 75 percent of any outstanding tuition for a withdrawal or termination that occurs after the first three weeks of the course but not later than the completion of the first 25 percent of the course; and

(4) 50 percent of any outstanding tuition for a withdrawal or termination that occurs not later than the completion of the first 50 percent of the course.

(c) A refund owed under this section must be paid not later than the 30th day after the date the student becomes eligible for the refund.

Sec. 1603.3604. INTEREST ON REFUND. (a) If tuition is not refunded within the period required by Section 1603.3603, the private postsecondary school shall pay interest on the amount of the refund for the period beginning the first day after the date the refund period expires and ending the day preceding the date the refund is made.

(b) If tuition is refunded to a lending institution, the interest shall be paid to that institution and applied against the student's loan.

(c) The commissioner of education shall annually set the interest rate at a rate sufficient to deter a school from retaining money paid by a student.

(d) The department may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the department on request documentation of the effort to locate the student.

Sec. 1603.3605. REENTRY OF STUDENT AFTER WITHDRAWAL. If a student voluntarily withdraws or is terminated after completing 50 percent of the course at a private postsecondary school, the school shall allow the student to

reenter at any time during the 48-month period following the date of withdrawal or termination unless the student presents a danger to the other students or staff of the school.

Sec. 1603.3606. EFFECT OF STUDENT WITHDRAWAL. (a) A private postsecondary school shall record a grade of incomplete for a student who withdraws but is not entitled to a refund under Section 1603.3603 if the student:

(1) requests the grade at the time the student withdraws; and

(2) withdraws for an appropriate reason unrelated to the student's academic status.

(b) A student who receives a grade of incomplete may reenroll in the program during the 48-month period following the date the student withdraws and complete the subjects without payment of additional tuition.

Sec. 1603.3607. EFFECT OF PRIVATE POSTSECONDARY SCHOOL CLOSURE. (a) If a private postsecondary school closes, the department shall attempt to arrange for students enrolled in the closed school to attend another private postsecondary school.

(b) If a student from a closed school is placed in another private postsecondary school, the expense incurred by the school in providing training directly related to educating the student, including the applicable tuition for the period for which the student paid tuition, shall be paid from the barbering and cosmetology school tuition protection account.

(c) If a student from a closed private postsecondary school cannot be placed in another private postsecondary school, the student's tuition and fees shall be refunded as provided by Section 1603.3602. If a student from a closed private postsecondary school does not accept a place that is available and reasonable in another private postsecondary school, the student's tuition and fees shall be refunded as provided by Section 1603.3603. A refund under this subsection shall be paid from the barbering and cosmetology school tuition protection account. The amount of the refund may not exceed $35,000.

(d) If another private postsecondary school assumes responsibility for the closed school's students and there are no significant changes in the quality of the training, the student from the closed school is not entitled to a refund under Subsection (c).

Sec. 1603.3608. BARBERING AND COSMETOLOGY SCHOOL TUITION PROTECTION ACCOUNT. (a) If on January 1 of any year the amount in the barbering and cosmetology school tuition protection account is less than $225,000, the department shall collect a fee from each private postsecondary school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to $225,000.

(b) The department shall administer claims made against the account.

(c) The comptroller shall invest the account in the same manner as other state funds.

(d) Sufficient money from the account shall be appropriated to the department for the purpose described by Section 1603.3607.

(e) Attorney's fees, court costs, or damages may not be paid from the account.

Sec. 1603.3609. RULES. The commission by rule may:

(1) adjust any tuition reimbursement limit established under this subchapter; and

(2) adopt procedures regarding the collection of fees from private postsecondary schools under Section 1603.3608.

SECTION 3.30. Section 1603.401, Occupations Code, is amended to read as follows:

Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The department may [~~shall~~] deny an application for issuance or renewal of, or may [~~shall~~] suspend or revoke, a [~~certificate,~~] license[~~,~~] or permit if the applicant or person holding the [~~certificate,~~] license[~~,~~] or permit:

(1) engages in gross malpractice;

(2) knowingly continues to practice while having an infectious or contagious disease;

(3) knowingly makes a false or deceptive statement in advertising;

(4) advertises, practices, or attempts to practice under another person's name or trade name;

(5) engages in fraud or deceit in obtaining a [~~certificate,~~] license[~~,~~] or permit; or

(6) engages in an act that violates this chapter or [~~,~~] Chapter 51[~~, Chapter 1601, or Chapter 1602~~] or a rule or order adopted or issued under this chapter or Chapter 51 [~~those chapters~~].

SECTION 3.31. The heading to Subchapter J, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER J. OTHER [~~PENALTIES AND~~] ENFORCEMENT PROVISIONS

SECTION 3.32. Sections 1603.453 and 1603.454, Occupations Code, are amended to read as follows:

Sec. 1603.453. APPEAL BOND NOT REQUIRED. The department is not required to give an appeal bond in a cause arising under this chapter[~~, Chapter 1601, or Chapter 1602~~].

Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The attorney general shall represent the department in an action to enforce this chapter[~~, Chapter 1601, or Chapter 1602~~].

SECTION 3.33. The following provisions of the Occupations Code are repealed:

(1) Chapters 1601 and 1602;

(2) Sections 1603.104(b), (c), and (c-1);

(3) Section 1603.205;

(4) Section 1603.206;

(5) Section 1603.207;

(6) Section 1603.254;

(7) Section 1603.451;

(8) Section 1603.452;

(9) Section 1603.455; and

(10) Section 1603.456.

SECTION 3.34. (a) To ensure that licensed schools offering instruction in barbering and cosmetology maintain accreditation and that students of those schools continue to qualify for federal aid, the Texas Commission of Licensing and Regulation shall, as soon as practicable after September 1, 2021, adopt any rules necessary for the orderly implementation of the changes in law made by this article to the licensing system and curricula requirements and standards for schools offering instruction in barbering and cosmetology.

(b) Not later than September 1, 2023:

(1) the Texas Commission of Licensing and Regulation shall adopt any additional rules necessary to implement the changes in law made by this article; and

(2) the Texas Department of Licensing and Regulation shall begin to issue and renew licenses and permits under Subchapters E-1, E-2, and E-3, Chapter 1603, Occupations Code, as added by this article.

SECTION 3.35. Notwithstanding the repeal by this article of Chapters 1601 and 1602, and Sections 1603.205, 1603.206, and 1603.207, Occupations Code, the Texas Department of Licensing and Regulation may continue to issue until September 1, 2023, a certificate, license, or permit under those provisions as they existed immediately before September 1, 2021, and those provisions are continued in effect for that purpose.

SECTION 3.36. Notwithstanding the repeal by this article of Chapters 1601 and 1602, Occupations Code, until the Texas Commission of Licensing and Regulation adopts rules regarding written and practical examination requirements for the issuance of licenses under Chapter 1603, Occupations Code, as amended by this article, the Texas Department of Licensing and Regulation shall continue to operate under the requirements regarding written and practical examinations in former Chapters 1601 and 1602, Occupations Code, as those chapters were in effect immediately before September 1, 2021, and those provisions are continued in effect for that purpose.

SECTION 3.37. (a) A certificate, license, or permit issued under former Chapter 1601 or 1602, Occupations Code, or under former Section 1603.205, 1603.206, or 1603.207, Occupations Code, before September 1, 2023, continues to be valid until the certificate, license, or permit expires, and those chapters and sections are continued in effect for that purpose.

(b) A person who on September 1, 2021, holds a certificate, license, or permit issued under former Chapter 1601 or 1602, Occupations Code, or under former Section 1603.205, 1603.206, or 1603.207, Occupations Code, is entitled on expiration of that certificate, license, or permit to issuance of a comparable license or permit under the applicable provision of Chapter 1603, Occupations Code, as amended by this article, if the person otherwise meets the requirements for the license or permit.

(c) A person who on September 1, 2021, holds an instructor license issued under former Chapter 1601 or 1602, Occupations Code, is entitled on expiration of that license to issuance of a license under the applicable provision of Chapter

1603, Occupations Code, as amended by this article, that is comparable to the individual practitioner license required for the issuance of the instructor license if the person otherwise meets the requirements for the license under Chapter 1603.

SECTION 3.38. Notwithstanding any other law, on September 1, 2021, a person holding a permit under former Subchapter G, Chapter 1601, Occupations Code, a facility license under former Subchapter G, Chapter 1602, Occupations Code, or a license or permit under former Section 1603.205, 1603.206, or 1603.207, Occupations Code, before September 1, 2021, may employ or contract with any qualified individual practitioner holding a certificate, license, or permit issued under Chapter 1601 or 1602, Occupations Code, before September 1, 2021, without regard to the chapter under which the practitioner was issued the certificate, license, or permit.

SECTION 3.39. Notwithstanding any other law, on September 1, 2021, the holder of a license issued under former Section 1601.256, 1601.262, or 1601.263, Occupations Code, before that date may perform the services described by Sections 1603.0011(a)(6) and (c), Occupations Code, as added by this Act.

SECTION 3.40. (a) Not later than December 1, 2021, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint members to the Barbering and Cosmetology Advisory Board in accordance with Section 1603.051, Occupations Code, as amended by this article.

(b) On December 1, 2021, the Advisory Board on Barbering and the Advisory Board on Cosmetology are abolished.

(c) Notwithstanding Section 1603.053, Occupations Code, as added by this article, in making the initial appointments to the Barbering and Cosmetology Advisory Board, the presiding officer of the Texas Commission of Licensing and Regulation shall designate three members of the advisory board to serve terms expiring January 31, 2023, three members to serve terms expiring January 31, 2025, and three members to serve terms expiring January 31, 2027.

SECTION 3.41. As soon as practicable after September 1, 2021, the comptroller of public accounts shall transfer to the barbering and cosmetology school tuition protection account the unexpended and unencumbered balance of the barber school tuition protection account and the unexpended and unencumbered balance of the private beauty culture school tuition protection account.

SECTION 3.42. (a) The changes in law made by this article do not affect the validity of a disciplinary action or other proceeding that was initiated before September 1, 2021, and that is pending on September 1, 2021. A disciplinary action that is pending on September 1, 2021, is governed by the law in effect immediately before September 1, 2021, and the former law is continued in effect for that purpose.

(b) The repeal of a law by this article does not entitle a person to a refund of a certificate, license, or permit fee paid by the person before September 1, 2021.

ARTICLE 4. RESIDENTIAL SERVICE CONTRACTS

SECTION 4.01. Section 1101.006, Occupations Code, is amended to read as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. The Texas Real Estate Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter and [~~,~~] Chapter 1102[~~, and Chapter 1303~~] of this code and Chapter 221, Property Code, expire September 1, 2025.

SECTION 4.02. Section 1304.003(a), Occupations Code, is amended by amending Subdivision (2) and adding Subdivision (4) to read as follows:

(2) "Service contract" means an agreement that is entered into for a separately stated consideration and for a specified term under which a provider agrees to:

(A) repair, replace, or maintain a product, or provide indemnification for the repair, replacement, or maintenance of a product, for operational or structural failure or damage caused by a defect in materials or workmanship or by normal wear;

(B) provide identity recovery, if the service contract is financed under Chapter 348 or 353, Finance Code; [~~or~~]

(C) provide compensation to the buyer of a vehicle on the total constructive loss under a depreciation benefit optional member program; or

(D) provide a service, reimbursement, or payment under a residential service contract.

(4) "Residential service contract" means a service contract of any duration under which a provider agrees to, in the event of the operational or structural failure of, damage caused by a power surge to, a defect in materials or workmanship of, or damage caused by normal wear to a structural component, an appliance, or an electrical, plumbing, heating, cooling, or air-conditioning system of a residential property that is attached to or located on the residential property:

(A) service, maintain, repair, or replace all or any part of the structural component, appliance, or electrical, plumbing, heating, cooling, or air-conditioning system;

(B) provide incidental payment of indemnity under limited circumstances, including food spoilage; or

(C) provide reimbursement or payment instead of service, repair, or replacement when a part, structural component, appliance, or service provider or technician is unavailable.

SECTION 4.03. Section 1304.003(b), Occupations Code, is amended to read as follows:

(b) A service contract described by Subsection (a)(2)(A) may [~~also~~] provide for:

(1) incidental payment or indemnity under limited circumstances, including towing, rental, and emergency road service;

(2) the repair or replacement of a product for damage resulting from a power surge or for accidental damage incurred in handling the product;

(3) identity recovery, if the service contract is financed under Chapter 348 or 353, Finance Code; or

(4) the replacement of a motor vehicle key or key fob in the event the key or key fob is inoperable, lost, or stolen.

SECTION 4.04. Section 1304.004(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to:

(1) a warranty;

(2) a maintenance agreement;

(3) a service contract sold or offered for sale to a person who is not a consumer;

(4) [~~a residential service contract sold by an entity licensed by the Texas Real Estate Commission under Chapter 1303;~~

[~~(5)~~] an agreement issued by an automobile service club that holds a certificate of authority under Chapter 722, Transportation Code;

(5) [~~(6)~~] a service contract sold by a motor vehicle dealer on a motor vehicle sold by that dealer, if the dealer:

(A) is the provider;

(B) is licensed as a motor vehicle dealer under Chapter 2301; and

(C) covers its obligations under the service contract with a reimbursement insurance policy; or

(6) [~~(7)~~] a contract offered by a local exchange telephone company that provides for the repair of inside telephone wiring, if:

(A) the contract term does not exceed one month; and

(B) the consumer can terminate the contract before a new contract term begins without liability except for payment of charges for the term that has begun.

SECTION 4.05. Subchapter A, Chapter 1304, Occupations Code, is amended by adding Section 1304.0041 to read as follows:

Sec. 1304.0041. CERTAIN EXEMPT AGREEMENTS. This chapter does not apply to:

(1) a performance guarantee offered by:

(A) the builder of a residential property; or

(B) the manufacturer or seller of an appliance or other system or component of a residential property;

(2) a residential service contract executed before August 28, 1979;

(3) a guarantee or warranty that is:

(A) designed to guarantee or warrant the repair or service of an appliance, system, or component of a residential property; and

(B) issued by a person who sells, services, repairs, or replaces the appliance, system, or component at the time or before the guarantee or warranty is issued;

(4) a service or maintenance agreement or a warranty that:

(A) is sold, offered for sale, or issued by a manufacturer or merchant who manufactures or sells a product or part of a product, including a structural component, an appliance, or an electrical, plumbing, heating, cooling, or air-conditioning system of a building or residence; and

(B) provides for, warrants, or guarantees the maintenance, repair, replacement, or performance of the product or part of the product; or

(5) home warranty insurance as defined by Section 2005.001, Insurance Code.

SECTION 4.06. Section 1304.005, Occupations Code, is amended to read as follows:

Sec. 1304.005. EXEMPTIONS FROM CERTAIN OTHER LAWS. Marketing, selling, offering for sale, issuing, making, proposing to make, and administering a service contract are exempt from:

(1) [~~Chapter 1303;~~

[~~(2)~~] Chapter 722, Transportation Code; and

(2) [~~(3)~~] the Insurance Code and other laws of this state regulating the business of insurance.

SECTION 4.07. Section 1304.151, Occupations Code, is amended by amending Subsection (b) and adding Subsection (b-4) to read as follows:

(b) If the provider ensures its obligations under Subsection (a)(2), the amount maintained in the reserve account may not be less than an amount equal to 40 percent of the gross consideration the provider received from consumers from the sale of all service contracts issued and outstanding in this state, minus any claims paid. The executive director may review and examine the reserve account. Except as provided by Subsections [~~Subsection~~] (b-1) and (b-4), the amount of the security deposit may not be less than $250,000. The provider must submit to the executive director on request a copy of the provider's financial statements that must be prepared in accordance with generally accepted accounting principles, be without qualification as to the going concern status of the provider, and be audited by an independent certified public accountant. The commission by rule may require the provider to submit additional financial reports.

(b-4) The amount of the security deposit required under Subsection (b) may not be less than $25,000 for a provider of a residential service contract.

SECTION 4.08. Section 1304.156, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) A residential service contract must state that the provider agrees that, under normal circumstances, the provider will initiate the performance of services not later than 48 hours after the contract holder requests the services.

SECTION 4.09. Subchapter D, Chapter 1304, Occupations Code, is amended by adding Section 1304.157 to read as follows:

Sec. 1304.157. RESIDENTIAL SERVICE CONTRACTS. (a) A person may not sell, offer to sell, arrange or solicit the sale of, or receive an application for a residential service contract unless the person is:

(1) employed by a provider or administrator of a residential service contract who is licensed under this chapter; or

(2) licensed as a real estate sales agent, real estate broker, mobile home dealer, or insurance agent in this state.

(b) Notwithstanding Subsection (a), a person compensated by a provider or administrator, but who is not employed by that provider or administrator, may sell, offer to sell, arrange or solicit the sale of, or receive an application for a residential service contract if the contract contains the following statement in at

least 10-point boldface type: "NOTICE: THIS COMPANY PAYS PERSONS NOT EMPLOYED BY THE PROVIDER FOR THE SALE, ADVERTISING, INSPECTION, OR PROCESSING OF A RESIDENTIAL SERVICE CONTRACT UNDER CHAPTER 1304, OCCUPATIONS CODE." For purposes of Subsection (a) and this subsection, a person is employed by a provider or administrator if, in connection with the person selling, offering to sell, arranging or soliciting the sale of, or receiving applications for residential service contracts, the provider or administrator:

(1) directs and controls the person's performance; and

(2) is responsible for representations made by the person when acting within the scope of the person's employment.

(c) Notwithstanding Section 1304.151(a)(1), a provider of a residential service contract may use a reimbursement insurance policy issued by a captive insurance company as defined by Section 964.001, Insurance Code, to insure the provider's residential service contracts if the provider maintains a funded reserve equal to not less than 25 percent of the gross consideration the provider received from consumers from the sale of all the provider's service contracts issued and outstanding in this state, minus any claims paid. A reimbursement insurance policy issued to a residential service contract provider in accordance with this subsection:

(1) is not subject to Section 1304.152; and

(2) is considered to satisfy the requirements of Sections 1304.1025 and 1304.151(a)(1) for purposes of this chapter.

SECTION 4.10. Chapter 1303, Occupations Code, is repealed.

SECTION 4.11. Not later than June 1, 2022, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this article to Chapter 1304, Occupations Code.

SECTION 4.12. (a) A residential service company licensed under former Chapter 1303, Occupations Code, that on May 1, 2021, maintained security in accordance with former Section 1303.154, Occupations Code, shall continue to maintain security in an amount not less than the amount required under that section until September 1, 2026, and the former law is continued in effect for that purpose.

(b) A residential service company described by Subsection (a) of this section that is operating as a residential service contract provider licensed under Chapter 1304, Occupations Code, as amended by this article, is not required to comply with the security requirements for residential service contract providers under Chapter 1304, Occupations Code, as amended by this article, until September 1, 2026.

(c) Not later than September 1, 2022, a residential service company described by Subsection (a) of this section that is operating as a residential service contract provider licensed under Chapter 1304, Occupations Code, as amended by this article, shall update the company's financial security documents to:

(1) list the Texas Department of Licensing and Regulation as a party to the financial security document; and

(2) replace each reference to the Texas Real Estate Commission with a reference to the Texas Department of Licensing and Regulation.

SECTION 4.13. (a) In this section, "department" means the Texas Department of Licensing and Regulation.

(b) On the effective date of this Act:

(1) a license issued by the Texas Real Estate Commission under former Chapter 1303, Occupations Code, is continued in effect as a license of the department;

(2) all rules, fees, policies, procedures, decisions, and forms of the Texas Real Estate Commission that relate to a program or activity transferred under this article are continued in effect as rules, fees, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the department, as applicable, and remain in effect until changed by the Texas Commission of Licensing and Regulation or the department; and

(3) a complaint, investigation, contested case, or other proceeding related to a program that is transferred under this article and that is pending on the effective date of this Act is transferred without change in status to the Texas Commission of Licensing and Regulation or the department, as appropriate.

(c) On the effective date of this Act:

(1) all money, contracts, leases, property, software source code and documentation, records, and obligations of the Texas Real Estate Commission relating to a program or activity transferred to the department under this article are transferred to the department; and

(2) the unexpended and unobligated balance of any money appropriated by the legislature relating to that program or activity is transferred to the department.

(d) As soon as practicable after the effective date of this Act, the Texas Real Estate Commission shall transfer to the Texas Commission of Licensing and Regulation or the department, as appropriate, any bond, reimbursement insurance policy, or other security held for a residential service company that relates to a program or activity transferred under this article.

(e) Unless the context indicates otherwise, a reference in law or administrative rule to the Texas Real Estate Commission with respect to a program or activity transferred from the Texas Real Estate Commission to the department under this article means the Texas Commission of Licensing and Regulation or the department, as appropriate.

(f) The Texas Real Estate Commission shall provide the department with access to any systems, facilities, or information necessary to implement the change in law made by this article.

ARTICLE 5. DRIVER TRAINING

SECTION 5.01. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (8), (9), (13), and (14) and adding Subdivisions (6-a), (6-b), (14-b), and (14-c) to read as follows:

(2) "Classroom instruction" includes instruction provided in a traditional classroom setting or through other physical means or remotely through the Internet [~~"Approved driving safety course" means a driving safety course approved by the department~~].

(6-a) "Driver education instructor" means an individual who holds a license to teach or provide driver education issued under Section 1001.251.

(6-b) "Driver education provider" means an in-person driver education provider, an online driver education provider, or a parent-taught driver education provider.

(8) "Driver training" means:

(A) driver education provided by a driver education provider [~~school~~]; or

(B) driving safety training provided by a driving safety provider [~~school~~].

(9) "Driver training provider [~~school~~]" means a driver education provider [~~school~~] or driving safety provider [~~school~~].

(13) "Driving safety provider" means a business that provides a driving safety course [~~school" means an enterprise that:~~

[~~(A) maintains a place of business or solicits business in this state; and~~

[~~(B) is operated by an individual, association, partnership, or corporation for educating and training persons in driving safety~~].

(14) "In-person driver education provider [~~Instructor~~]" means a business that provides driver education courses in person, including behind-the-wheel instruction, observation instruction, or driver's license examinations [~~an individual who holds a license for the type of instruction being given~~].

(14-b) "Online driver education provider" means a business that provides driver education courses to students remotely through the Internet.

(14-c) "Parent-taught driver education provider" means a business that provides driver education course materials through physical means or remotely through the Internet to persons who conduct parent-taught driver education under Section 1001.112.

SECTION 5.02. Section 1001.003, Education Code, is amended to read as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL BUSINESSES. It is the intent of the legislature that commission rules that affect driver training providers [~~schools~~] that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the providers [~~schools~~].

SECTION 5.03. Section 1001.004(b), Education Code, is amended to read as follows:

(b) The department may charge a fee to each driver education provider [~~school~~] in an amount not to exceed the actual expense incurred in the regulation of driver education courses established under Section 1001.1015.

SECTION 5.04. Subchapter A, Chapter 1001, Education Code, is amended by adding Section 1001.005 to read as follows:

Sec. 1001.005. REFERENCE IN RULES AND AGENCY MATERIALS. Notwithstanding any other law, the commission or the department may refer to driver education providers and driver safety providers as schools in rules, forms, records, licenses, and other commission or department documents.

SECTION 5.05. Section 1001.051, Education Code, is amended to read as follows:

Sec. 1001.051. JURISDICTION OVER PROVIDERS [~~SCHOOLS~~]. The department has jurisdiction over and control of driver training providers [~~schools~~] regulated under this chapter.

SECTION 5.06. Sections 1001.053(a) and (b), Education Code, are amended to read as follows:

(a) The department and executive director, as appropriate, shall:

(1) administer this chapter;

(2) enforce minimum standards for driver training providers [~~schools~~] under this chapter;

(3) enforce rules adopted by the commission that are necessary to administer this chapter; and

(4) inspect a driver training provider [~~school or course provider~~] and reinspect the [~~school or course~~] provider for compliance with this chapter.

(b) The executive director may designate a person knowledgeable in the administration of regulating driver training providers [~~schools~~] to administer this chapter.

SECTION 5.07. Section 1001.054, Education Code, is amended to read as follows:

Sec. 1001.054. RULES RESTRICTING ADVERTISING. [~~(c)~~] The commission by rule may restrict advertising by a branch location of an in-person [~~a~~] driver education provider [~~training school~~] so that the location adequately identifies the main business [~~primary~~] location of the provider [~~school~~] in a solicitation.

SECTION 5.08. Sections 1001.055(a), (a-1), and (a-2), Education Code, are amended to read as follows:

(a) The department shall provide to each licensed driver education provider or exempt driver education school [~~and to each parent-taught course provider approved under this chapter~~] driver education certificates or certificate numbers to enable the [~~school or approved parent-taught course~~] provider or school to issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2), Transportation Code, 521.1601, Transportation Code, as added by Chapter 1253 (**HB 339**), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (**SB 1317**), Acts of the 81st Legislature, Regular Session, 2009.

(a-1) A certificate issued by a driver education [~~school or parent-taught course~~] provider licensed [~~approved~~] under this chapter must:

(1) be in a form required by the department; and

(2) include an identifying certificate number provided by the department that may be used to verify the authenticity of the certificate with the [~~driver education school or approved parent-taught course~~] provider.

(a-2) A driver education [~~school or parent-taught course~~] provider licensed [~~approved~~] under this chapter that purchases driver education certificate numbers shall issue original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. The [~~driver education school or approved parent-taught course~~] provider shall electronically submit to the department in the manner established by the department data identified by the department relating to issuance of department-approved driver education certificates with the certificate numbers.

SECTION 5.09. Sections 1001.056(b), (c-1), (d), (e), and (g), Education Code, are amended to read as follows:

(b) The department shall provide each licensed driving safety [~~course~~] provider with course completion certificate numbers to enable the provider to issue department-approved uniform certificates of course completion.

(c-1) A driving safety [~~course~~] provider shall provide for the issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(d) A certificate under this section must:

(1) be in a form required by the department; and

(2) include an identifying number by which the department, a court, or the Department of Public Safety may verify its authenticity with the driving safety [~~course~~] provider.

(e) The commission by rule shall establish a fee for each course completion certificate number. [~~A course provider that supplies a certificate to an operator shall collect from the operator a fee equal to the amount of the fee paid to the department for the certificate number.~~]

(g) A driving safety [~~course~~] provider shall issue a duplicate certificate by United States mail or commercial or electronic delivery. The commission by rule shall determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 5.10. Section 1001.058(b), Education Code, is amended to read as follows:

(b) The advisory committee consists of nine [~~eleven~~] members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:

(1) three driver education providers [~~one member representing a driver education school that offers a traditional classroom course and in-car training~~];

(2) three driving safety providers [~~one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training~~];

(3) [~~one member representing a driving safety school offering a traditional classroom course or providing an alternative method of instruction;~~

[~~(4) one member representing a driving safety course provider approved for a traditional classroom course and for an alternative method of instruction;~~

[~~(5) one member representing a driving safety course provider approved for a traditional classroom course or for an alternative method of instruction;~~

[~~(6)~~] one driver education [~~licensed~~] instructor;

(4) the division head [~~(7) one representative~~] of the Department of Public Safety driver license division or the division head's designee;

[~~(8) one member representing a drug and alcohol driving awareness program course provider;~~

[~~(9) one member representing a parent-taught course provider;~~] and

(5) one member of [~~(10) two members representing~~] the public.

SECTION 5.11. Section 1001.059(b), Education Code, is amended to read as follows:

(b) The department may collaborate with another state agency or contract with a licensed driver education provider [~~school~~] or a driver education instructor to create the course.

SECTION 5.12. Subchapter B, Chapter 1001, Education Code, is amended by adding Section 1001.060 to read as follows:

Sec. 1001.060. COORDINATION WITH DEPARTMENT OF PUBLIC SAFETY. (a) The department shall enter into a memorandum of understanding with the Department of Public Safety for:

(1) the interagency development of the content of driver's license examinations and examination reference materials; and

(2) any other matter the agencies consider appropriate.

(b) The memorandum of understanding must authorize the Department of Public Safety to share with the department any relevant information, including information related to examination results.

SECTION 5.13. The heading to Subchapter C, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER C. [~~OPERATION OF~~] DRIVER EDUCATION AND DRIVING SAFETY CURRICULUM [~~SCHOOL~~]

SECTION 5.14. Section 1001.101, Education Code, is amended to read as follows:

Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) The commission by rule shall establish or approve the curriculum and designate the educational materials to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education provider [~~school~~], or parent or other individual under this chapter.

(b) The commission by rule shall prescribe the minimum number of hours of classroom instruction, observation instruction, and behind-the-wheel instruction that must be completed for a [~~A~~] driver education course to be approved under this chapter [~~must require the student to complete:~~

[~~(1) 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual under Section 1001.112;~~

[~~(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual under Section 1001.112; and~~

[~~(3) 30 hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code~~].

SECTION 5.15. Sections 1001.1015(b) and (d), Education Code, are amended to read as follows:

(b) A driver education course under Subsection (a) must:

(1) provide at least the minimum number of hours of classroom instruction required by commission rule [~~be a six-hour course~~]; and

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic; and

(D) the issues commonly associated with motor vehicle accidents, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle.

(d) A driving safety course [~~or a drug and alcohol driving awareness program~~] may not be approved as a driver education course under Subsection (a).

SECTION 5.16. Sections 1001.1016(b) and (c), Education Code, are amended to read as follows:

(b) The commission by rule shall require an in-person [~~a~~] driver education provider or online driver education provider [~~school providing a driver education course~~] to:

(1) in the manner described by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), make reasonable modifications and provide aids and services when providing the classroom instruction portion of a driver education [~~the~~] course that are necessary to ensure that a student who is deaf or hard of hearing may fully participate in the course; and

(2) provide to the department the provider's [~~school's~~] plan for complying with the rules adopted under this section as a condition of obtaining a license under Section 1001.211 or renewing a license [~~under Section 1001.303~~].

(c) The rules adopted under Subsection (b) must allow an in-person [~~a~~] driver education provider or online driver education provider [~~school~~] to comply with the requirements of this section by playing a video that presents the classroom instruction portion of the driver education course in a manner that complies with the requirements of this section.

SECTION 5.17. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.1017 to read as follows:

Sec. 1001.1017. COURSE APPROVAL. A driver training provider shall submit to the commission for approval the course length and curriculum content for each course offered by the provider. The provider may implement a course length and curriculum content only after approval by the commission.

SECTION 5.18. Section 1001.112, Education Code, is amended to read as follows:

Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION. (a) A person who is eligible under Subsection (b) may conduct [~~The commission by rule shall provide for approval of~~] a driver education course approved under Section 1001.1017 for another [~~conducted by the following persons with the noted relationship to a~~] person who is required to complete a driver education course to obtain a Class C license. In conducting the course, the person must use course materials provided by a parent-taught driver education provider.

(b) A person is eligible to conduct a driver education course for another person as provided by Subsection (a) if the person:

(1) is either:

(A) a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of the other person; or

(B) [~~(2)~~] an individual who:

(i) [~~(A)~~] has been designated on a form prescribed by the department for purposes of this section by a parent or[~~, a~~] legal guardian of the other person[~~,~~] or by a judge of a court with jurisdiction over the other person [~~on a form prescribed by the department~~];

(ii) [~~(B)~~] is at least 25 years of age [~~or older~~];

(iii) [~~(C)~~] does not charge a fee for conducting the course; and

(iv) [~~(D)~~] has at least seven years of driving experience;

(2) has possessed [~~and~~

[~~(E) otherwise qualifies to conduct a course under Subsection (a-1).~~

[~~(a-1) The rules must provide that the student driver spend a minimum number of hours in classroom and behind-the-wheel instruction.~~

[~~(a-2) The rules must provide that the person conducting the course:~~

[~~(1) possess~~] a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;

(3) [~~(2)~~] has not been convicted of:

(A) criminally negligent homicide; or

(B) driving while intoxicated in the past seven years; and

(4) [~~(3)~~] has not been convicted during the preceding three years of:

(A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident; or

(B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident.

(c) A person conducting a driver education course under this section may provide the classroom instruction portion, the behind-the-wheel instruction portion, or both portions.

(d) [~~(b)~~] The department may [~~approve a course described by Subsection (a) if the department determines that the course materials are at least equal to those required in a course approved by the department, and the department may~~] not require for a course conducted under this section that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(e) A parent-taught driver education provider [~~(c) The rules must provide a method by which:~~

[~~(1) approval of a course is obtained;~~

[~~(2) an applicant submits proof of completion of the course;~~

[~~(3) approval for delivering course materials by an alternative method, including electronic means, is obtained;~~

[~~(4) a provider of a course approved under this section~~] may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1), Transportation Code, through electronic means[~~; and~~

[~~(5) an applicant submits proof of passage of an examination administered under Subdivision (4)~~].

(f) [~~(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the department.~~

[~~(e)~~] The department may not charge a fee for the submission of proof of:

(1) completion of a [~~the~~] course conducted under this section; or

(2) passage of an examination administered under Subsection (e) [~~(c)~~].

SECTION 5.19. Sections 1001.151(b) and (c), Education Code, are amended to read as follows:

(b) The commission by rule shall establish a fee for:

(1) an initial in-person driver education provider [~~school~~] license and for each branch location;

(2) an initial online driver education provider [~~driving safety school~~] license;

(3) an initial parent-taught driver education [~~course~~] provider license[~~, except that the executive director may waive the fee~~];

(4) an initial driving safety provider license;

(5) the annual renewal for a [~~course provider,~~] driving safety provider [~~school~~], driver education provider [~~school~~], or branch location of an in-person driver education provider, except that the executive director may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure;

(6) [~~(5)~~] a change of address of a driver education provider [~~school, driving safety school,~~] or driving safety [~~course~~] provider; and

(7) [~~(6)~~] a change of name of:

(A) a driver education [~~school or course~~] provider or an owner of a driver education [~~school or course~~] provider; or

(B) a driving safety provider [~~school~~] or an owner of a driving safety provider [~~school;~~

[~~(7) each additional driver education or driving safety course at a driver training school; and~~

[~~(8) an initial application for approval of a driving safety course that has not been evaluated by the department~~].

(c) An application for an initial driver education [~~or driving safety~~] instructor license must be accompanied by a processing fee and an annual license fee, except that the department may not collect the processing fee from an applicant [~~for a driver education instructor license~~] who is currently teaching a driver education course in a public school in this state.

SECTION 5.20. The heading to Subchapter E, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER E. LICENSING OF DRIVER TRAINING [~~SCHOOLS AND COURSE~~] PROVIDERS

SECTION 5.21. Section 1001.201, Education Code, is amended to read as follows:

Sec. 1001.201. LICENSE REQUIRED. (a) A person may not provide:

(1) [~~operate a school that provides~~] a driver education course:

(A) in person unless the person holds an in-person [~~a~~] driver education provider [~~school~~] license; or

(B) online unless the person holds an online driver education provider license;

(2) driver education course materials to persons conducting parent-taught driver education under Section 1001.112 unless the person holds a parent-taught driver education provider license; or

(3) [~~operate a school that provides~~] driving safety courses unless the person holds a driving safety provider [~~school~~] license[~~; or~~

[~~(3) operate as a course provider unless the person holds a course provider license~~].

(b) The commission by rule shall provide for the issuance of a single license to a person who meets the requirements for and seeks to provide driver education courses or driver education course materials under more than one driver education provider license.

SECTION 5.22. Section 1001.202, Education Code, is amended to read as follows:

Sec. 1001.202. LOCATIONS FOR IN-PERSON DRIVER EDUCATION PROVIDERS. An in-person [~~(a) A~~] driver education provider [~~school~~] that teaches a driver education course at one or more branch locations must obtain a

separate in-person driver education provider [~~school~~] license for its main business location and for each branch location. An in-person [~~A~~] driver education provider [~~school~~] may not operate a branch location of a branch location.

[~~(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location is approved by the department.~~]

SECTION 5.23. Section 1001.204, Education Code, is amended to read as follows:

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION PROVIDER [~~SCHOOL~~] LICENSE. (a) The commission by rule shall establish the criteria applicable to each [~~for a~~] driver education provider [~~school~~] license.

(b) The department shall approve an application for a driver education provider [~~school~~] license if the application is submitted on a form approved by the department, the application is accompanied by the fee, and the department determines that the applicant [~~school~~]:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

(2) [~~has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel, if applicable;~~

[~~(3) has instructors who have adequate educational qualifications and experience;~~

[~~(4)~~] provides to each student before enrollment or each person before contracting for driver education course materials, to the extent applicable:

(A) a copy of:

(i) the refund policy;

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

(3) to the extent applicable, [~~(5)~~] maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(4) [~~(6)~~] on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(5) [~~(7)~~] complies with all county, municipal, state, and federal laws [~~regulations~~], including [~~fire, building, and sanitation codes and~~] assumed name registration and other[~~, if~~] applicable requirements;

(6) [~~(8)~~] is financially sound and capable of fulfilling its commitments for training;

(7) [~~(9)~~] maintains and publishes as part of its student enrollment contract or materials contract, as applicable, the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the provider [~~school~~] at any time before completion;

(8) [~~(10)~~] does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(9) [~~(11)~~] does not use a name similar to the name of another existing driver education provider [~~school~~] or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(10) [~~(12)~~] submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the provider [~~school~~];

(11) [~~(13)~~] does not owe an administrative penalty for a violation of this chapter;

(12) meets all requirements applicable to the license type under Section 1001.2041, 1001.2042, or 1001.2043; and

(13) [~~(14)~~] meets any additional criteria required by the department, including any applicable inspection requirements[~~; and~~

[~~(15) provides adequate testing and security measures for the school's method of instruction~~].

SECTION 5.24. Subchapter E, Chapter 1001, Education Code, is amended by adding Sections 1001.2041, 1001.2042, and 1001.2043 to read as follows:

Sec. 1001.2041. REQUIREMENTS FOR IN-PERSON DRIVER EDUCATION PROVIDER. Before an in-person driver education provider license may be issued, the department must determine that the applicant has adequate space, equipment, instructional material, and driver education instructors to provide training of good quality in the classroom and behind the wheel.

Sec. 1001.2042. REQUIREMENTS FOR ONLINE DRIVER EDUCATION PROVIDER. Before an online driver education provider license may be issued, the department must determine that the applicant has:

(1) adequate driver education instructors to provide training of good quality; and

(2) adequate testing and security measures to validate a student's identity and active participation in a driver education course.

Sec. 1001.2043. REQUIREMENTS FOR PARENT-TAUGHT DRIVER EDUCATION PROVIDER. (a) Before a parent-taught driver education provider license may be issued, the department must determine that the applicant has:

(1) an adequate method by which a person completing a parent-taught driver education course under Section 1001.112 using the provider's course materials may submit proof of:

(A) completion of the course; or

(B) passage of an examination administered by the provider under Section 1001.112(e);

(2) hired or contracted with only driver education instructors, if the provider elects to hire or contract with an instructor to assist with driver education; and

(3) adequate testing and security measures to validate a student's active participation in a driver education course conducted using course materials provided remotely through the Internet.

(b) Except as specifically provided by this chapter, a parent-taught driver education provider that provides driver education course materials remotely through the Internet is not subject to any course or curriculum requirements established by the commission or department for online driver education providers.

SECTION 5.25. Section 1001.206, Education Code, is amended to read as follows:

Sec. 1001.206. REQUIREMENTS FOR DRIVING SAFETY [~~COURSE~~] PROVIDER LICENSE. (a) The commission by rule shall establish criteria for a driving safety [~~course~~] provider license.

(b) The department shall approve an application for a driving safety [~~course~~] provider license if the application is submitted on a form approved by the executive director, includes the fee, and [~~on inspection of the premises of the school~~] the department determines that the applicant:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered [~~the course provider has an approved course that at least one licensed driving safety school is willing to offer~~];

(2) provides [~~the course provider has adequate educational qualifications and experience;~~

[~~(3) the course provider will:~~

[~~(A) develop and provide~~] to each student before enrollment:

(A) [~~driving safety school that offers the approved course~~] a copy of:

(i) the refund policy; [~~and~~]

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) [~~provide to the driving safety school~~] the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

(3) [~~(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;~~

[~~(5)~~] not later than the 15th working day after the date a person successfully completes the course, issues [~~the course provider will issue~~] and delivers [~~deliver~~] to the person by United States mail or commercial or electronic delivery a uniform certificate of course completion indicating the course name and successful completion;

(4) [~~(6) the course provider~~] maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) [~~(7) the course provider~~] complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(6) [~~(8) the course provider~~] is financially sound and capable of fulfilling its commitments for training;

(7) [~~(9) the course provider~~] maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the provider [~~school~~] at any time before completion;

(8) [~~(10) the course provider~~] does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(9) [~~(11) the course provider~~] does not use a name similar to the name of another existing driving safety provider [~~school~~] or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(10) submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the provider;

(11) [~~(12) the course provider~~] does not owe an administrative penalty for a violation of this chapter;

(12) provides adequate testing and security measures for the provider's method of instruction to validate a student's identity and active participation in a driving safety course; and

(13) [~~the course provider~~] meets any additional criteria required by the department.

SECTION 5.26. Section 1001.207, Education Code, is amended to read as follows:

Sec. 1001.207. BOND REQUIREMENTS: DRIVER EDUCATION PROVIDER [~~SCHOOL~~]. (a) Before a driver education provider [~~school~~] may be issued a license, the provider [~~school~~] must file a corporate surety bond with the department in the amount of:

(1) $10,000 [~~for the primary location of the school~~]; and

(2) for an in-person driver education provider, $5,000 for each branch location of the provider.

(b) A bond issued under Subsection (a) must be:

(1) issued in a form approved by the department;

(2) issued by a company authorized to do business in this state;

(3) payable to the department to be used only for payment of a refund due to a student or potential student;

(4) conditioned on the compliance of the provider [~~school~~] and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(5) issued for a period corresponding to the term of the license.

(c) Posting of a bond in the amount required under Subsection (a) satisfies the requirements for financial stability for driver education providers [~~schools~~] under this chapter.

(d) A driver education provider who files a bond under Subsection (a)(1) or provides an alternate form of security under Section 1001.210 to obtain one type of driver education provider license may not be required to file an additional bond under Subsection (a)(1) or provide an alternate form of security under Section 1001.210 for any other type of driver education provider license.

SECTION 5.27. Section 1001.209, Education Code, is amended to read as follows:

Sec. 1001.209. BOND REQUIREMENTS: DRIVING SAFETY [~~COURSE~~] PROVIDER. (a) Before a license may be issued to a driving safety [~~course~~] provider, the [~~course~~] provider must provide a corporate surety bond in the amount of $10,000.

(b) A bond issued under Subsection (a) must be:

(1) issued by a company authorized to do business in this state;

(2) payable to the department to be used:

(A) for payment of a refund due a student of the [~~course~~] provider's approved driving safety courses [~~course~~];

(B) to cover the payment of unpaid fees or penalties assessed by the executive director or the commission; or

(C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;

(3) conditioned on the compliance of the [~~course~~] provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 5.28. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education provider [~~school~~] or driving safety [~~course~~] provider may provide another form of security that is:

(1) approved by the department; and

(2) in the amount required for a comparable bond under Section 1001.207 or 1001.209.

SECTION 5.29. Sections 1001.211(b) and (c), Education Code, are amended to read as follows:

(b) A license must be in a form determined by the department and must show in a clear and conspicuous manner:

(1) the date of issuance, effective date, and term of the license;

(2) the name and address of the driver training [~~school or course~~] provider;

(3) the authority for and conditions of approval; and

(4) any other fair and reasonable representation that is consistent with this chapter and that the department considers necessary.

(c) An applicant may obtain both a driver education provider [~~school~~] license and a driving safety provider [~~school~~] license.

SECTION 5.30. Sections 1001.213(b), (c), and (d), Education Code, are amended to read as follows:

(b) If a change in ownership of a driver training [~~school or course~~] provider is proposed, a new owner shall apply for a new [~~school or course~~] provider license at least 30 days before the date of the change.

(c) The commission by rule may establish fees for a new driver training [~~education school or course~~] provider license under Subsection (b) and, if applicable, for each branch location of an in-person driver education provider if:

(1) the new owner is substantially similar to the previous owner; and

(2) there is no significant change in the management or control of the [~~driver education school or course~~] provider.

(d) The department may inspect a driver training provider's main [~~school~~] or [~~a~~] branch location, as applicable, after a change of ownership.

SECTION 5.31. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may be issued to a driver training [~~school or course~~] provider if:

(1) the original license is lost or destroyed; and

(2) an affidavit of that fact is filed with the department.

SECTION 5.32. Section 1001.251(a), Education Code, is amended to read as follows:

(a) Except as authorized under Section 1001.112, a [~~A~~] person may not teach or provide driver education[~~, either as an individual or in a driver education school,~~] or conduct any phase of driver education[~~,~~] unless the person holds a driver education instructor license issued by the executive director.

SECTION 5.33. Section 1001.2511(e), Education Code, is amended to read as follows:

(e) The commission may adopt rules to administer this section, including rules establishing:

(1) deadlines for a person to submit fingerprints and photographs in compliance with this section;

(2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of or refusal to issue a license described by Subsection (a); and

(3) notification to a driver education provider [~~school~~] of relevant information obtained by the department under this section.

SECTION 5.34. Section 1001.2512, Education Code, is amended to read as follows:

Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD INFORMATION REVIEW. The commission by rule shall require a person submitting to a national criminal history record information review under Section 1001.2511 or the driver education provider [~~school~~] employing the person, as determined by the department, to pay a fee for the review in an amount not to

exceed the amount of any fee imposed on an application for certification under Subchapter B, Chapter 21, for a national criminal history record information review under Section 22.0837.

SECTION 5.35. Section 1001.2513, Education Code, is amended to read as follows:

Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION. A social security number, driver's license number, other identification number, or fingerprint record collected for a person to comply with Section 1001.2511:

(1) may not be released except:

(A) to provide relevant information to driver education providers [~~schools~~] or otherwise to comply with Section 1001.2511;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

SECTION 5.36. Sections 1001.2514(a) and (d), Education Code, are amended to read as follows:

(a) A driver education provider [~~school~~] shall discharge or refuse to hire as an instructor an employee or applicant for employment if the department obtains information through a criminal history record information review that:

(1) the employee or applicant has been convicted of:

(A) a felony offense under Title 5, Penal Code;

(B) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(C) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A) or (B); and

(2) at the time the offense occurred, the victim of the offense described by Subdivision (1) was under 18 years of age or was enrolled in a public school.

(d) A driver education provider [~~school~~] may discharge an employee who serves as an instructor if the provider [~~school~~] obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the provider [~~school~~] or the department. An employee discharged under this subsection is considered to have been discharged for misconduct for purposes of Section 207.044, Labor Code.

SECTION 5.37. Section 1001.2531(b), Education Code, is amended to read as follows:

(b) An applicant for a driver education instructor license under this section must:

(1) apply to the department on a form prescribed by the department and under rules adopted by the commission;

(2) submit with the application a nonrefundable application fee in an amount set by commission rule; and

(3) present satisfactory evidence to the department that the applicant:

(A) is at least 21 years of age; and

(B) [~~holds a high school diploma or high school equivalency certificate; and~~

[~~(C)~~] meets any other requirement established by commission rule.

SECTION 5.38. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The department shall regulate as a driver education provider of the type determined appropriate by the department [~~school~~] a driver education instructor who:

(1) teaches driver education courses in a county having a population of 50,000 or less; and

(2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the department an application for an initial or renewal driver education provider [~~school~~] license, together with all required documentation and information.

(c) The executive director may waive initial or renewal driver education provider [~~school~~] license fees.

SECTION 5.39. Section 1001.301, Education Code, is amended to read as follows:

Sec. 1001.301. EXPIRATION OF DRIVER TRAINING [~~SCHOOL OR COURSE~~] PROVIDER LICENSE. The term of a driver training [~~education school, driving safety school, or course~~] provider license may not exceed one year.

SECTION 5.40. Section 1001.302, Education Code, is amended to read as follows:

Sec. 1001.302. EXPIRATION OF DRIVER EDUCATION INSTRUCTOR LICENSE. The term of a driver education instructor [~~or driving safety instructor~~] license may not exceed one year.

SECTION 5.41. Section 1001.351, Education Code, is amended to read as follows:

Sec. 1001.351. DRIVING SAFETY [~~COURSE~~] PROVIDER RESPONSIBILITIES. (a) Not later than the 15th working day after the course completion date, a driving safety [~~course~~] provider or a person at the [~~course~~] provider's facilities shall issue and deliver by United States mail or commercial or electronic delivery a uniform certificate of course completion to a person who successfully completes an approved driving safety course.

(b) A driving safety [~~course~~] provider shall electronically submit to the department in the manner established by the department data identified by the department relating to uniform certificates of course completion issued by the [~~course~~] provider.

[~~(c) A course provider shall conduct driving safety instructor development courses for its approved driving safety courses.~~]

SECTION 5.42. Section 1001.352, Education Code, is amended to read as follows:

Sec. 1001.352. FEES FOR DRIVING SAFETY COURSE. A driving safety [~~course~~] provider shall charge each student:

(1) at least $25 for a driving safety course; and

(2) a fee of at least $3 for course materials and for supervising and administering the course.

SECTION 5.43. Section 1001.353, Education Code, is amended to read as follows:

Sec. 1001.353. DRIVER TRAINING COURSE AT PUBLIC OR PRIVATE SCHOOL. A driver training provider [~~school~~] may conduct a driver training course at a public or private school for students of the public or private school as provided by an agreement with the public or private school. The course is subject to any law applicable to a course conducted at the main business location of the driver training provider [~~school~~].

SECTION 5.44. Section 1001.355, Education Code, is amended to read as follows:

Sec. 1001.355. WITHHOLDING CERTAIN RECORDS. A driver training provider [~~school~~] may withhold a student's diploma or certificate of completion until the student fulfills the student's financial obligation to the provider [~~school~~].

SECTION 5.45. Section 1001.356, Education Code, is amended to read as follows:

Sec. 1001.356. REQUIREMENT TO CARRY LICENSE. A driver education instructor [~~or driving safety instructor~~] shall carry the person's instructor license at all times while instructing a driver education course [~~or driving safety course~~].

SECTION 5.46. Section 1001.357, Education Code, is amended to read as follows:

Sec. 1001.357. CONTRACT WITH UNLICENSED DRIVER TRAINING PROVIDER [~~SCHOOL~~]. A contract entered into with a person for a course of instruction by or on behalf of a person operating an unlicensed driver training provider [~~school~~] is unenforceable.

SECTION 5.47. Section 1001.401, Education Code, is amended to read as follows:

Sec. 1001.401. CANCELLATION AND SETTLEMENT POLICY. As a condition for obtaining a driver training [~~education school license or course~~] provider license, the [~~school or course~~] provider must maintain a cancellation and settlement policy that provides a full refund of all money paid by a student if:

(1) the student cancels the enrollment contract before midnight of the third day, other than a Saturday, Sunday, or legal holiday, after the date the enrollment contract is signed by the student, unless the student successfully completes the course or receives a failing grade on the course examination; or

(2) the enrollment of the student was procured as a result of a misrepresentation in:

(A) advertising or promotional materials of the [~~school or course~~] provider; or

(B) a representation made by an owner or employee of the [~~school or course~~] provider.

SECTION 5.48. Section 1001.402, Education Code, is amended to read as follows:

Sec. 1001.402. TERMINATION POLICY. (a) As a condition for obtaining a driver training provider [~~education school~~] license, the provider [~~school~~] must maintain a policy for the refund of the unused portion of tuition, fees, and other charges if a student, after expiration of the cancellation period described by Section 1001.401, does not enter the course or withdraws or is discontinued from the course at any time before completion.

(b) The policy must provide that:

(1) refunds are based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes is the earliest of:

(A) the last day of attendance, if the student's enrollment is terminated by the provider [~~school~~];

(B) the date the provider [~~school~~] receives written notice from the student; or

(C) the 10th school day after the last day of attendance;

(3) if tuition is collected in advance of entrance and if a student does not enter the course [~~school~~], terminates enrollment, or withdraws, the provider [~~school~~]:

(A) may retain not more than $50 as an administrative expense; and

(B) shall refund that portion of the student's remaining classroom tuition and fees and behind-the-wheel tuition and fees that corresponds to services the student does not receive;

(4) the provider [~~school~~] shall refund items of extra expense to the student, including instructional supplies, books, laboratory fees, service charges, rentals, deposits, and all other charges not later than the 30th day after the effective date of enrollment termination if:

(A) the extra expenses are separately stated and shown in the information provided to the student before enrollment; and

(B) the student returns to the provider [~~school~~] any provider [~~school~~] property in the student's possession; and

(5) refunds shall be completed not later than the 30th day after the effective date of enrollment termination.

SECTION 5.49. Section 1001.403, Education Code, is amended to read as follows:

Sec. 1001.403. REFUND FOR DISCONTINUED COURSE. On the discontinuation of a course by a driver training [~~education school or a course~~] provider that prevents a student from completing the course, all tuition and fees paid become refundable.

SECTION 5.50. Sections 1001.404(a) and (c), Education Code, are amended to read as follows:

(a) If a refund is not timely made, the driver training [~~education school or course~~] provider shall pay interest on the amount of the refund. Interest begins to accrue on the first day after the expiration of the refund period and ends on the day preceding the date the refund is made.

(c) The department may except a driver training [~~education school or course~~] provider from the payment of interest if the [~~school or course~~] provider makes a good-faith effort to refund tuition, fees, and other charges but is unable to locate the student to whom the refund is owed. On request of the department, the driver training [~~school or course~~] provider shall document the effort to locate a student.

SECTION 5.51. Subchapter I, Chapter 1001, Education Code, is amended by adding Section 1001.405 to read as follows:

Sec. 1001.405. APPLICABILITY TO PARENT-TAUGHT DRIVER EDUCATION PROVIDER. The commission shall adopt rules as necessary to ensure this subchapter applies as appropriate to a parent-taught driver education provider.

SECTION 5.52. Section 1001.451, Education Code, is amended to read as follows:

Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

(1) use advertising that is false, misleading, or deceptive;

(2) fail to notify the department of the discontinuance of the operation of a driver training provider [~~school~~] before the 15th working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issue, sell, trade, or transfer:

(A) a uniform certificate of course completion or driver education certificate to a person or driver training provider [~~school~~] not authorized to possess the certificate;

(B) a uniform certificate of course completion to a person who has not successfully completed an approved[~~, six-hour~~] driving safety course; or

(C) a driver education certificate to a person who has not successfully completed a department-approved driver education course;

(4) negotiate a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except that before that time the instrument may be assigned to a purchaser who becomes subject to any defense available against the provider [~~school~~] named as payee; or

(5) conduct any part of an approved driver education course [~~or driving safety course~~] without having an instructor adequately available [~~physically present in appropriate proximity~~] to the student for the type of instruction being given.

SECTION 5.53. Section 1001.452, Education Code, is amended to read as follows:

Sec. 1001.452. COURSE OF INSTRUCTION OR PROVISION OF MATERIALS. A driver training provider [~~school~~] may not conduct a course of instruction or provide driver education course materials, as applicable, in this state before the date the provider [~~school~~] receives the necessary [~~a~~] driver training provider [~~school~~] license from the department.

SECTION 5.54. The heading to Section 1001.453, Education Code, is amended to read as follows:

Sec. 1001.453. DISTRIBUTION OF WRITTEN INFORMATION ON DRIVING SAFETY [~~COURSE~~] PROVIDER.

SECTION 5.55. Sections 1001.453(a) and (b), Education Code, are amended to read as follows:

(a) A person may not distribute within 500 feet of a court with jurisdiction over an offense to which Article 45.0511, Code of Criminal Procedure, applies written information that advertises a driving safety [~~course~~] provider.

(b) The department may revoke the license of a driving safety [~~course~~] provider if the [~~course~~] provider or the [~~course~~] provider's agent, employee, or representative violates this section.

SECTION 5.56. Section 1001.455, Education Code, is amended to read as follows:

Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF DRIVER EDUCATION INSTRUCTOR LICENSE. (a) The executive director or the commission may deny an application for a driver education [~~an~~] instructor license or suspend or revoke the license of a driver education [~~an~~] instructor if the instructor:

(1) fails to meet a requirement for issuance of or holding a license under this chapter;

(2) permits or engages in misrepresentation, fraud, or deceit in applying for or obtaining a certificate, license, or permit;

(3) induces fraud or fraudulent practices on the part of an applicant for a driver's license or permit;

(4) permits or engages in any other fraudulent practice in an action between the applicant or license holder and the public;

(5) fails to comply with commission rules relating to driver instruction; or

(6) fails to comply with this chapter.

SECTION 5.57. Section 106.115(a), Alcoholic Beverage Code, is amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Texas Department of Licensing and Regulation under this section or [~~,~~] a drug education program approved by the Department of State Health Services in accordance with Section 521.374, Transportation Code[~~, or a drug and alcohol driving awareness program approved by the Texas Education Agency~~]. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as

provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend an alcohol awareness program or[~~,~~] a drug education program[~~, or a drug and alcohol driving awareness program~~] described by this subsection. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend an alcohol awareness program or [~~,~~] a drug education program[~~, or a drug and alcohol driving awareness program~~] described by this subsection. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Texas Department of Licensing and Regulation or Texas Commission of Licensing and Regulation, as appropriate:

(1) is responsible for the administration of the certification of approved alcohol awareness programs;

(2) may charge a nonrefundable application fee for:

(A) initial certification of the approval; or

(B) renewal of the certification;

(3) shall adopt rules regarding alcohol awareness programs approved under this section; and

(4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

SECTION 5.58. Article 45.051(b-1), Code of Criminal Procedure, is amended to read as follows:

(b-1) If the defendant is younger than 25 years of age and the offense committed by the defendant is a traffic offense classified as a moving violation:

(1) Subsection (b)(8) does not apply;

(2) during the deferral period, the judge[~~:~~

[~~(A)~~] shall require the defendant to complete a driving safety course approved under Chapter 1001, Education Code; and

[~~(B) may require the defendant to complete an additional driving safety course designed for drivers younger than 25 years of age and approved under Section 1001.111, Education Code; and~~]

(3) if the defendant holds a provisional license, during the deferral period the judge shall require that the defendant be examined by the Department of Public Safety as required by Section 521.161(b)(2), Transportation Code; a defendant is not exempt from the examination regardless of whether the defendant was examined previously.

SECTION 5.59. Section 28.012(a)(3), Education Code, is amended to read as follows:

(3) "Driver training provider [~~school~~]" has the meaning assigned by Section 1001.001.

SECTION 5.60. Section 28.012(e), Education Code, is amended to read as follows:

(e) Subject to rules adopted by the board, a school district or open-enrollment charter school may tailor the instruction developed under this section as appropriate for the district's or school's community. In tailoring the instruction, the district or school shall solicit input from local law enforcement agencies, driver training providers [~~schools~~], and the community.

SECTION 5.61. Section 29.902(c), Education Code, is amended to read as follows:

(c) A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

(1) conduct the course and charge a fee for the course in the amount determined by the agency to be comparable to the fee charged by a driver education provider [~~school~~] that holds a license under Chapter 1001; or

(2) contract with a driver education provider [~~school~~] that holds a license under Chapter 1001 to conduct the course.

SECTION 5.62. Section 123.007, Government Code, is amended to read as follows:

Sec. 123.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS PROGRAMS. In addition to using a drug court program established under this chapter, the commissioners court of a county or a court may use other drug awareness [~~or drug and alcohol driving awareness~~] programs to treat persons convicted of drug or alcohol related offenses.

SECTION 5.63. Section 521.165(e), Transportation Code, is amended to read as follows:

(e) The department may authorize an entity described by Subsection (a), including a driver education provider [~~school~~] described by Section 521.1655, to administer the examination required by Section 521.161(b)(2).

SECTION 5.64. Sections 521.1655(a) and (a-1), Transportation Code, are amended to read as follows:

(a) An in-person [~~A~~] driver education provider or online driver education provider [~~school~~] licensed under Chapter 1001, Education Code, may administer to a student of that provider [~~school~~] the vision, highway sign, and traffic law parts of the examination required by Section 521.161.

(a-1) A parent-taught driver education [~~course~~] provider licensed [~~approved~~] under Chapter 1001, Education Code, [~~Section 521.205~~] may administer to a student of that course the highway sign and traffic law parts of the examination required by Section 521.161.

SECTION 5.65. Sections 521.206(a) and (b), Transportation Code, are amended to read as follows:

(a) The department shall collect data regarding collisions of students taught by public schools, driver education providers [~~schools~~] licensed under Chapter 1001, Education Code, and other entities that offer driver education courses to students for which a uniform certificate of course completion is issued. The collision rate is computed by determining the number of an entity's students who complete a driver education course during a state fiscal year, dividing that

number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(b) The department shall collect data regarding the collision rate of students taught by course instructors approved under Section 1001.112, Education Code. The collision rate is computed by determining the number of students who completed a course taught [~~approved~~] under that section [~~Section 1001.112, Education Code,~~] during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

SECTION 5.66. Section 521.222(a), Transportation Code, is amended to read as follows:

(a) The department may issue a learner license, including a Class A or Class B driver's learner license, to a person who:

(1) is 15 years of age or older but under 18 years of age;

(2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course taught [~~approved~~] under Section 1001.112, Education Code;

(3) meets the requirements imposed under Section 521.204(a)(3); and

(4) has passed each examination required under Section 521.161 other than the driving test.

SECTION 5.67. Section 542.304(a), Transportation Code, as added by Chapter 1094 (**HB 2048**), Acts of the 86th Legislature, Regular Session, 2019, is amended to conform to Section 4.40, Chapter 1352 (**SB 346**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(a) The department by rule shall designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purposes of:

(1) [~~Article 102.022(a), Code of Criminal Procedure;~~

[~~(2)~~] Section 1001.112(b)(4) [~~1001.112(a-2)~~], Education Code;

(2) [~~(3)~~] Section 411.110(f), Government Code; and

(3) [~~(4)~~] Sections 773.0614(b) and 773.06141(a), Health and Safety Code.

SECTION 5.68. The following provisions are repealed:

(1) Article 45.0511(u), Code of Criminal Procedure;

(2) Sections 1001.001(4), (7), (10), and (11), Education Code;

(3) Sections 1001.056(a) and (f), Education Code;

(4) Section 1001.1015(c), Education Code;

(5) Sections 1001.103 and 1001.111, Education Code;

(6) Section 1001.151(e), Education Code;

(7) Sections 1001.205 and 1001.208, Education Code;

(8) Section 1001.251(b), Education Code;

(9) Section 1001.2531(a), Education Code;

(10) Sections 1001.2532, 1001.2533, 1001.2534, 1001.2535, 1001.303, 1001.304, 1001.354, 1001.3541, and 1001.3542, Education Code;

(11) the heading to Subchapter K, Chapter 1001, Education Code;

(12) Section 545.412(g), Transportation Code; and

(13) Section 545.413(i), Transportation Code.

SECTION 5.69. On December 1, 2021:

(1) the terms of members serving on the driver training and traffic safety advisory committee under Section 1001.058, Education Code, immediately before that date expire; and

(2) the presiding officer of the Texas Commission of Licensing and Regulation shall appoint members of the driver training and traffic safety advisory committee having qualifications that correspond as closely as possible to the qualifications provided under the changes in law made by this Act to Section 1001.058, Education Code, with initial terms as follows:

(A) three members to terms expiring February 1, 2023;

(B) three members to terms expiring February 1, 2025; and

(C) three members to terms expiring February 1, 2027.

SECTION 5.70. Not later than June 1, 2023, the Texas Department of Licensing and Regulation and the Department of Public Safety of the State of Texas shall enter into the memorandum of understanding required by Section 1001.060, Education Code, as added by this article.

SECTION 5.71. (a) Not later than June 1, 2023, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this article to Chapter 1001, Education Code.

(b) A driver education school license, driving safety school license, or course provider license issued under Chapter 1001, Education Code, before the date the Texas Department of Licensing and Regulation implements the changes described in Subsection (a) of this section continues to be valid until the date the license expires. On expiration of that license, the license holder shall apply for a new license under Chapter 1001, Education Code, as amended by this article, to continue to provide services for which a license is required by that chapter.

(c) Notwithstanding Chapter 1001, Education Code, as amended by this article, a person who provides driver education course materials to persons conducting parent-taught driver education under Section 1001.112, Education Code, as amended by this article, is not required to hold a parent-taught driver education provider license under Chapter 1001, Education Code, before November 1, 2023.

SECTION 5.72. (a) The changes in law made by this article to Section 106.115, Alcoholic Beverage Code, and Article 45.051, Code of Criminal Procedure, with respect to participation in a court-ordered program or course, apply to a court order entered on or after June 1, 2023. A court order entered before that date is governed by the law in effect on the date the order was entered, and the former law is continued in effect for that purpose.

(b) Notwithstanding Section 5.67 of this article, the Texas Department of Licensing and Regulation by rule shall provide for the continuance of each program or course under Article 45.0511(u), Code of Criminal Procedure, Section 1001.103 or 1001.111, Education Code, or Section 545.412(g) or 545.413(i), Transportation Code, as repealed by this article, until the date on

which the department determines that every person subject to a court order entered before June 1, 2023, requiring participation in a program or course under those provisions has had adequate time to complete the program or course in compliance with the court order.

SECTION 5.73. The repeal by this article of Article 45.0511(u), Code of Criminal Procedure, Sections 1001.103 and 1001.111, Education Code, and Sections 545.412(g) and 545.413(i), Transportation Code, takes effect June 1, 2023.

SECTION 5.74. To the extent of any conflict, this article prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 6. TRANSITION AND EFFECTIVE DATE

SECTION 6.01. The repeal of a statute by this Act controls over an amendment, revision, or reenactment of the statute by another Act of the 87th Legislature, Regular Session, 2021, regardless of relative dates of enactment and the amendment, revision, or reenactment of the repealed statute has no effect.

SECTION 6.02. Except as otherwise provided by this Act, this Act takes effect September 1, 2021.

Representative Goldman moved to adopt the conference committee report on **HB 1560**.

The motion to adopt the conference committee report on **HB 1560** prevailed by (Record 1780): 140 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; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; 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; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; 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; 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.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Davis; González, M.; Pacheco; Sherman.

(Goldman in the chair)

HR 2093 - ADOPTED
(by Paddie)

Representative Paddie moved to suspend all necessary rules to take up and consider at this time **HR 2093**.

The motion prevailed.

The following privileged resolution was laid before the house:

HR 2093

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 **SB 2** (the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1), (3), and (4), are suspended to permit the committee to amend text not in disagreement, to add text on a matter not in disagreement, and to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3 of the bill, in amended Sections 39.151(g) and (g-1), Utilities Code, and added Sections 39.151(g-2), (g-3), and (g-4), Utilities Code, to read as follows:

(g) To maintain certification as an independent organization for the ERCOT power region under this section, an organization's governing body must be composed of persons selected by the ERCOT board selection committee [~~specified by this section and selected in accordance with formal bylaws or protocols of the organization~~].

(g-1) The independent organization's bylaws or protocols must be approved by the commission and must reflect the input of the commission. [~~The bylaws must specify the process by which appropriate stakeholders elect members and, for unaffiliated members, prescribe professional qualifications for selection as a member.~~] The bylaws must require that every member of the governing body be a resident of this state and must prohibit a legislator from serving as a member [~~the use of a professional search firm to identify candidates for membership of unaffiliated members. The process must allow for commission input in identifying candidates~~]. The governing body must be composed of:

(1) the chairman of the commission as an ex officio nonvoting member;

(2) the counsellor as an ex officio voting member representing residential and small commercial consumer interests;

(3) the chief executive officer of the independent organization as an ex officio nonvoting [~~voting~~] member; and

(4) eight members selected by the selection committee under Section 39.1513 with executive-level experience in any of the following professions:

(A) finance;

(B) business;

(C) engineering, including electrical engineering;

(D) trading;

(E) risk management;

(F) law; or

(G) electric market design [~~six market participants elected by their respective market segments to serve one-year terms, with:~~

[~~(A) one representing independent generators;~~

[~~(B) one representing investor-owned utilities;~~

[~~(C) one representing power marketers;~~

[~~(D) one representing retail electric providers;~~

[~~(E) one representing municipally owned utilities; and~~

[~~(F) one representing electric cooperatives;~~

[~~(5) one member representing industrial consumer interests and elected by the industrial consumer market segment to serve a one-year term;~~

[~~(6) one member representing large commercial consumer interests selected in accordance with the bylaws to serve a one-year term; and~~

[~~(7) five members unaffiliated with any market segment and selected by the other members of the governing body to serve three-year terms~~].

(g-2) Members [~~(g-1) The presiding officer~~] of the governing body are entitled to receive a salary for their service [~~must be one of the members described by Subsection (g)(7)~~].

(g-3) A person does not qualify for selection as a member of the governing body of an independent organization for the ERCOT power region if the person has a fiduciary duty or assets in the electricity market for that region.

(g-4) To maintain certification as an independent organization under this section, the organization's governing body may not include more than two members who are employed by an institution of higher education, as defined by Section 61.003, Education Code, in a professorial role.

Explanation: This change is necessary to provide for the composition of the governing body of an independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region and to establish requirements relating to the eligibility and selection of members of the governing body.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the senate engrossment of **SB 2** and the corresponding bill as the bill was amended by the house in added Section 39.151(g-2), Utilities Code. The omitted text reads:

(g-2) A person does not qualify for appointment as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In making an appointment under Subsection (g)(3) or (7), the governor:

(1) shall give preference to a person who has executive-level business experience representing a range of industries; and

(2) may consider a person recommended by the legislature.

(g-2) A person does not qualify for selection as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In

making a selection under Subsection (g)(3) or (7), the members of the governing body shall give preference to a person who has executive-level business experience representing a range of industries.

Explanation: The change is necessary to omit the qualification and selection requirements.

(3) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the senate engrossment of **SB 2** and the corresponding bill as the bill was amended by the house in added Section 39.151(g-3), Utilities Code. The omitted text reads:

(g-3) Members of the governing body of an independent organization certified under this section must serve staggered terms. A member described by Subsection (g)(4) or (5) must serve a term that expires in an even-numbered year. A member described by Subsection (g)(6) or (7) must serve a term that expires in an odd-numbered year. As soon as practicable after the date a member of the governing body's term expires, the appropriate authority must appoint or arrange for the election of a replacement in the same manner as the original appointment or election. If a vacancy occurs on the governing body, the appropriate authority must appoint or arrange for the election of a successor in the same manner as the original appointment or election to serve for the remainder of the unexpired term.

Explanation: The change is necessary to omit the term and vacancy requirements.

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

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1513 to read as follows:

Sec. 39.1513. ERCOT BOARD SELECTION COMMITTEE. (a) The ERCOT board selection committee is composed of:

(1) one member appointed by the governor;

(2) one member appointed by the lieutenant governor; and

(3) one member appointed by the speaker of the house of representatives.

(b) A person may not be appointed as a member of the committee unless the person is a resident of this state.

(c) A member of the committee is not entitled to compensation for serving as a member but is entitled to reimbursement for actual and necessary expenses incurred in performing the official duties of office.

(d) The committee shall select members eligible under Section 39.151 to serve on the governing body of an independent organization certified under that section for the ERCOT power region and shall designate the chair and vice chair of the governing body from those members.

(e) The ERCOT board selection committee shall retain an outside consulting firm to help select members of the governing body under Subsection (d).

Explanation: The addition is necessary to provide for the creation of a committee to select the members of a governing body of an independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region.

(5) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 4 of the senate engrossment of **SB 2** and the corresponding bill as the bill was amended by the house that would require an independent organization certified by the Public Utility Commission of Texas under Section 39.151, Utilities Code, to modify the organization to comply with Section 39.151, Utilities Code, as amended by the bill, not later than September 1, 2021. The omitted language reads: "not later than September 1, 2021".

Explanation: The omission is necessary to provide sufficient time for the ERCOT Board Selection Committee to be formed and for the committee to select members of the governing body of the independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region.

HR 2093 was adopted by (Record 1781): 136 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; 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; Dutton; Ellzey; Fierro; Frank; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Leach; Leman; 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; 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; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Burns; Collier; Geren; Johnson, J.D.; Landgraf; Pacheco; Stephenson.

SB 2 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 2**.

Representative Paddie moved to adopt the conference committee report on **SB 2**.

The motion to adopt the conference committee report on **SB 2** prevailed by (Record 1782): 132 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, M.; 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; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Hinojosa; Martinez Fischer; Ramos; Rodriguez; Rosenthal.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Bowers; González, J.; Johnson, J.D.; Ortega; Pacheco; Turner, C.

STATEMENTS OF VOTE

When Record No. 1782 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 1782 was taken, my vote failed to register. I would have voted yes.

Bowers

When Record No. 1782 was taken, I was shown voting yes. I intended to vote no.

Meza

HR 2085 - ADOPTED
(by Paddie)

The following privileged resolution was laid before the house:

HR 2085

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 **SB 3** (preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties) to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting proposed Sections 39.110(a) and (b), Utilities Code. The omitted text prohibited the offering of certain wholesale indexed electric products to residential or small commercial customers. The omitted text reads:

Sec. 39.110. WHOLESALE INDEXED PRODUCTS PROHIBITED. (a) In this section, "wholesale indexed product" means a retail electric product in which the price a customer pays for electricity includes a direct pass-through of real-time settlement point prices determined by the independent organization certified under Section 39.151 for the ERCOT power region.

(b) A retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

Sec. 39.110. WHOLESALE INDEXED PRODUCTS. (a) In this section, "wholesale indexed product" means a retail electric product in which the price a customer pays for electricity includes a direct pass-through of real-time settlement point prices determined by the independent organization certified under Section 39.151 for the ERCOT power region.

(b) Except as provided by Subsection (c), an aggregator, a broker, or a retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

Explanation: The omission of the text is necessary to remove the prohibition of the offering of certain wholesale indexed electric products to residential or small commercial customers.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 37 of the bill:

SECTION 37. The Texas Electricity Supply Chain Security and Mapping Committee shall produce the map required under Section 38.203, Utilities Code, as added by this Act, not later than September 1, 2022.

Explanation: The addition of the text is necessary to require the Texas Electricity Supply Chain Security and Mapping Committee to produce the map required under added Section 38.203, Utilities Code, not later than September 1, 2022.

HR 2085 was adopted by (Record 1783): 137 Yeas, 2 Nays, 2 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; 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; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Middleton; Schofield.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Johnson, J.D.; Meza; Pacheco; Slaton.

STATEMENTS OF VOTE

When Record No. 1783 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 1783 was taken, I was in the house but away from my desk. I would have voted yes.

Slaton

When Record No. 1783 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 1783 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 3 - RULES SUSPENDED
CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie moved to suspend all necessary rules to submit at this time the conference committee report on **SB 3**.

The motion prevailed.

Representative Paddie submitted the conference committee report on **SB 3**.

SB 3 - REMARKS

REPRESENTATIVE REYNOLDS: Chairman Paddie, I, like many people, appreciate the great work that you've done this session and all of the members that worked on State Affairs and Energy Resources to make sure that the calamity—the catastrophic failure of our energy industry—did not happen again. There were many people across the state, all 254 counties, that were impacted and we heard a lot of outrage all over the state. And as the energy capital of the world being Texas, this was not a good look for Texas in terms of what happened. You would agree with that, correct?

REPRESENTATIVE PADDIE: I absolutely would agree and certainly we would never want our citizens to experience things like that, but also, folks all over the world look at Texas, right? And certainly we don't want a situation where people have any doubt in our ability to take care of our infrastructure and be able to meet the needs of our citizens.

REYNOLDS: So I want to ask you a few questions, because there have been some recent op-eds that we haven't really done as much to address the crisis. Have you seen some of those articles?

PADDIE: I've seen a few of them.

REYNOLDS: So I kind of wanted to have a little conversation with you to basically address, just similar to Representative Beckley, do you believe that we've met the best practices? We've heard from industry. We've heard from various stakeholders. Did we do what we needed to do this session to ensure with confidence that we're doing what we can to protect critical infrastructure to make sure that the proper weatherization is there, from whether it's frigid cold or even summer heat, and to make sure that we don't ever have that situation happen again? Most recent reports are—I don't know because it hasn't been verified—that instead of the 200 number that I thought we lost, that the numbers could be that we lost up to 700 Texans. Have you heard that number?

PADDIE: I have, and it's very unfortunate.

REYNOLDS: So one Texan is too much, and then we know that this is the most costly disaster in Texas history, even exceeding the cost of Hurricane Harvey. So what would you say so that we can assure Texans that we've done everything that we can do this session with respect to building resiliency, so we don't have that situation happen again?

PADDIE: Well, I would say, Mr. Reynolds, that members can feel confident going home that we did our work to, first of all, discover what the problems were—and you were a part of those early hearings as well—and then come up with solutions. And I think we've done that—again, with those main buckets being oversight and accountability. We just did some work as well as it relates to ERCOT reorganization—a significant change that I think is going to better serve the citizens of Texas—and also with the PUC as well to ensure oversight and accountability and that there's compliance when it comes to weatherization and some of these things like emergency operation plans and things of that nature and

that when there's not compliance, that there's enforcement. I think that we've taken great steps there. We know that there were tremendous communication failures throughout the system, and I feel like we've gone a long way toward being able to address those things, too, through some of the creation and formalization of who should be at the table in planning and also working on the mapping of critical infrastructure as well. And then there's the requirement that once we've identified this critical infrastructure, that there's an expectation and a requirement.

REYNOLDS: And Chairman Paddie, I agree with that, and I'm glad that you put that on the record. One of the only—not the only—but one of the critical things that I think was missed is that we did not look at whether or not climate change had an impact upon the extreme weather that we've experienced. We've experienced several 100-year events within the last several years. Would you agree we also need to look at climate change as well? Or study the impact of climate change that it may have?

PADDIE: Well, I guess what I'd say, Mr. Reynolds, is we may disagree on what the causes are, but I think it's difficult to argue that we're seeing some unusual weather patterns. We're seeing some of these things with more frequency, again, so it's kind of hard to deny that we obviously have to be able to operate during those type of situations. You know, as far as the reasons for that, I mean, obviously, that's always a point of discussion, but clearly we need to be taking that into account. I would tell you that Ms. Howard actually put an amendment in this bill that also included that the state climatologist would be someone who is consulted in this process as well and that could provide meaningful expertise as it relates to how we plan for these future events.

REYNOLDS: I would just lastly say, would you agree that it's prudent that we make sure that we're using best practices, including relying upon science, when we make decisions that are critical to our state and our infrastructure?

PADDIE: I'm sorry, could you repeat that?

REYNOLDS: That we rely upon science and experts.

PADDIE: I think we should always rely on facts in all of our deliberations, whether that's weather-related or the facts of some of these structural issues that we experienced.

REYNOLDS: And the reason I bring that up, Chairman Paddie, is because, if you recall when this disaster first happened, Governor Abbott, one of the first things he said—he kind of walked it back—was that he talked about wind and the renewables. Do you remember that? It was almost a blame on wind and solar that they felt, and he kind of walked that back. So there was an initial reaction that there was more of almost a partisan response, and then it was kind of walked back. And then we looked and we saw there was a failure in every aspect of our system. Would you agree with that?

PADDIE: Absolutely, we saw failures in—all types of generation had failures in this event.

REYNOLDS: And so **SB 3** addresses those failures, correct?

PADDIE: I believe it does.

Representative Paddie moved to adopt the conference committee report on **SB 3**.

The motion to adopt the conference committee report on **SB 3** prevailed by (Record 1784): 142 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; Gates; Geren; Gervin-Hawkins; 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; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Frullo; Pacheco.

HR 2006 - ADOPTED
(by Leach)

The following privileged resolution was laid before the house:

HR 2006

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 3774** (the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.01(c) of the bill, providing for the creation of the 478th Judicial District (Bell County), to read as follows:

(c) The 478th Judicial District is created on January 1, 2022.

Explanation: This change is necessary to allow for the creation of the 478th Judicial District (Bell County) on January 1, 2022.

HR 2006 was adopted by (Record 1785): 140 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; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; 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; 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; 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; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Davis; Deshotel; Gervin-Hawkins; Pacheco.

HB 3774 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the following conference committee report on **HB 3774**:

Austin, Texas, May 29, 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 3774** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman	Leach
Campbell	J.E. Johnson
Nelson	Moody
Hughes	Schofield
Hinojosa	Smith
On the part of the senate	On the part of the house

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.

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

ARTICLE 1. DISTRICT COURTS

SECTION 1.01. (a) Section 24.129(b), Government Code, is amended to read as follows:

(b) The 27th, 146th, 169th, 264th, [~~and~~] 426th, and 478th judicial districts have concurrent jurisdiction in Bell County.

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60022 to read as follows:

Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a) The 478th Judicial District is composed of Bell County.

(b) The terms of the 478th District Court begin on the first Mondays in January, April, July, and October.

(c) Section 24.129, relating to the 27th District Court, contains provisions applicable to both that court and the 478th District Court.

(c) The 478th Judicial District is created on January 1, 2022.

SECTION 1.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60027 to read as follows:

Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY). The 482nd Judicial District is composed of Harris County.

(b) The 482nd Judicial District is created on the effective date of this Act.

SECTION 1.03. (a) Effective January 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60030 to read as follows:

Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 485th Judicial District is composed of Tarrant County.

(b) The 485th District Court shall give preference to criminal matters.

(b) The 485th Judicial District is created on January 1, 2022.

SECTION 1.04. (a) Effective October 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60025 to read as follows:

Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). The 480th Judicial District is composed of Williamson County.

(b) The 480th Judicial District is created on October 1, 2022.

SECTION 1.05. (a) Effective January 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60026 to read as follows:

Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY). The 481st Judicial District is composed of Denton County.

(b) The 481st Judicial District is created on January 1, 2022.

SECTION 1.06. (a) Effective September 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60028 to read as follows:

Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The 483rd Judicial District is composed of Hays County.

(b) The 483rd Judicial District is created on September 1, 2022.

SECTION 1.07. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60029 to read as follows:

Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY). (a) The 484th Judicial District is composed of Cameron County.

(b) The 484th District Court shall give preference to juvenile matters under Title 3, Family Code.

(b) The 484th Judicial District is created on the effective date of this Act.

SECTION 1.08. (a) Effective October 1, 2022, Section 24.120(b), Government Code, is amended to read as follows:

(b) The 19th, 54th, 74th, 170th, [~~and~~] 414th, and 474th district courts have concurrent jurisdiction in McLennan County.

(b) Effective October 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60097 to read as follows:

Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY). The 474th Judicial District is composed of McLennan County.

(c) The 474th Judicial District is created on October 1, 2022.

SECTION 1.09. (a) Effective January 1, 2023, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60098 to read as follows:

Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). The 475th Judicial District is composed of Smith County.

(b) The 475th Judicial District is created January 1, 2023.

SECTION 1.10. (a) Effective September 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60099 to read as follows:

Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY). The 476th Judicial District is composed of Hidalgo County.

(b) The 476th Judicial District is created on September 1, 2022.

ARTICLE 2. STATUTORY COUNTY COURTS AND CONSTITUTIONAL COUNTY COURTS

SECTION 2.01. Section 25.00211(a), Government Code, is amended to read as follows:

(a) Beginning on the first day of the state fiscal year, the state shall annually compensate each county that collects the additional fees under Section 51.704 in an amount equal to 60 percent of the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) [~~$40,000~~] for each statutory probate court judge in the county.

SECTION 2.02. Section 25.0172(p), Government Code, is amended to read as follows:

(p) The county clerk shall keep a separate docket for each county court at law. The county clerk shall appoint a deputy clerk for each county court at law. [~~An appointment of a deputy clerk of County Court at Law No. 2 or 3 takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned and the deputy clerk serves at the pleasure of the judge of the court to which he is assigned.~~] A deputy clerk must take the constitutional oath of office and may be required to furnish bond in an amount, conditioned and payable, as required by the county clerk. A deputy clerk must attend all sessions

of the court to which the deputy clerk [~~he~~] is assigned. A deputy clerk acts in the name of the county clerk and may perform any official act or service required of the county clerk and shall perform any other service required by the judge of a county court at law. The deputy clerks may act for one another in performing services for the county courts at law, but a deputy is not entitled to receive additional compensation for acting for another deputy. If a vacancy occurs, the county clerk shall immediately appoint another deputy clerk as provided by this subsection. [~~A deputy clerk of a county court at law is entitled to the same amount of compensation as received by the deputy clerks of the other county courts at law in Bexar County. The commissioners court shall pay the salary of a deputy clerk in equal monthly installments from county funds.~~]

SECTION 2.03. Section 25.0173(g), Government Code, is amended to read as follows:

(g) The county clerk shall appoint a deputy clerk for each statutory probate court. [~~An appointment takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned.~~] A deputy clerk serves at the pleasure of the judge of the court to which the deputy clerk is assigned. A deputy clerk must take the constitutional oath of office, and the county clerk may require the deputy clerk to furnish a bond in an amount, conditioned and payable, as required by law. A deputy clerk acts in the name of the county clerk and may perform any official act or service required of the county clerk and shall perform any other service required by the judge of a statutory probate court. A deputy clerk must attend all sessions of the court to which the deputy clerk [~~he~~] is assigned. [~~A deputy clerk is entitled to receive an annual salary set by the judge in an amount that does not exceed the amount paid the deputies of the county courts at law of Bexar County. The salary shall be paid in equal monthly installments as provided by law for the payment of salaries of deputy clerks.~~]

SECTION 2.04. (a) Effective January 1, 2022, Sections 25.0631(b) and (c), Government Code, are amended to read as follows:

(b) Denton County has the following statutory probate courts:

(1) [~~one statutory probate court, the~~] Probate Court of Denton County; and

(2) Probate Court Number 2 of Denton County.

(c) The statutory county courts of Denton County sit in the county seat or at another location in the county as assigned by the local administrative statutory county court judge. The statutory probate courts [~~court~~] of Denton County sit [~~sits~~] in the county seat and may conduct docket matters at other locations in the county as the statutory probate court judges consider [~~judge considers~~] necessary for the protection of wards or mental health respondents or as otherwise provided by law.

(b) Section 25.0632(i), Government Code, is amended to read as follows:

(i) A judge of a statutory probate court is subject to assignment as provided by Section 25.0022. On request by the judge of a Denton County statutory county court, a judge of a statutory probate court may be assigned by the regional

presiding judge to the requesting judge's court pursuant to Chapter 74. A statutory probate court judge assigned to a statutory county court by the regional presiding judge may hear any matter pending in the requesting judge's court.

(c) Section 25.0633(e), Government Code, is amended to read as follows:

(e) The County Court at Law No. 2 of Denton County has jurisdiction:

(1) over all civil causes and proceedings, original and appellate, prescribed by law for county courts; and

(2) regardless of the amount in controversy sought, over:

(A) eminent domain cases as provided by Section 21.001, Property Code, for statutory county courts; and

(B) direct and inverse condemnation cases.

(d) The Probate Court Number 2 of Denton County is created on January 1, 2022.

SECTION 2.05. (a) Effective October 1, 2022, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1331 and 25.1332 to read as follows:

Sec. 25.1331. KENDALL COUNTY. Kendall County has one statutory county court, the County Court at Law of Kendall County.

Sec. 25.1332. KENDALL COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Kendall County has:

(1) concurrent jurisdiction with the district court in state jail, third degree, and second degree felony cases on assignment from a district judge presiding in Kendall County and acceptance of the assignment by the judge of the county court at law to:

(A) conduct arraignments;

(B) conduct pretrial hearings;

(C) accept guilty pleas and conduct sentencing;

(D) conduct jury trials and nonjury trials;

(E) conduct probation revocation hearings;

(F) conduct post-trial proceedings; and

(G) conduct family law cases and proceedings; and

(2) jurisdiction in:

(A) Class A and Class B misdemeanor cases;

(B) probate proceedings;

(C) disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(D) eminent domain; and

(E) appeals from the justice and municipal courts.

(b) A judge of a county court at law shall be paid a total annual salary set by the commissioners court in an amount that is not less than $1,000 less than the annual salary received by a district judge with equivalent years of service as a judge, as provided under Section 25.0005, to be paid out of the county treasury by the commissioners court.

(c) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(d) The official court reporter of a county court at law is entitled to receive the same compensation and to be paid in the same manner as the court reporters of the district court in Kendall County.

(b) The County Court at Law of Kendall County is created on October 1, 2022.

SECTION 2.06. (a) Section 25.1571, Government Code, is amended to read as follows:

Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the following statutory county courts:

(1) County Court at Law of McLennan County; [~~and~~]

(2) County Court at Law No. 2 of McLennan County; and

(3) County Court at Law No. 3 of McLennan County.

(b) Section 25.1572, Government Code, is amended by amending Subsections (a), (d), and (i) and adding Subsections (b), (c), and (e) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law and except as limited by Subsection (b), a county court at law in McLennan County has jurisdiction in third degree felony cases and jurisdiction to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct probation revocation hearings in felony cases.

(b) On request of a district judge presiding in McLennan County, the regional presiding judge may assign a judge of a county court at law in McLennan County to the requesting judge's court under Chapter 74. A county court at law judge assigned to a district court may hear any matter pending in the requesting judge's court.

(c) A county court at law does not have jurisdiction in:

(1) suits on behalf of the state to recover penalties or escheated property;

(2) misdemeanors involving official misconduct; or

(3) contested elections.

(d) A judge of a county court at law shall be paid an annual base salary set by the commissioners court in an amount not less than $1,000 less than the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012 with equivalent years of service as the judge [~~of not more than $20,000~~]. A county court at law judge's

and a district judge's annual base salaries do not include contributions and supplements paid by the county [~~Each judge receives the same amount as salary. The salary shall be paid out of the county treasury by the commissioners court~~].

(e) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court. The county clerk serves as the clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(i) The official court reporter of a county court at law is entitled to receive a salary set by the judge of a county court at law with the approval of the commissioners court [~~the same compensation and to be paid in the same manner as the court reporters of the district courts in McLennan County~~].

(c) The County Court at Law No. 3 of McLennan County is created on the effective date of this Act.

SECTION 2.07. (a) Section 25.1721, Government Code, is amended to read as follows:

Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the following statutory county courts:

(1) County Court at Law No. 1 of Montgomery County;
(2) County Court at Law No. 2 of Montgomery County;
(3) County Court at Law No. 3 of Montgomery County;
(4) County Court at Law No. 4 of Montgomery County; [~~and~~]
(5) County Court at Law No. 5 of Montgomery County; and
(6) County Court at Law No. 6 of Montgomery County.

(b) The County Court at Law No. 6 of Montgomery County is created on the effective date of this Act.

SECTION 2.08. Sections 25.1972(a) and (b), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Reeves County has:

(1) concurrent jurisdiction with the district court:

(A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;

(C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(D) in proceedings under Title 3, Family Code; and

(E) in family law cases and proceedings [~~any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator~~];

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections[~~; or~~

[~~(4) except as provided by Subsections (a)(1)(D) and (E), family law cases~~].

SECTION 2.09. (a) Effective January 1, 2023, Section 25.2071(a), Government Code, is amended to read as follows:

(a) San Patricio County has the following [~~one~~] statutory county courts:

(1) [~~court,~~] the County Court at Law of San Patricio County; and

(2) the County Court at Law No. 2 of San Patricio County.

(b) Effective January 1, 2023, Section 25.2072, Government Code, is amended by amending Subsections (a), (d), and (m) and adding Subsections (g-1) and (g-2) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in San Patricio County has concurrent jurisdiction with the district court except that a county court at law does not have jurisdiction of:

(1) felony criminal matters; and

(2) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003 [~~in matters involving the juvenile and child welfare law of this state~~].

(d) [~~The judge of a county court at law shall be paid an annual salary in an amount of not less than $43,000.~~] The judge of a county court at law is entitled to receive travel and necessary office expenses, including administrative and clerical assistance.

(g-1) The county clerk serves as clerk of a county court at law except in family law cases. In family law cases, including juvenile and child welfare cases, the district clerk serves as clerk of a county court at law. The district clerk shall establish a separate family law docket for each county court at law.

(g-2) The commissioners court shall provide the deputy clerks, bailiffs, and other personnel necessary to operate the county courts at law.

(m) The judge of the county court and the judges [~~judge~~] of the [~~a~~] county courts [~~court~~] at law may agree on a plan governing the filing, numbering, and docketing of cases within the concurrent jurisdiction of their courts and the assignment of those cases for trial. The plan may provide for the centralized institution and filing of all such cases with one court, clerk, or coordinator designated by the plan and for the systemized assignment of those cases to the courts participating in the plan, and the provisions of the plan for the centralized filing and assignment of cases shall control notwithstanding any other provisions of this section. If the judges of the county court and the county courts [~~court~~] at law are unable to agree on a filing, docketing, and assignment of cases plan, a board of judges composed of the district judges and the county court at law judges for San Patricio County [~~the presiding judge of the 36th Judicial District~~] shall design a plan for the [~~both~~] courts.

(c) The County Court at Law No. 2 of San Patricio County is created January 1, 2023.

SECTION 2.10. Effective January 1, 2023, Section 25.2223(l), Government Code, is amended to read as follows:

(l) The County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

SECTION 2.11. (a) Effective October 1, 2022, Section 25.2481, Government Code, is amended to read as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the following statutory county courts:

(1) County Court at Law No. 1 of Williamson County;
(2) County Court at Law No. 2 of Williamson County;
(3) County Court at Law No. 3 of Williamson County; [~~and~~]
(4) County Court at Law No. 4 of Williamson County; and
(5) County Court at Law No. 5 of Williamson County.

(b) The County Court at Law No. 5 of Williamson County is created on October 1, 2022.

SECTION 2.12. (a) Sections 26.006(a) and (b), Government Code, are amended to read as follows:

(a) A county judge is entitled to an annual salary supplement from the state in an amount equal to 18 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) if at least 18 [~~40~~] percent of the:

(1) functions that the judge performs are judicial functions; or
(2) total hours that the judge works are in the performance of judicial functions.

(b) To receive a supplement under Subsection (a), a county judge must file with the comptroller's judiciary section an affidavit stating that at least 18 [~~40~~] percent of the:

(1) functions that the judge performs are judicial functions; or

(2) total hours that the judge works are in the performance of judicial functions.

(b) The changes in law made by this section take effect on the effective date of this Act and apply only to a salary payment for a pay period beginning on or after that date. A salary payment for a pay period beginning before the effective date of this Act is governed by the law in effect on the date the pay period began, and that law is continued in effect for that purpose.

ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

SECTION 3.01. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b); and

(2) cases that arise under Section 821.022, Health and Safety Code.

SECTION 3.02. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0241 to read as follows:

Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or judge may not accept a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.

SECTION 3.03. Article 103.003, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) The clerk of a municipal court may collect money payable to the municipal court under this title.

SECTION 3.04. Article 103.0081, Code of Criminal Procedure, is amended to read as follows:

Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any officer authorized by this chapter to collect a fine, fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fine, fee, or item of cost has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

SECTION 3.05. Section 29.003(i), Government Code, is amended to read as follows:

(i) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b); and

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 65.003(a), Family Code.

SECTION 3.06. Section 292.001(d), Local Government Code, is amended to read as follows:

(d) A justice of the peace court may not be housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) or 27.0515, Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 305,000 [~~275,000~~] persons and the county seat of which is located in the Llano Estacado region of this state [~~but no more than 285,000 persons~~].

ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

SECTION 4.01. Subchapter H, Chapter 6, Family Code, is amended by adding Section 6.712 to read as follows:

Sec. 6.712. DATE OF MARRIAGE REQUIREMENT IN FINAL DECREE. (a) In a suit for dissolution of a marriage in which the court grants a divorce, the court shall state the date of the marriage in the decree of divorce.

(b) This section does not apply to a suit for dissolution of a marriage described by Section 2.401(a)(2).

SECTION 4.02. Section 51.02, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Dual status child" means a child who has been referred to the juvenile justice system and is:

(A) in the temporary or permanent managing conservatorship of the Department of Family and Protective Services;

(B) the subject of a case for which family-based safety services have been offered or provided by the department;

(C) an alleged victim of abuse or neglect in an open child protective investigation; or

(D) a victim in a case in which, after an investigation, the department concluded there was reason to believe the child was abused or neglected.

SECTION 4.03. Section 51.04(h), Family Code, is amended to read as follows:

(h) A judge exercising jurisdiction over a child in a suit instituted under Subtitle E, Title 5, may refer any aspect of a suit involving a dual status [~~the~~] child that is instituted under this title to the appropriate associate judge appointed under Subchapter C, Chapter 201, serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, if the associate judge consents

to the referral. The scope of an associate judge's authority over a suit referred under this subsection is subject to any limitations placed by the court judge in the order of referral.

SECTION 4.04. Section 51.0414(a), Family Code, is amended to read as follows:

(a) The juvenile court may transfer a dual status child's case, including transcripts of records and documents for the case, to a district or statutory county court located in another county that is exercising jurisdiction over the child in a suit instituted under Subtitle E, Title 5. A case may only be transferred under this section with the consent of the judge of the court to which the case is being transferred.

SECTION 4.05. Sections 107.004(d) and (e), Family Code, are amended to read as follows:

(d) Except as provided by Subsection (e), an attorney ad litem appointed for a child in a proceeding under Chapter 262, [~~or~~] 263, or 264 shall:

(1) meet before each court hearing with:

(A) the child, if the child is at least four years of age; or

(B) the individual with whom the child ordinarily resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age; and

(2) report to the court whether [~~if the child or individual is not present at the court hearing, file a written statement with the court indicating that~~] the attorney ad litem:

(A) complied with Subdivision (1); or

(B) requests that the court find good cause for noncompliance because compliance was not feasible or in the best interest of the child under Subsection (e).

(e) An attorney ad litem appointed for a child in a proceeding under Chapter 262, [~~or~~] 263, or 264 is not required to comply with Subsection (d) before a hearing if the court finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance with that subsection is not feasible or in the best interest of the child. Additionally, a court may, on a showing of good cause, authorize an attorney ad litem to comply with Subsection (d) by conferring with the child or other individual, as appropriate, by telephone or video conference.

SECTION 4.06. The change in law made by Section 6.712, Family Code, as added by this article, applies only to a suit for dissolution of a marriage filed on or after the effective date of this Act. A suit for dissolution of a marriage filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

SECTION 5.01. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The Court of Criminal Appeals;

2. Courts of appeals;

3. The district courts;

4. The criminal district courts;

5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;

6. The county courts;

7. All county courts at law with criminal jurisdiction;

8. County criminal courts;

9. Justice courts;

10. Municipal courts;

11. The magistrates appointed by the judges of the district courts of Lubbock County; [~~and~~]

12. The magistrates appointed by the El Paso Council of Judges;

13. The magistrates appointed by the Collin County Commissioners Court;

14. The magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County; and

15. The magistrates appointed by the judges of the district courts of Tom Green County.

SECTION 5.02. Section 54.1502, Government Code, is amended to read as follows:

Sec. 54.1502. JURISDICTION. A magistrate has concurrent criminal jurisdiction with:

(1) the judges of the justice of the peace courts of Burnet County; and

(2) a municipal court in Burnet County, if approved by a memorandum of understanding between the municipality and Burnet County.

SECTION 5.03. Chapter 54, Government Code, is amended by adding Subchapter PP to read as follows:

SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

Sec. 54.2501. CREATION. The Brazoria County Criminal Law Magistrate Court is a court with the jurisdiction provided by this subchapter.

Sec. 54.2502. APPOINTMENT. (a) On recommendation from the local administrative judge, the commissioners court of Brazoria County may appoint one or more full- or part-time judges to preside over the criminal law magistrate court for the term determined by the commissioners court. The local administrative judge shall appoint one or more full- or part-time judges to preside over the criminal law magistrate court if the commissioners court is prohibited by law from appointing a judge.

(b) To be eligible for appointment as a judge of the criminal law magistrate court, a person must meet all the requirements and qualifications to serve as a district court judge.

(c) A judge of the criminal law magistrate court is entitled to the salary set by the commissioners court. The salary may not be less than the annual base salary paid to a district judge under Chapter 659.

(d) A judge appointed under this section serves at the pleasure of the commissioners court or the local administrative judge, as applicable.

Sec. 54.2503. JURISDICTION. (a) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for county courts at law. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a misdemeanor offense, other than a Class C misdemeanor, on the merits if a jury trial is demanded; or

(2) hear a trial of a misdemeanor, other than a Class C misdemeanor, on the merits if a defendant pleads not guilty.

(b) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as that term is defined by Article 2.09, Code of Criminal Procedure.

(c) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for a district court. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a felony offense on the merits if a jury trial is demanded;

(2) hear a trial of a felony offense on the merits if a defendant pleads not guilty;

(3) sentence in a felony case unless the judge in whose court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence; or

(4) hear any part of a capital murder case after indictment.

(d) A criminal law magistrate court may not issue writs of habeas corpus in felony cases but may hear and grant relief on a writ of habeas corpus issued by a district court and assigned by the district court to the criminal law magistrate court.

(e) A felony or misdemeanor indictment or information may not be filed in or transferred to the criminal law magistrate court.

(f) A judge of the criminal law magistrate court shall exercise jurisdiction granted by this subchapter over felony and misdemeanor indictments and informations only as judge presiding for the court in which the indictment or information is pending and under the limitations set out in the assignment order by the assigning court or as provided by local administrative rules.

(g) The criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in Brazoria County.

Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law magistrate court or a judge of the criminal law magistrate court may issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and may issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior

jurisdiction in the county. The court and the judge may punish for contempt as provided by law for district courts. A judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

(1) justices of the peace when acting in a Class C misdemeanor case;

(2) county court at law judges when acting in a Class A or Class B misdemeanor case; and

(3) district court judges when acting in a felony case.

(b) A judge of the criminal law magistrate court may hold an indigency hearing and a capias pro fine hearing. When acting as the judge who issued the capias pro fine, a judge of the criminal law magistrate court may make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. In conducting a hearing under this subsection, the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

(c) A judge of the magistrate court may accept a plea of guilty or nolo contendere from a defendant charged with a misdemeanor or felony offense.

Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except as provided by Subsection (b) or local administrative rules, the local administrative judge or a judge of the criminal law magistrate court may transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an unindicted felony case;

(2) a Class A or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor case.

(b) A case may not be transferred from or to the magistrate docket of a district court judge, county court at law judge, or justice of the peace without the consent of the judge of the court to which it is transferred.

(c) Except as provided by Subsection (d) or local administrative rules, the local administrative judge may assign a judge of the criminal law magistrate court to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an unindicted felony case;

(2) a Class A or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor case.

(d) A case may not be assigned to a district court judge, county court at law judge, or justice of the peace without the assigned judge's consent.

(e) This section applies only to the district courts, county courts at law, and justice courts in the county.

Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district judge, county court at law judge, or justice of the peace may refer to a judge of the criminal law magistrate court any criminal case or matter relating to a criminal case for any proceeding other than presiding over a criminal trial on the merits, whether or not the trial is before a jury.

Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law magistrate court must take the constitutional oath of office prescribed for appointed officers.

Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal law magistrate court has the same judicial immunity as a district judge.

Sec. 54.2509. CLERK. The clerk of a district court or county court at law that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

Sec. 54.2510. SHERIFF. The county sheriff, either in person or by deputy, shall attend the criminal law magistrate court as required by the judge of that court.

Sec. 54.2511. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

(b) A referring court may fine or imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.

SECTION 5.04. Chapter 54, Government Code, is amended by adding Subchapter QQ to read as follows:

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

Sec. 54.2601. APPOINTMENT. (a) The judges of the district courts of Tom Green County, with the consent and approval of the commissioners court of Tom Green County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of district judges, each magistrate shall serve equally in the courts of those judges.

Sec. 54.2602. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state for at least four years.

Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the commissioners court of Tom Green County. The salary may not be less than an amount equal to the salary, supplements, and allowances paid to a justice of the peace of Tom Green County as set by the annual budget of Tom Green County.

(b) A magistrate's salary is paid from the county fund available for payment of officers' salaries.

(c) The salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. The per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. The judges of the courts trying criminal cases in Tom Green County shall approve the number of hours for which a part-time magistrate is to be paid.

Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the judge considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) A magistrate may select a jury. A magistrate may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A magistrate may not hear a jury trial on the merits of a bond forfeiture.

(f) A judge of a designated juvenile court may refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or only receive and report on evidence;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) provide the general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2608. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(14) select a jury;

(15) accept a negotiated plea on probation revocation;

(16) conduct a contested probation revocation hearing;

(17) sign a dismissal in a misdemeanor case;

(18) in any case referred under Section 54.656(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilty and impose or suspend the sentence; or

(B) defer adjudication of guilty; and

(19) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider adjudicated cases at sentencing under Section 12.45, Penal Code.

(c) A magistrate has all the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Sec. 54.2609. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2610. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed under this subchapter is absent or unable to serve, the judge referring the case may appoint another magistrate to serve for the absent magistrate.

(b) A magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom the magistrate is serving.

Sec. 54.2614. CLERK. The clerk of a district court that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

SECTION 5.05. Section 54.653(b), Government Code, is repealed.

ARTICLE 6. ELECTRONIC FILING SYSTEM

SECTION 6.01. Section 72.031(a), Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "State court document database" means a database accessible by the public and established or authorized by the supreme court for storing documents filed with a court in this state.

SECTION 6.02. Section 72.031(b), Government Code, is amended to read as follows:

(b) The office as authorized by supreme court rule or order may:

(1) implement an electronic filing system for use in the courts of this state;

(2) allow public access to view information or documents in the state court document database; and

(3) charge a reasonable fee for additional optional features in the state court document database.

ARTICLE 7. TRANSFER OF CASES

SECTION 7.01. Section 155.207, Family Code, is amended to read as follows:

Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than the 10th working day after the date an order of transfer is signed, the clerk of the court transferring a proceeding shall send, using the electronic filing system established under Section 72.031, Government Code, to the proper court in the county to which transfer is being made:

(1) a transfer certificate and index of transferred documents [~~the pleadings in the pending proceeding and any other document specifically requested by a party~~];

(2) [~~certified copies of all entries in the minutes;~~

[~~(3)~~] a [~~certified~~] copy of each final order;

(3) [~~and~~

[~~(4)~~] a [~~certified~~] copy of the order of transfer signed by the transferring court;

(4) a copy of the original papers filed in the transferring court;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any costs that have accrued in the transferring court.

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code, when transferring a proceeding under this section.

(b) The clerk of the transferring court shall keep a copy of [~~the~~] transferred pleadings [~~and other requested documents. If the transferring court retains jurisdiction of another child who was the subject of the suit, the clerk shall send a copy of the pleadings and other requested documents to the court to which the transfer is made and shall keep the original pleadings and other requested documents~~].

(c) The [~~On receipt of the pleadings, documents, and orders from the transferring court, the~~] clerk of the transferee court shall:

(1) accept documents transferred under Subsection (a);

(2) docket the suit; and

(3) [~~shall~~] notify, using the electronic filing system established under Section 72.031, Government Code [~~the judge of the transferee court~~], all parties, the clerk of the transferring court, and, if appropriate, the transferring court's local registry that the suit has been docketed.

(c-1) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(d) The clerk of the transferring court shall send a certified copy of the order directing payments to the transferee court:

(1) [~~,~~] to any party [~~or employer~~] affected by the [~~that~~] order, and, if appropriate, to the local registry of the transferee court using the electronic filing system established under Section 72.031, Government Code; and

(2) to an employer affected by the order electronically or by first class mail.

(e) The clerks of both the transferee and transferring courts may each produce under Chapter 51, Government Code, certified or uncertified copies of documents filed in a case transferred under this section, but shall also include a copy of the transfer certificate and index of transferred documents with each document produced.

(f) Sections 80.001 and 80.002, Government Code, do not apply to the transfer of documents under this section.

SECTION 7.02. Section 51.3071, Government Code, is amended to read as follows:

Sec. 51.3071. TRANSFER OF CASES. (a) If a case is transferred from a district court to a county court, the clerk of the district court shall [~~may~~] send to the county clerk using the electronic filing system established under Section 72.031 [~~in electronic or paper form~~]:

(1) a transfer certificate and index of transferred documents [~~certified transcript of the proceedings held in the district court~~];

(2) a copy of the original papers filed in the transferring [~~district~~] court; [~~and~~]

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any [~~the~~] costs that have accrued in the transferring [~~district~~] court.

(b) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(c) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(d) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(e) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.03. Section 51.403, Government Code, is amended to read as follows:

Sec. 51.403. TRANSFER OF CASES. (a) If a case is transferred from a county court to a district court, the clerk of the county court shall send to the district clerk using the electronic filing system established under Section 72.031 [~~in electronic or paper form~~]:

(1) a transfer certificate and index of transferred documents [~~certified transcript of the proceedings held in the county court~~];

(2) a copy of the original papers filed in the transferring [~~county~~] court; [~~and~~]

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any [~~the~~] costs that have accrued in the transferring [~~county~~] court.

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(a-2) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(a-3) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (a-2), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(b) If civil or criminal jurisdiction of a county court is transferred to a district court, the clerk of the county court shall send using the electronic filing system established under Section 72.031 a certified copy of the judgments rendered in the county court that remain unsatisfied[~~, in electronic or paper form,~~] to the district clerks of the appropriate counties.

(c) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.04. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.037 to read as follows:

Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED DOCUMENTS FORM. (a) The office shall develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of cases and proceedings under Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.

(b) In developing a form under this section, the office shall consult with representatives of county and district clerks.

SECTION 7.05. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall adopt rules and develop and make available all forms and materials required by Section 72.037, Government Code, as added by this Act.

ARTICLE 8. HABEAS CORPUS

SECTION 8.01. Section 3(b), Article 11.07, Code of Criminal Procedure, is amended to read as follows:

(b) An application for writ of habeas corpus filed after final conviction in a felony case, other than a case in which the death penalty is imposed, must be filed with the clerk of the court in which the conviction being challenged was obtained, and the clerk shall assign the application to that court. When the application is received by that court, a writ of habeas corpus, returnable to the Court of Criminal Appeals, shall issue by operation of law. The clerk of that court shall make appropriate notation thereof, assign to the case a file number (ancillary to that of the conviction being challenged), and forward a copy of the application by certified mail, return receipt requested, by secure electronic mail, or by personal service to the attorney representing the state in that court, who shall answer the application not later than the 30th [~~15th~~] day after the date the copy of the application is received. Matters alleged in the application not admitted by the state are deemed denied.

SECTION 8.02. Section 5(a), Article 11.072, Code of Criminal Procedure, is amended to read as follows:

(a) Immediately on filing an application, the applicant shall serve a copy of the application on the attorney representing the state[~~,~~] by:

(1) [~~either~~] certified mail, return receipt requested;

(2) [~~, or~~] personal service;

(3) electronic service through the electronic filing manager authorized by Rule 21, Texas Rules of Civil Procedure; or

(4) a secure electronic transmission to the attorney's e-mail address filed with the electronic filing system as required under Section 80.003, Government Code.

SECTION 8.03. Section 3(b), Article 11.07, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 8.04. Section 5(a), Article 11.072, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

SECTION 9.01. Section 64.101(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) Except as provided by Section 17.032, the [~~The~~] citation shall be published on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (**SB 891**), Acts of the 86th Legislature, Regular Session, 2019, and in a newspaper of general circulation:

(1) once in the county in which the missing person resides; and

(2) once in each county in which property of the missing person's estate is located.

SECTION 9.02. Section 51.103(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

(1) if the service is made by a sheriff or constable, the return of service;

(2) if the service is made by a private person, the person's affidavit;

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate or affidavit, as applicable, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

(A) a statement [~~an affidavit~~]:

(i) made by the Office of Court Administration of the Texas Judicial System or an employee of the office;

(ii) that contains or to which is attached a copy of the published citation or notice; and

(iii) that states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (**SB 891**), Acts of the 86th Legislature, Regular Session, 2019; and

(B) an affidavit:

(i) made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;

(ii) that contains or to which is attached a copy of the published citation or notice; and

(iii) that states the date of publication printed on the newspaper in which the citation or notice was published.

SECTION 9.03. Section 1051.153(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

(1) if the service is made by a sheriff or constable, the return of service;

(2) if the service is made by a private person, the person's affidavit;

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the affidavit of the guardian or other person making the service that states that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

(A) a statement [~~an affidavit~~] that:

(i) is made by the Office of Court Administration of the Texas Judicial System or an employee of the office;

(ii) contains or to which is attached a copy of the published citation or notice; and

(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (**SB 891**), Acts of the 86th Legislature, Regular Session, 2019; and

(B) an affidavit that:

(i) is made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;

(ii) contains or to which is attached a copy of the published citation or notice; and

(iii) states the date of publication printed on the newspaper in which the citation or notice was published.

ARTICLE 10. EVIDENCE

SECTION 10.01. Section 2, Article 38.01, Code of Criminal Procedure, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Forensic examination or test not subject to accreditation" means an examination or test described by Article 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

SECTION 10.02. Article 38.01, Code of Criminal Procedure, is amended by adding Section 3-b to read as follows:

Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY. (a) The commission shall adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article.

(b) The commission shall publish the code of professional responsibility adopted under Subsection (a).

(c) The commission shall adopt rules establishing sanctions for code violations.

(d) The commission shall update the code of professional responsibility as necessary to reflect changes in science, technology, or other factors affecting the persons, laboratories, facilities, and other entities regulated under this article.

SECTION 10.03. Sections 4(a), (a-1), (b-1), and (c), Article 38.01, Code of Criminal Procedure, are amended to read as follows:

(a) The commission shall:

(1) develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;

(2) require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and

(3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of:

(A) the results of a forensic analysis conducted by a crime laboratory;

(B) an examination or test that is conducted by a crime laboratory and that is a forensic examination or test not subject to accreditation; or

(C) testimony related to an analysis, examination, or test described by Paragraph (A) or (B).

(a-1) The commission may initiate [~~for educational purposes~~] an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint[~~,~~] submitted through the reporting system implemented under Subsection (a)(1), [~~that contains an allegation of professional negligence or professional misconduct involving the forensic analysis conducted~~] if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the [~~forensic~~] analysis, examination, or test would advance the integrity and reliability of forensic science in this state.

(b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation involves a forensic examination or test not subject to accreditation [~~is conducted pursuant to an allegation involving a forensic method or methodology that is not an accredited field of forensic science~~], the investigation may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the applicable [~~forensic~~] analysis, examination, or test conducted;

(2) best practices identified by the commission during the course of the investigation; or

(3) other recommendations that are relevant, as determined by the commission.

(c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) and Sections 4-d(b)(1), (b-1), and (d) to any person the commission determines to be qualified to assume those duties.

SECTION 10.04. Section 4-a(c), Article 38.01, Code of Criminal Procedure, is amended to read as follows:

(c) The commission by rule may establish voluntary licensing programs for forensic examinations or tests [~~disciplines that are~~] not subject to accreditation [~~under this article~~].

SECTION 10.05. Section 4-d(b-1), Article 38.01, Code of Criminal Procedure, is amended to read as follows:

(b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may:

(1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws;

(2) validate or approve specific forensic methods or methodologies; and

(3) establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

SECTION 10.06. Article 38.01, Code of Criminal Procedure, is amended by adding Section 14 to read as follows:

Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The commission may use appropriated funds for the training and education of forensic analysts.

SECTION 10.07. Section 2254.002(2), Government Code, is amended to read as follows:

(2) "Professional services" means services:

(A) within the scope of the practice, as defined by state law, of:

(i) accounting;

(ii) architecture;

(iii) landscape architecture;

(iv) land surveying;

(v) medicine;

(vi) optometry;

(vii) professional engineering;

(viii) real estate appraising; [~~or~~]

(ix) professional nursing; or

(x) forensic science;

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

(i) a certified public accountant;

(ii) an architect;

(iii) a landscape architect;

(iv) a land surveyor;

(v) a physician, including a surgeon;

(vi) an optometrist;

(vii) a professional engineer;

(viii) a state certified or state licensed real estate appraiser; [~~or~~]

(ix) a registered nurse; or

(x) a forensic analyst or forensic science expert; or

(C) provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053, Occupations Code.

ARTICLE 11. JURY SERVICE

SECTION 11.01. Sections 61.003(a) and (c), Government Code, are amended to read as follows:

(a) Each person who reports for jury service shall be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement under this chapter to:

(1) the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure;

(2) the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

(3) any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence;

(4) any other program approved by the commissioners court of the county, including a program established under Article 56A.205, Code of Criminal Procedure, that offers psychological counseling in criminal cases involving graphic evidence or testimony; [~~or~~]

(5) a veterans treatment court program established by the commissioners court as provided by Chapter 124; or

(6) a veterans county service office established by the commissioners court as provided by Subchapter B, Chapter 434.

(c) The county treasurer shall:

(1) send all donations made under Subsection (a)(1) to the comptroller, at the time and in the manner prescribed by the attorney general, for deposit to the credit of the compensation to victims of crime fund;

(2) deposit donations made to the county child welfare board under Subsection (a)(2) in a fund established by the county to be used by the child welfare board in a manner authorized by the commissioners court of the county; and

(3) send all donations made under Subsection (a)(3), [~~or~~] (a)(4), or (a)(6) directly to the program or office, as applicable, specified on the form letter signed by the person who reported for jury service.

SECTION 11.02. Section 62.202(b), Government Code, is amended to read as follows:

(b) The district judge may draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. The judge may spend a reasonable amount [~~Not more than $3~~] per meal [~~may be spent~~] for a juror serving on a jury in a civil case.

SECTION 11.03. Section 434.032, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioners court of a county that maintains an office:

(1) may not consider a juror's donation to the office of the juror's daily reimbursement under Section 61.003 for purposes of determining the county's budget for the office; and

(2) may use donations described by Subdivision (1) only to supplement, rather than supplant, amounts budgeted by the county for the office.

ARTICLE 12. SPECIALTY COURT PROGRAMS

SECTION 12.01. Chapter 121, Government Code, is amended by adding Sections 121.003 and 121.004 to read as follows:

Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a district court or statutory county court who is authorized by law to hear criminal cases may be appointed to preside over a regional specialty court program recognized under this subtitle only if:

(1) the local administrative district and statutory county court judges of each county participating in the program approve the appointment by majority vote or another approval method selected by the judges; and

(2) the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or magistrate appointed to preside over a regional specialty court program may hear any misdemeanor or felony case properly transferred to the program by an originating trial court participating in the program, regardless of whether the originating trial court and specialty court program are in the same county. The appointed judge or magistrate may exercise only the authority granted under this subtitle.

(b) The judge or magistrate of a regional specialty court program may for a case properly transferred to the program:

(1) enter orders, judgments, and decrees for the case;

(2) sign orders of detention, order community service, or impose other reasonable and necessary sanctions;

(3) send recommendations for dismissal and expunction to the originating trial court for a defendant who successfully completes the program; and

(4) return the case and documentation required by this subtitle to the originating trial court for final disposition on a defendant's successful completion of or removal from the program.

(c) A visiting judge assigned to preside over a regional specialty court program has the same authority as the judge or magistrate appointed to preside over the program.

SECTION 12.02. Section 124.003(b), Government Code, is amended to read as follows:

(b) A veterans treatment court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program [~~county or counties in which those defendants reside~~].

SECTION 12.03. Sections 124.006(a) and (d), Government Code, are amended to read as follows:

(a) A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides or in a county adjacent to the county

where the defendant works or resides. The defendant's supervision may be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a veterans treatment court program located in the county where the defendant works or resides or in a county adjacent to the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. A defendant placed in a veterans treatment court program in accordance with this subsection must agree to abide by all rules, requirements, and instructions of the program.

SECTION 12.04. (a) Section 121.003, Government Code, as added by this Act, applies only to the appointment of a judge or magistrate to preside over a regional specialty court program that occurs on or after the effective date of this Act.

(b) Section 121.004, Government Code, as added by this Act, applies to a case pending in a regional specialty court program on or after the effective date of this Act.

ARTICLE 13. PROTECTIVE ORDERS

SECTION 13.01. Section 72.151(3), Government Code, is amended to read as follows:

(3) "Protective order" means:

(A) an order issued by a court in this state under Chapter 83 or 85, Family Code, to prevent family violence, as defined by Section 71.004, Family Code;

(B) an order issued by a court in this state under Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent sexual assault or abuse, stalking, trafficking, or other harm to the applicant; or

(C) [~~. The term includes~~] a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

SECTION 13.02. Section 72.152, Government Code, is amended to read as follows:

Sec. 72.152. APPLICABILITY. This subchapter applies only to:

(1) an application for a protective order filed under:

(A) Chapter 82, Family Code;

(B) Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(C) [~~(B)~~] Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and

(2) a protective order issued under:

(A) Chapter 83 or 85, Family Code;

(B) Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(C) [~~(B)~~] Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

SECTION 13.03. Sections 72.154(b) and (d), Government Code, are amended to read as follows:

(b) Publicly accessible information regarding each protective order must consist of the following:

(1) the court that issued the protective order;

(2) the case number;

(3) the full name, county of residence, birth year, and race or ethnicity of the person who is the subject of the protective order;

(4) the dates the protective order was issued and served; and

(5) [~~the date the protective order was vacated, if applicable; and~~

[~~(6)~~] the date the protective order expired or will expire, as applicable.

(d) The office may not allow a member of the public to access through the registry any information related to:

(1) a protective order issued under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or

(2) a protective order that was vacated.

SECTION 13.04. Section 72.155(a), Government Code, is amended to read as follows:

(a) The registry must include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including an [~~a vacated or~~] expired order, or a vacated order other than an order that was vacated as the result of an appeal or bill of review from a district or county court. Only an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer may access that information under the registry.

SECTION 13.05. Section 72.157, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), for [~~For~~] a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired. The clerk shall ensure that a record of a vacated order is not accessible by the public.

(b-1) For a protective order that is vacated as the result of an appeal or bill of review from a district or county court, the clerk of the applicable court shall notify the office not later than the end of the next business day after the date the protective order was vacated. The office shall remove the record of the order from the registry not later than the third business day after the date the notice from the clerk was received.

SECTION 13.06. Section 72.158(a), Government Code, is amended to read as follows:

(a) The office shall ensure that the public may access information about protective orders, other than information about vacated orders or orders under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code, through the registry, only if:

(1) a protected person requests that the office grant the public the ability to access the information described by Section 72.154(b) for the order protecting the person; and

(2) the office approves the request.

SECTION 13.07. Section 72.152, Government Code, as amended by this Act, applies only to an application for a protective order filed or a protective order issued on or after the effective date of this Act.

SECTION 13.08. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall:

(1) remove the record of any protective orders that have been vacated as the result of an appeal or bill of review from a district or county court from the protective order registry established under Subchapter F, Chapter 72, Government Code, as amended by this Act; and

(2) ensure that the records of vacated orders, other than orders described by Subdivision (1) of this section that are removed from the registry, are not accessible by the public.

ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS

SECTION 14.01. Section 43.137, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in the district and inferior courts in Ector County in all criminal cases, juvenile matters under Title 3, Family Code, and matters involving children's protective services.

(d) The district attorney has no power, duty, or privilege in any civil matter, other than civil asset forfeiture and civil bond forfeiture matters.

SECTION 14.02. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.168 to read as follows:

Sec. 45.168. ECTOR COUNTY. (a) It is the primary duty of the county attorney in Ector County to represent the state, Ector County, and the officials of the county in all civil matters, other than asset forfeiture and bond forfeiture matters for which the district attorney is responsible, pending before the courts of Ector County and any other court in which the state, Ector County, or the county officials have matters pending.

(b) The county attorney has no power, duty, or privilege in Ector County relating to criminal matters, juvenile matters under Title 3, Family Code, or matters involving children's protective services.

SECTION 14.03. Section 43.137, Government Code, as amended by this Act, and Section 45.168, Government Code, as added by this Act, apply only to a proceeding commenced on or after the effective date of this Act. A proceeding commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

ARTICLE 15. APPELLATE COURTS

SECTION 15.01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0042 to read as follows:

Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF PROPERTY; FORM. (a) The supreme court shall adopt rules that:

(1) establish a simple and expedited procedure for a judgment debtor to assert an exemption to the seizure of personal property by a judgment creditor or a receiver appointed under Section 31.002, Civil Practice and Remedies Code;

(2) require a court to stay a proceeding, for a reasonable period, to allow for the assertion of an exemption under Subdivision (1); and

(3) require a court to promptly set a hearing and stay proceedings until a hearing is held, if a judgment debtor timely asserts an exemption under Subdivision (1).

(b) Rules adopted under this section shall require the provision of a notice in plain language to a judgment debtor regarding the right of the judgment debtor to assert one or more exemptions under Subsection (a)(1). The notice must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court;

(2) include the form promulgated under Subsection (c);

(3) list all exemptions under state and federal law to the seizure of personal property; and

(4) provide information for accessing free or low-cost legal assistance.

(c) Rules adopted under this section shall include the promulgation of a form in plain language for asserting an exemption under Subsection (a)(1). A form promulgated under this subsection must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court; and

(2) include instructions for the use of the form.

(d) A court shall accept a form promulgated under Subsection (c) unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

SECTION 15.02. Not later than May 1, 2022, the Supreme Court of Texas shall adopt rules and promulgate forms under Section 22.0042, Government Code, as added by this article.

ARTICLE 16. MISDEMEANOR CASES

SECTION 16.01. The heading to Article 45.0445, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR COSTS.

SECTION 16.02. Article 66.252, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) At any time before final disposition of the case, the justice or judge of a court having jurisdiction of the case of a misdemeanor described by Subsection (b)(3) may order a law enforcement officer to use the uniform incident fingerprint card to take the fingerprints of an offender who is charged with the misdemeanor, but was not placed under custodial arrest at the time of the offense.

SECTION 16.03. The changes in law made by this article apply only to a misdemeanor case that is initially filed in a justice or municipal court on or after the effective date of this Act, regardless of whether the offense for which the case is filed occurred before, on, or after the effective date of this Act.

ARTICLE 17. COURT REPORTERS

SECTION 17.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.25 to read as follows:

Art. 42.25. FILING OF REPORTER NOTES. A court reporter may comply with Rule 13.6, Texas Rules of Appellate Procedure, by electronically filing with the trial court clerk not later than the 20th day after the expiration of the time the defendant is allotted to perfect the appeal the untranscribed notes created by the court reporter using computer-aided software.

SECTION 17.02. Section 52.001(a)(4), Government Code, is amended to read as follows:

(4) "Shorthand reporter" and "court reporter" mean a person who is certified as a court reporter, apprentice court reporter, or provisional court reporter under Chapter 154 to engage [~~engages~~] in shorthand reporting.

SECTION 17.03. Section 52.011, Government Code, is amended to read as follows:

Sec. 52.011. PROVISION OF SIGNED DEPOSITION CERTIFICATE; CERTIFICATE REQUIREMENTS [~~CERTIFICATION~~]. (a) A court reporting firm representative or a court reporter who reported a deposition for a case shall complete and sign a deposition certificate, known as the further certification.

(b) On request of a court reporter who reported a deposition for a case, a court reporting firm shall provide the reporter with a copy of the deposition certificate [~~document related to the deposition, known as the further certification,~~] that the reporter has signed or to which the reporter's signature has been applied.

(c) The deposition certificate must include:

(1) a statement that the deposition transcript was submitted to the deponent or the deponent's attorney for examination and signature;

(2) the date the transcript was submitted to the deponent or the deponent's attorney;

(3) the date the deponent returned the transcript, if returned, or a statement that the deponent did not return the transcript;

(4) a statement that any changes the deponent made to the transcript are reflected in a separate document attached to the transcript;

(5) a statement that the transcript was delivered in accordance with Rule 203.3, Texas Rules of Civil Procedure;

(6) the amount charged for preparing the original deposition transcript;

(7) a statement that a copy of the certificate was served on all parties to the case; and

(8) the date the copy of the certificate was served on the parties to the case.

SECTION 17.04. Section 52.046(d), Government Code, is amended to read as follows:

(d) A judge of a county court or county court at law shall appoint a [~~certified~~] shorthand reporter to report the oral testimony given in any contested probate matter in that judge's court.

SECTION 17.05. Section 154.001(a)(4), Government Code, is amended to read as follows:

(4) "Shorthand reporter" and "court reporter" mean a person who is certified as a court reporter, apprentice court reporter, or provisional court reporter under this chapter to engage [~~engages~~] in shorthand reporting.

SECTION 17.06. Section 154.101(e), Government Code, is amended to read as follows:

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated [~~by a noncertified court reporter pursuant and~~] according to rules adopted or approved by the supreme court.

SECTION 17.07. Section 154.105, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) A [~~certified~~] shorthand reporter may administer oaths to witnesses:

(1) anywhere in this state;

(2) in a jurisdiction outside this state if:

(A) the reporter is at the same location as the witness; and

(B) the witness is or may be a witness in a case filed in this state; and

(3) at any location authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b).

(c) Notwithstanding Subsection (b), a shorthand reporter may administer an oath as provided under this subsection to a person who is or may be a witness in a case filed in this state without being at the same location as the witness:

(1) if the reporter is physically located in this state at the time the oath is administered; or

(2) as authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b) if:

(A) the witness is at a location in the other jurisdiction; and

(B) the reporter is at a location in the same jurisdiction as the witness.

(d) The identity of a witness who is not in the physical presence of a shorthand reporter may be proven by:

(1) a statement under oath on the record by a party to the case stating that the party has actual knowledge of the witness's identity;

(2) a statement on the record by an attorney for a party to the case, or an attorney for the witness, verifying the witness's identity;

(3) a statement on the record by a notary who is in the presence of the witness verifying the witness's identity; or

(4) the witness's presentation for inspection by the court reporter of an official document issued by this state, another state, a federal agency, or another jurisdiction that verifies the witness's identity.

(e) A shorthand reporter to which this section applies shall state on the record and certify in each transcript of the deposition the physical location of:

(1) the witness; and

(2) the reporter.

SECTION 17.08. Section 154.112, Government Code, is amended to read as follows:

Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR SHORTHAND REPORTING [~~REPORTERS~~]. (a) A person who is not certified as a court [~~noncertified shorthand~~] reporter may be employed to engage in shorthand reporting until a certified shorthand reporter is available.

(b) A person who is not certified as a court [~~noncertified shorthand~~] reporter may engage in shorthand reporting to report an oral deposition only if:

(1) the person [~~noncertified shorthand reporter~~] delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or

(2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.

(c) This section does not apply to a deposition taken outside this state for use in this state.

SECTION 17.09. The changes in law made by this article apply only to a deposition taken on or after the effective date of this Act. A deposition taken before that date is governed by the law in effect on the date the deposition was taken, and the former law is continued in effect for that purpose.

ARTICLE 18. TRANSITION

SECTION 18.01. A state agency subject to 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 state agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

ARTICLE 19. EFFECTIVE DATE

SECTION 19.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2021.

Representative Leach moved to adopt the conference committee report on **HB 3774**.

The motion to adopt the conference committee report on **HB 3774** prevailed by (Record 1786): 134 Yeas, 3 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; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; 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, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; 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.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; Wilson; Wu; Zwiener.

Nays — Perez; Thompson, S.; White.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Deshotel; Gervin-Hawkins; King, K.; Minjarez; Morales Shaw; Pacheco; Vo.

STATEMENT OF VOTE

When Record No. 1786 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

HB 1987 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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.

HB 1987 - REMARKS

REPRESENTATIVE TINDERHOLT: So there's been a lot of contention with this bill all day, and we've been scurrying with potential points of order and different things on it. So I want to make sure. Essentially, what you're doing is you're removing the language that several people didn't like that came from the senate. It'll go back to the senate—well, with the conference committee. It'll go back to the senate and it'll revert back, essentially, to the original bill, which essentially was that the chair, any executive, has to vacate their position to run for another office. Is that a fair assessment?

REPRESENTATIVE VASUT: The end result will be as you said. I want to make sure that it's clear, though, that rather than having the senate take the final action, we're going to take the final action. This will discharge the conference committee, so the conference report is gone. If you vote for this, we'll then adopt the senate's version of **HB 1987**, which, if you may recall, only changed a few words in the version of **HB 1987** that we sent over.

TINDERHOLT: And to make it clear for the handful of people that are really, really concerned about this, those three words—does it change the intent of the bill in any way whatsoever, the original bill that you had?

VASUT: No. The original bill dealt only with resign to run. We're going to kill the provisions that dealt with the election of the SRECs, so that's done. And we're back to just to resign to run. That's it.

Representative Vasut moved to discharge the conferees and concur in the senate amendments to **HB 1987**.

The motion to discharge the conferees and concur in the senate amendments to **HB 1987** prevailed by (Record 1787): 99 Yeas, 18 Nays, 13 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Ellzey; Frank; Frullo; Gates; Geren; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Leach; Leman; Lopez; Martinez; Metcalf; Meyer; Middleton; Moody; Morales, C.; Morales Shaw; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; White; Wilson; Wu.

Nays — Beckley; Canales; Collier; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Johnson, A.; Morales, E.; Muñoz; Neave; Ordaz Perez; Ramos; Romero; Sherman; Thompson, S.; Walle.

Present, not voting — Mr. Speaker; Anchia; Bernal; Bucy; Goldman(C); Howard; Israel; Landgraf; Meza; Ortega; Talarico; Turner, C.; Zwiener.

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bailes; Crockett; Davis; Dutton; Gervin-Hawkins; Hernandez; Jetton; Johnson, J.D.; Johnson, J.E.; Lozano; Martinez Fischer; Minjarez; Pacheco; Reynolds; Rodriguez; Vo.

STATEMENTS OF VOTE

When Record No. 1787 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1787 was taken, my vote failed to register. I would have voted yes.

Lozano

When Record No. 1787 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 1787 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

When Record No. 1787 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

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

Amend **HB 1987** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 161.005(a-1), Election Code (page 1, lines 34-37), and substitute the following:

(a-1) For purposes of this section, the following are officers of a political party:

(1) a precinct chair;

(2) a county chair; and

(3) a member, other than a chair or vice chair, of a state executive committee of a political party.

(2) Strike SECTION 2 of the bill, adding transition language (page 1, lines 42-44), and renumber subsequent SECTIONS of the bill accordingly.

SB 1648 - RULES SUSPENDED
CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause moved to suspend all necessary rules to submit at this time the conference committee report on **SB 1648**.

The motion prevailed.

Representative Krause submitted the conference committee report on **SB 1648**.

SB 1648 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HULL: I just want to ask a couple of clarifying questions for legislative intent. Last session you passed **SB 1207**, which allowed children in the Medically Dependent Children Program—which was about 6,200 children with truly complex medical needs—to continue seeing their specialty physicians who aren't enrolled as in-network providers within Medicaid managed care. Is that correct?

REPRESENTATIVE KRAUSE: Correct.

HULL: Thank you for that. Is it your intent with **SB 1648** for it to not only apply to children in the Medically Dependent Children Program but to any of the 170,000 children in the STAR Kids program regardless of whether or not Medicaid is their primary health insurance?

KRAUSE: That's right. The continuity of care applies to all of the kids in the STAR Kids program.

HULL: Okay, so to all 170,000?

KRAUSE: Well, I think it's at 13,000 universe of just those complex medical needs kids. All those—the 13,000 that comprise that—that's really what **SB 1207** is for, those in the MDC Program and a couple of others.

HULL: Okay. So then it would not be for all children in STAR Kids, which is about 170,000. It would truly be more of the MDCP kids.

KRAUSE: Medically complex needs kids, that's correct.

HULL: Okay, thank you. And then do you agree that the managed care Medicaid model works for the majority of Medicaid participants and the single-case agreements for specialty providers only applies to that small population of children?

KRAUSE: Yes, we've heard from quite a few parents that it's not working out for as well, which is why we're having this **SB 1648**. I do think those single-case agreements can make that system work for them, which is why we're so insistent of making sure that that is part of HHSC policy.

HULL: And the compromised language in here ensures that an MCO must make a good faith effort to negotiate a single-case agreement with these specialty providers, rather than mandating that they must. Is it your intent that this change is to ensure that MCOs are not forced to contract with providers without the ability to negotiate, to prevent the possibility that a provider could be unreasonable in the contract negotiations because they know that the state was mandating the MCO to contract with them?

KRAUSE: Yes, we would hope that the MCOs would be good partners and do everything they can to have that continuity of care continue for this small population of kids, those complex medical needs kids. And so we would hope the MCOs—you're right, it's not as strong a language as maybe some of us would've liked, but that's what we have at the end of the day. And we hope the MCOs—in the spirit of the law that we passed in **SB 1207** and, I would say, the letter of the law in **SB 1207** and **SB 1648**—would work on those single-case agreements to get these kids the help that they need.

HULL: And additionally, under this bill, the MCOs will maintain their ability to audit providers, including those in these single-case agreements to prevent fraud, waste, and abuse of the state's Medicaid funds. Is that correct?

KRAUSE: Yes, we want to do everything we can to cut down on those three things while also giving the optimal care to these kids with complex medical needs.

HULL: I just wanted to make sure that these vulnerable kids are provided the continuity of care with their specialty providers without creating the perverse incentive for providers to remain outside of the Medicaid provider network.

KRAUSE: I think we can all agree on that.

Representative Krause moved to adopt the conference committee report on **SB 1648**.

The motion to adopt the conference committee report on **SB 1648** prevailed by (Record 1788): 137 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; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; 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; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; 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.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Dominguez; Gervin-Hawkins; Martinez Fischer; Middleton; Minjarez; Pacheco; Ramos.

STATEMENTS OF VOTE

When Record No. 1788 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1788 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1788 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

HB 572 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dutton submitted the following conference committee report on **HB 572**:

Austin, Texas, May 29, 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 572** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Lucio	Dutton
Bettencourt	K. Bell
Buckingham	Huberty
Powell	K. King
On the part of the senate	On the part of the house

HB 572, A bill to be entitled An Act relating to the inclusion of students enrolled in a dropout recovery school as students at risk of dropping out of school for purposes of compensatory, intensive, and accelerated instruction and to a study by the Texas Education Agency on competency-based educational programs.

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

SECTION 1. Section 29.081(d), Education Code, as amended by Chapters 403 (**SB 1746**), 597 (**SB 668**), and 1060 (**HB 1051**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who:

(1) is under 26 years of age and who:

(A) was not advanced from one grade level to the next for one or more school years;

(B) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(C) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(D) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(E) is pregnant or is a parent;

(F) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(G) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(H) is currently on parole, probation, deferred prosecution, or other conditional release;

(I) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(J) is a student of limited English proficiency, as defined by Section 29.052;

(K) is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(L) is homeless;

(M) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; [~~or~~]

(N) [~~(14)~~] has been incarcerated or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Section 1.07, Penal Code; or

(O) is enrolled in a school district or open-enrollment charter school, or a campus of a school district or open-enrollment charter school, that is designated as a dropout recovery school under Section 39.0548; or

(2) regardless of the student's age, participates in an adult education program provided under a high school diploma and industry certification charter school program under Section 29.259.

SECTION 2. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.928 to read as follows:

Sec. 29.928. STUDY ON COMPETENCY-BASED EDUCATIONAL PROGRAMS. (a) The agency shall conduct a study on the implementation of competency-based educational programs by public schools in the state.

(b) The study must analyze methods of:

(1) providing funding for competency-based educational programs that do not rely on average daily attendance;

(2) assessing the performance of competency-based educational programs under the public school accountability system; and

(3) providing competency-based educational programs to nontraditional students, including adult students.

(c) The agency may solicit and accept gifts, grants, and donations from any public or private source to fund the study.

(d) Not later than December 1, 2022, the agency shall prepare and submit to the legislature a report on the results of the study and any recommendations for legislative or other action.

(e) This section expires September 1, 2023.

SECTION 3. The Texas Education Agency is required to implement Section 29.928, 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 that section using other money available for that purpose.

SECTION 4. 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 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.

Representative Dutton moved to adopt the conference committee report on **HB 572**.

The motion to adopt the conference committee report on **HB 572** prevailed by (Record 1789): 138 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; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; 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; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; 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.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Dominguez; Gervin-Hawkins; Martinez Fischer; Minjarez; Pacheco; Ramos.

STATEMENTS OF VOTE

When Record No. 1789 was taken, my vote failed to register. I would have voted yes.

Dominguez

When Record No. 1789 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1789 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

REMARKS ORDERED PRINTED

Representative Hull moved to print remarks between Representative Krause and Representative Hull on **SB 1648**.

The motion prevailed.

Representative Reynolds moved to print remarks between Representative Paddie and Representative Reynolds on **SB 3**.

The motion prevailed.

Representative Tinderholt moved to print remarks between Representative Vasut and Representative Tinderholt on **HB 1987**.

The motion prevailed.

HR 1994 - ADOPTED
(by Frank)

The following privileged resolution was laid before the house:

HR 1994

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 2658** (the Medicaid program, including the administration and operation of the Medicaid managed care program) to consider and take action on the following matter:

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

SECTION 8. Section 32.0261, Human Resources Code, is amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section applies only to a child younger than 19 years of age who is determined eligible for medical assistance under this chapter.

(b) The executive commissioner shall adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to provide for two consecutive periods of [~~a period of continuous~~] eligibility for a child between each certification and recertification of the child's eligibility, subject to Subsections (f) and (h) [~~under 19 years of age who is determined to be eligible for medical assistance under this chapter~~].

(c) The first of the two consecutive periods of eligibility described by Subsection (b) must be continuous in accordance with Subsection (d). The second of the two consecutive periods of eligibility is not continuous and may be affected by changes in a child's household income, regardless of whether those changes occurred or whether the commission became aware of the changes during the first or second of the two consecutive periods of eligibility.

(d) A [~~The rules shall provide that the~~] child remains eligible for medical assistance during the first of the two consecutive periods of eligibility, without additional review by the commission and regardless of changes in the child's household [~~resources or~~] income, until [~~the earlier of:~~

[~~(1)~~] the end of the six-month period following the date on which the child's eligibility was determined, except as provided by Subsections (f)(1) and (h) [~~; or~~

[~~(2) the child's 19th birthday~~].

(e) During the sixth month following the date on which a child's eligibility for medical assistance is certified or recertified, the commission shall, in a manner that complies with federal law, including verification plan requirements under 42 C.F.R. Section 435.945(j), review the child's household income using electronic income data available to the commission. The commission may conduct this review only once during the child's two consecutive periods of eligibility. Based on the review:

(1) the commission shall, if the review indicates that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c); or

(2) the commission may, if the review indicates that the child's household income exceeds the maximum income for eligibility for the medical assistance program, request additional documentation to verify the child's household income in a manner that complies with federal law.

(f) If, after reviewing a child's household income under Subsection (e), the commission determines that the household income exceeds the maximum income for eligibility for the medical assistance program, the commission shall continue to provide medical assistance to the child until:

(1) the commission provides the child's parent or guardian with a period of not less than 30 days to provide documentation demonstrating that the child's household income does not exceed the maximum income for eligibility; and

(2) the child's parent or guardian fails to provide the documentation during the period described by Subdivision (1).

(g) If a child's parent or guardian provides to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c).

(h) Notwithstanding any other period prescribed by this section, a child's eligibility for medical assistance ends on the child's 19th birthday.

(i) The commission may not recertify a child's eligibility for medical assistance more frequently than every 12 months as required by federal law.

(j) If a child's parent or guardian fails to provide to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide the child's parent or guardian with written notice of termination following that period. The notice must include a statement that the child may be eligible for enrollment in the child health plan under Chapter 62, Health and Safety Code.

(k) In developing the notice, the commission shall consult with health care providers, children's health care advocates, family members of children enrolled in the medical assistance program, and other stakeholders to determine the most user-friendly method to provide the notice to a child's parent or guardian.

(l) The executive commissioner may adopt rules as necessary to implement this section.

Explanation: This addition is necessary to provide for continuous eligibility and a periodic eligibility review for a child for Medicaid.

HR 1994 was adopted by (Record 1790): 138 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; 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; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; 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.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Gervin-Hawkins; Martinez Fischer; Minjarez; Pacheco; Ramos; Vasut.

STATEMENT OF VOTE

When Record No. 1790 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

HB 2658 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 2658**:

Austin, Texas, May 29, 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 2658** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Kolkhorst	Frank
Blanco	Bonnen
Campbell	Neave
Nelson	Capriglione
Perry	Noble
On the part of the senate	On the part of the house

HB 2658, A bill to be entitled An Act relating to the Medicaid program, including the administration and operation of the Medicaid managed care program.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0501 and 531.0512 to read as follows:

Sec. 531.0501. MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, shall study the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list. As part of the study, the commission shall determine the most cost-effective automated method for determining the level of need of an individual seeking services through a Medicaid waiver program.

(b) Not later than January 1, 2023, the commission shall prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over health and human services that summarizes the commission's findings and conclusions from the study.

(c) Subsections (a) and (b) and this subsection expire September 1, 2023.

(d) The commission shall develop a protocol in the office of the ombudsman to improve the capture and updating of contact information for an individual who contacts the office of the ombudsman regarding Medicaid waiver programs or services.

Sec. 531.0512. NOTIFICATION REGARDING CONSUMER DIRECTION MODEL. The commission shall:

(1) develop a procedure to:

(A) verify that a Medicaid recipient or the recipient's parent or legal guardian is informed regarding the consumer direction model and provided the option to choose to receive care under that model; and

(B) if the individual declines to receive care under the consumer direction model, document the declination; and

(2) ensure that each Medicaid managed care organization implements the procedure.

SECTION 2. Section 533.00251, Government Code, is amended by adding Subsection (h) to read as follows:

(h) In addition to the minimum performance standards the commission establishes for nursing facility providers seeking to participate in the STAR+PLUS Medicaid managed care program, the executive commissioner shall adopt rules establishing minimum performance standards applicable to nursing facility providers that participate in the program. The commission is responsible for monitoring provider performance in accordance with the standards and requiring corrective actions, as the commission determines necessary, from providers that do not meet the standards. The commission shall share data regarding the requirements of this subsection with STAR+PLUS Medicaid managed care organizations as appropriate.

SECTION 3. Section 533.005(a), Government Code, is amended to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation rates that:

(A) include acuity and risk adjustment methodologies that consider the costs of providing acute care services and long-term services and supports, including private duty nursing services, provided under the plan; and

(B) ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education;

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan on any claim for payment that is received with documentation reasonably necessary for the managed care organization to process the claim:

(A) not later than:

(i) the 10th day after the date the claim is received if the claim relates to services provided by a nursing facility, intermediate care facility, or group home;

(ii) the 30th day after the date the claim is received if the claim relates to the provision of long-term services and supports not subject to Subparagraph (i); and

(iii) the 45th day after the date the claim is received if the claim is not subject to Subparagraph (i) or (ii); or

(B) within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;

(7-a) a requirement that the managed care organization demonstrate to the commission that the organization pays claims described by Subdivision (7)(A)(ii) on average not later than the 21st day after the date the claim is received by the organization;

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;

(9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;

(10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general and the office of the attorney general;

(11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that, notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the organization:

(A) use advanced practice registered nurses and physician assistants in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network; and

(B) treat advanced practice registered nurses and physician assistants in the same manner as primary care physicians with regard to:

(i) selection and assignment as primary care providers;

(ii) inclusion as primary care providers in the organization's provider network; and

(iii) inclusion as primary care providers in any provider network directory maintained by the organization;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician;

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal;

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider; and

(D) the managed care organization to allow a provider with a claim that has not been paid before the time prescribed by Subdivision (7)(A)(ii) to initiate an appeal of that claim;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization:

(A) develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network complies with the provider access standards established under Section 533.0061;

(B) as a condition of contract retention and renewal:

(i) continue to comply with the provider access standards established under Section 533.0061; and

(ii) make substantial efforts, as determined by the commission, to mitigate or remedy any noncompliance with the provider access standards established under Section 533.0061;

(C) pay liquidated damages for each failure, as determined by the commission, to comply with the provider access standards established under Section 533.0061 in amounts that are reasonably related to the noncompliance; and

(D) regularly, as determined by the commission, submit to the commission and make available to the public a report containing data on the sufficiency of the organization's provider network with regard to providing the care and services described under Section 533.0061(a) and specific data with respect to access to primary care, specialty care, long-term services and supports, nursing services, and therapy services on the average length of time between:

(i) the date a provider requests prior authorization for the care or service and the date the organization approves or denies the request; and

(ii) the date the organization approves a request for prior authorization for the care or service and the date the care or service is initiated;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that, subject to the provider access standards established under Section 533.0061:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

(i) a sufficient number of primary care providers;

(ii) a sufficient variety of provider types;

(iii) a sufficient number of providers of long-term services and supports and specialty pediatric care providers of home and community-based services; and

(iv) providers located throughout the region where the organization will provide health care services; and

(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care;

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures or, as applicable, the national core indicators adult consumer survey and the national core indicators child family survey for individuals with an intellectual or developmental disability;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse;

(23) subject to Subsection (a-1), a requirement that the managed care organization develop, implement, and maintain an outpatient pharmacy benefit plan for its enrolled recipients:

(A) that, except as provided by Paragraph (L)(ii), exclusively employs the vendor drug program formulary and preserves the state's ability to reduce waste, fraud, and abuse under Medicaid;

(B) that adheres to the applicable preferred drug list adopted by the commission under Section 531.072;

(C) that, except as provided by Paragraph (L)(i), includes the prior authorization procedures and requirements prescribed by or implemented under Sections 531.073(b), (c), and (g) for the vendor drug program;

(C-1) that does not require a clinical, nonpreferred, or other prior authorization for any antiretroviral drug, as defined by Section 531.073, or a step therapy or other protocol, that could restrict or delay the dispensing of the drug except to minimize fraud, waste, or abuse;

(D) for purposes of which the managed care organization:

(i) may not negotiate or collect rebates associated with pharmacy products on the vendor drug program formulary; and

(ii) may not receive drug rebate or pricing information that is confidential under Section 531.071;

(E) that complies with the prohibition under Section 531.089;

(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) that allows the managed care organization or any subcontracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager are prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or partly by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager must adopt policies and procedures for reclassifying prescription drugs from retail to specialty drugs, and those policies and procedures must be consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in its networks, but may not require enrolled recipients to use those pharmacies, and may not charge an enrolled recipient who opts to use this service a fee, including postage and handling fees;

(J) under which the managed care organization or pharmacy benefit manager, as applicable, must pay claims in accordance with Section 843.339, Insurance Code;

(K) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) to place a drug on a maximum allowable cost list, must ensure that:

(a) the drug is listed as "A" or "B" rated in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

(b) the drug is generally available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

(ii) must provide to a network pharmacy provider, at the time a contract is entered into or renewed with the network pharmacy provider, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;

(iii) must review and update maximum allowable cost price information at least once every seven days to reflect any modification of maximum allowable cost pricing;

(iv) must, in formulating the maximum allowable cost price for a drug, use only the price of the drug and drugs listed as therapeutically equivalent in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book;

(v) must establish a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;

(vi) must:

(a) provide a procedure under which a network pharmacy provider may challenge a listed maximum allowable cost price for a drug;

(b) respond to a challenge not later than the 15th day after the date the challenge is made;

(c) if the challenge is successful, make an adjustment in the drug price effective on the date the challenge is resolved and make the adjustment applicable to all similarly situated network pharmacy providers, as determined by the managed care organization or pharmacy benefit manager, as appropriate;

(d) if the challenge is denied, provide the reason for the denial; and

(e) report to the commission every 90 days the total number of challenges that were made and denied in the preceding 90-day period for each maximum allowable cost list drug for which a challenge was denied during the period;

(vii) must notify the commission not later than the 21st day after implementing a practice of using a maximum allowable cost list for drugs dispensed at retail but not by mail; and

(viii) must provide a process for each of its network pharmacy providers to readily access the maximum allowable cost list specific to that provider; and

(L) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) may not require a prior authorization, other than a clinical prior authorization or a prior authorization imposed by the commission to minimize the opportunity for waste, fraud, or abuse, for or impose any other barriers to a drug that is prescribed to a child enrolled in the STAR Kids managed care program for a particular disease or treatment and that is on the vendor drug program formulary or require additional prior authorization for a drug included in the preferred drug list adopted under Section 531.072;

(ii) must provide for continued access to a drug prescribed to a child enrolled in the STAR Kids managed care program, regardless of whether the drug is on the vendor drug program formulary or, if applicable on or after August 31, 2023, the managed care organization's formulary;

(iii) may not use a protocol that requires a child enrolled in the STAR Kids managed care program to use a prescription drug or sequence of prescription drugs other than the drug that the child's physician recommends for the child's treatment before the managed care organization provides coverage for the recommended drug; and

(iv) must pay liquidated damages to the commission for each failure, as determined by the commission, to comply with this paragraph in an amount that is a reasonable forecast of the damages caused by the noncompliance;

(24) a requirement that the managed care organization and any entity with which the managed care organization contracts for the performance of services under a managed care plan disclose, at no cost, to the commission and, on request, the office of the attorney general all discounts, incentives, rebates, fees, free goods, bundling arrangements, and other agreements affecting the net cost of goods or services provided under the plan;

(25) a requirement that the managed care organization not implement significant, nonnegotiated, across-the-board provider reimbursement rate reductions unless:

(A) subject to Subsection (a-3), the organization has the prior approval of the commission to make the reductions; or

(B) the rate reductions are based on changes to the Medicaid fee schedule or cost containment initiatives implemented by the commission; and

(26) a requirement that the managed care organization make initial and subsequent primary care provider assignments and changes.

SECTION 4. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00515 to read as follows:

Sec. 533.00515. MEDICATION THERAPY MANAGEMENT. The executive commissioner shall collaborate with Medicaid managed care organizations to implement medication therapy management services to lower costs and improve quality outcomes for recipients by reducing adverse drug events.

SECTION 5. Section 533.009(c), Government Code, is amended to read as follows:

(c) The executive commissioner, by rule, shall prescribe the minimum requirements that a managed care organization, in providing a disease management program, must meet to be eligible to receive a contract under this section. The managed care organization must, at a minimum, be required to:

(1) provide disease management services that have performance measures for particular diseases that are comparable to the relevant performance measures applicable to a provider of disease management services under Section 32.057, Human Resources Code; [~~and~~]

(2) show evidence of ability to manage complex diseases in the Medicaid population; and

(3) if a disease management program provided by the organization has low active participation rates, identify the reason for the low rates and develop an approach to increase active participation in disease management programs for high-risk recipients.

SECTION 6. Section 32.054, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) To prevent serious medical conditions and reduce emergency room visits necessitated by complications resulting from a lack of access to dental care, the commission shall provide medical assistance reimbursement for preventive dental services, including reimbursement for one preventive dental care visit per year, for an adult recipient with a disability who is enrolled in the STAR+PLUS Medicaid managed care program. This subsection does not apply to an adult recipient who is enrolled in the STAR+PLUS home and community-based services (HCBS) waiver program. This subsection may not be construed to reduce dental services available to persons with disabilities that are otherwise reimbursable under the medical assistance program.

SECTION 7. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0317 to read as follows:

Sec. 32.0317. REIMBURSEMENT FOR SERVICES PROVIDED UNDER SCHOOL HEALTH AND RELATED SERVICES PROGRAM. The executive commissioner shall adopt rules requiring parental consent for services provided under the school health and related services program in order for a school district to receive reimbursement for the services. The rules must allow a school district to seek a waiver to receive reimbursement for services provided to a student who does not have a parent or legal guardian who can provide consent.

SECTION 8. Section 32.0261, Human Resources Code, is amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section applies only to a child younger than 19 years of age who is determined eligible for medical assistance under this chapter.

(b) The executive commissioner shall adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to provide for two consecutive periods of [~~a period of continuous~~] eligibility for a child between each certification and recertification of the child's eligibility, subject to Subsections (f) and (h) [~~under 19 years of age who is determined to be eligible for medical assistance under this chapter~~].

(c) The first of the two consecutive periods of eligibility described by Subsection (b) must be continuous in accordance with Subsection (d). The second of the two consecutive periods of eligibility is not continuous and may be affected by changes in a child's household income, regardless of whether those changes occurred or whether the commission became aware of the changes during the first or second of the two consecutive periods of eligibility.

(d) A [~~The rules shall provide that the~~] child remains eligible for medical assistance during the first of the two consecutive periods of eligibility, without additional review by the commission and regardless of changes in the child's household [~~resources or~~] income, until [~~the earlier of:~~

[~~(1)~~] the end of the six-month period following the date on which the child's eligibility was determined, except as provided by Subsections (f)(1) and (h) [~~; or~~

[~~(2) the child's 19th birthday~~].

(e) During the sixth month following the date on which a child's eligibility for medical assistance is certified or recertified, the commission shall, in a manner that complies with federal law, including verification plan requirements under 42 C.F.R. Section 435.945(j), review the child's household income using electronic income data available to the commission. The commission may conduct this review only once during the child's two consecutive periods of eligibility. Based on the review:

(1) the commission shall, if the review indicates that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c); or

(2) the commission may, if the review indicates that the child's household income exceeds the maximum income for eligibility for the medical assistance program, request additional documentation to verify the child's household income in a manner that complies with federal law.

(f) If, after reviewing a child's household income under Subsection (e), the commission determines that the household income exceeds the maximum income for eligibility for the medical assistance program, the commission shall continue to provide medical assistance to the child until:

(1) the commission provides the child's parent or guardian with a period of not less than 30 days to provide documentation demonstrating that the child's household income does not exceed the maximum income for eligibility; and

(2) the child's parent or guardian fails to provide the documentation during the period described by Subdivision (1).

(g) If a child's parent or guardian provides to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c).

(h) Notwithstanding any other period prescribed by this section, a child's eligibility for medical assistance ends on the child's 19th birthday.

(i) The commission may not recertify a child's eligibility for medical assistance more frequently than every 12 months as required by federal law.

(j) If a child's parent or guardian fails to provide to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide the child's parent or guardian with written notice of termination following that period. The notice must include a statement that the child may be eligible for enrollment in the child health plan under Chapter 62, Health and Safety Code.

(k) In developing the notice, the commission shall consult with health care providers, children's health care advocates, family members of children enrolled in the medical assistance program, and other stakeholders to determine the most user-friendly method to provide the notice to a child's parent or guardian.

(l) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 9. (a) In this section, "commission," "executive commissioner," and "Medicaid" have the meanings assigned by Section 531.001, Government Code.

(b) Using existing resources, the commission shall:

(1) review the commission's staff rate enhancement programs to:

(A) identify and evaluate methods for improving administration of those programs to reduce administrative barriers that prevent an increase in direct care staffing and direct care wages and benefits in nursing homes; and

(B) develop recommendations for increasing participation in the programs;

(2) revise the commission's policies regarding the quality incentive payment program (QIPP) to require improvements to staff-to-patient ratios in nursing facilities participating in the program by January 1, 2025; and

(3) identify factors influencing active participation by Medicaid recipients in disease management programs by examining variations in:

(A) eligibility criteria for the programs; and

(B) participation rates by health plan, disease management program, and year.

(c) The executive commissioner may approve a capitation payment system that provides for reimbursement for physicians under a primary care capitation model or total care capitation model.

SECTION 10. (a) In this section, "commission" and "Medicaid" have the meanings assigned by Section 531.001, Government Code.

(b) As soon as practicable after the effective date of this Act, the commission shall conduct a study to determine the cost-effectiveness and feasibility of providing to Medicaid recipients who have been diagnosed with diabetes, including Type 1 diabetes, Type 2 diabetes, and gestational diabetes:

(1) diabetes self-management education and support services that follow the National Standards for Diabetes Self-Management Education and Support and that may be delivered by a certified diabetes educator; and

(2) medical nutrition therapy services.

(c) If the commission determines that providing one or both of the types of services described by Subsection (b) of this section would improve health outcomes for Medicaid recipients and lower Medicaid costs, the commission shall, notwithstanding Section 32.057, Human Resources Code, or Section 533.009, Government Code, and to the extent allowed by federal law develop a program to provide the benefits and seek prior approval from the Legislative Budget Board before implementing the program.

SECTION 11. (a) In this section, "commission" and "Medicaid" have the meanings assigned by Section 531.001, Government Code.

(b) As soon as practicable after the effective date of this Act, the commission shall conduct a study to:

(1) identify benefits and services provided under Medicaid that are not provided in this state under the Medicaid managed care model; and

(2) evaluate the feasibility, cost-effectiveness, and impact on Medicaid recipients of providing the benefits and services identified under Subdivision (1) of this subsection through the Medicaid managed care model.

(c) Not later than December 1, 2022, the commission shall prepare and submit a report to the legislature that includes:

(1) a summary of the commission's evaluation under Subsection (b)(2) of this section; and

(2) a recommendation as to whether the commission should implement providing benefits and services identified under Subsection (b)(1) of this section through the Medicaid managed care model.

SECTION 12. (a) In this section:

(1) "Commission," "Medicaid," and "Medicaid managed care organization" have the meanings assigned by Section 531.001, Government Code.

(2) "Dually eligible individual" has the meaning assigned by Section 531.0392, Government Code.

(b) The commission shall conduct a study regarding dually eligible individuals who are enrolled in the Medicaid managed care program. The study must include an evaluation of:

(1) Medicare cost-sharing requirements for those individuals;

(2) the cost-effectiveness for a Medicaid managed care organization to provide all Medicaid-eligible services not covered under Medicare and require cost-sharing for those services; and

(3) the impact on dually eligible individuals and Medicaid providers that would result from the implementation of Subdivision (2) of this subsection.

(c) Not later than September 1, 2022, the commission shall prepare and submit a report to the legislature that includes:

(1) a summary of the commission's findings from the study conducted under Subsection (b) of this section; and

(2) a recommendation as to whether the commission should implement Subsection (b)(2) of this section.

SECTION 13. (a) Using existing resources, the Health and Human Services Commission shall conduct a study to assess the impact of revising the capitation rate setting strategy used to cover long-term care services and supports provided to recipients under the STAR+PLUS Medicaid managed care program from a strategy based on the setting in which services are provided to a strategy based on a blended rate. The study must:

(1) assess the potential impact using a blended capitation rate would have on recipients' choice of setting;

(2) include an actuarial analysis of the impact using a blended capitation rate would have on program spending; and

(3) consider the experience of other states that use a blended capitation rate to reimburse managed care organizations for the provision of long-term care services and supports under Medicaid.

(b) Not later than September 1, 2022, the Health and Human Services Commission shall prepare and submit a report that summarizes the findings of the study conducted under Subsection (a) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, the House Human Services Committee, and the Senate Health and Human Services Committee.

SECTION 14. Notwithstanding Section 2, Chapter 1117 (**HB 3523**), Acts of the 84th Legislature, Regular Session, 2015, Section 533.00251(c), Government Code, as amended by Section 2 of that Act, takes effect September 1, 2023.

SECTION 15. (a) Section 533.005(a), Government Code, as amended by this Act, applies only to a contract between the Health and Human Services Commission and a managed care organization that is entered into or renewed on or after the effective date of this Act.

(b) To the extent permitted by the terms of the contract, the Health and Human Services Commission shall seek to amend a contract entered into before the effective date of this Act with a managed care organization to comply with Section 533.005(a), Government Code, as amended by this Act.

SECTION 16. As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall conduct the study and make the determination required by Section 531.0501(a), Government Code, as added by this Act.

SECTION 17. 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 18. The Health and Human Services Commission 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.

SECTION 19. This Act takes effect September 1, 2021.

Representative Frank moved to adopt the conference committee report on **HB 2658**.

The motion to adopt the conference committee report on **HB 2658** prevailed by (Record 1791): 135 Yeas, 0 Nays, 2 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; 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; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; 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; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Gervin-Hawkins; Leach; Martinez Fischer; Minjarez; Pacheco; Ramos; Thierry; Turner, C.

STATEMENTS OF VOTE

When Record No. 1791 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1791 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1791 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

HB 1525 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 1525**:

Austin, Texas, May 29, 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 1525** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Taylor	Huberty
Bettencourt	Bernal
West	K. King
Paxton	Dutton
Lucio	VanDeaver
On the part of the senate	On the part of the house

HB 1525, A bill to be entitled An Act relating to the public school finance system and public education.

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

SECTION 1. Section 8.051(d), Education Code, is amended to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in:

(A) teaching each subject area assessed under Section 39.023; and

(B) providing instruction in personal financial literacy as required under Section 28.0021;

(2) training and assistance in providing [~~a gifted and talented program and~~] each program that qualifies for a funding allotment under Section 48.102, 48.104, [~~or~~] 48.105, or 48.109;

(3) assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6) assistance in complying with state laws and rules.

SECTION 2. Section 11.156, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A school district shall:

(1) accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus; and

(2) spend the donation accepted under Subdivision (1) for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated.

(d) Subsection (c) and this subsection expire September 1, 2025.

SECTION 3. Section 12.106, Education Code, is amended by adding Subsections (a-5) and (a-6) to read as follows:

(a-5) To ensure compliance with the requirements for the maintenance of state financial support for special education under 20 U.S.C. Section 1412(a)(18), in determining the funding for an open-enrollment charter school under Subsection (a) for the Section 48.102 allotment, the commissioner shall:

(1) if necessary, increase the amount of that allotment to an amount equal to the amount the charter holder was entitled to receive for the charter school under the allotment under former Section 42.151, Education Code, for the 2018-2019 school year; and

(2) reduce the amount of the allotment the charter holder is entitled to receive for the charter school under Subsection (a-2) by the amount of any increase provided for the charter school under Subdivision (1).

(a-6) Subsection (a-5) and this subsection expire September 1, 2025.

SECTION 4. Sections 12.133(b), (b-1), and (c), Education Code, are amended to read as follows:

(b) Each school year, [~~using state funds received by the charter holder for that purpose under Subsection (d),~~] a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time

school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to $2,500.

(b-1) A [~~Using state funds received by the charter holder for that purpose under Subsection (d-1), a~~] charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average compensation increases as follows:

(1) for full-time employees other than employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district, an average increase at least equal to $500; and

(2) for part-time employees, an average increase at least equal to $250.

(c) Each school year, [~~using state funds received by the charter holder for that purpose under Subsection (e),~~] a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to $2,000.

SECTION 5. Section 21.3521(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (b), a school district or open-enrollment charter school may designate a [~~certified~~] classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals that comply with Section 21.351 or 21.352.

SECTION 6. Section 22.092(d), Education Code, is amended to read as follows:

(d) The agency shall provide [~~private schools and public schools~~] equivalent access to the registry maintained under this section to:

(1) private schools;

(2) public schools; and

(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913.

SECTION 7. Section 28.004, Education Code, is amended by amending Subsections (d-1), (h), (i), (i-1), and (j) and adding Subsections (d-2), (e-1), (e-2), (e-3), (i-2), (i-3), (j-1), and (p) to read as follows:

(d-1) The local school health advisory council shall meet at least four times each year. For each meeting, the council shall:

(1) at least 72 hours before the meeting:

(A) post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the school district; and

(B) ensure that the notice required under Paragraph (A) is posted on the district's Internet website, if the district has an Internet website;

(2) prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;

(3) make an audio or video recording of the meeting; and

(4) not later than the 10th day after the meeting, submit the minutes and audio or video recording of the meeting to the district.

(d-2) As soon as practicable after receipt of the minutes and audio or video recording under Subsection (d-1)(4), the school district shall post the minutes and audio or video recording on the district's Internet website, if the district has an Internet website.

(e-1) The board of trustees shall adopt a policy establishing a process for the adoption of curriculum materials for the school district's human sexuality instruction. The policy must require:

(1) the board to adopt a resolution convening the local school health advisory council for the purpose of making recommendations regarding the curriculum materials;

(2) the local school health advisory council to:

(A) after the board's adoption of the resolution under Subdivision (1), hold at least two public meetings, at which an opportunity for public comment is provided, on the curriculum materials before adopting recommendations; and

(B) provide the recommendations adopted under Paragraph (A) to the board at a public meeting of the board, at which an opportunity for public comment is provided; and

(3) the board, after receipt of the local school health advisory council's recommendations under Subdivision (2), to take action on the adoption of the recommendations by a record vote at a public meeting.

(e-2) Curriculum materials proposed to be adopted for the school district's human sexuality instruction must be made available as provided by Subsection (j)(1) or (2)(A) or (C), as applicable.

(e-3) Before adopting curriculum materials for the school district's human sexuality instruction, the board of trustees shall ensure that the curriculum materials are:

(1) based on the advice of the local school health advisory council;

(2) suitable for the subject and grade level for which the curriculum materials are intended; and

(3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

(h) The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with this section [~~Subsections (e), (f), and (g)~~].

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) a [~~summary of the basic content of the district's human sexuality instruction to be provided to the student, including a~~] statement informing the parent of the human sexuality instruction [~~instructional~~] requirements under state law;

(2) a detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;

(3) a statement of the parent's right to:

(A) at the parent's discretion, review or purchase a copy of curriculum materials as provided by Subsection (j); [~~and~~]

(B) remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(C) use the grievance procedure as provided by Subsection (i-1) or the appeals process under Section 7.057 concerning a complaint of a violation of this section;

(4) a statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's Internet website, if the district has an Internet website, and the Internet website address at which the curriculum materials are located; and

(5) [~~(3)~~] information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of this section [~~Subsection (i)~~].

(i-2) Before a student may be provided with human sexuality instruction, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:

(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i); and

(2) must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.

(i-3) Subsection (i-2) and this subsection expire August 1, 2024.

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction available by:

(1) for curriculum materials in the public domain:

(A) providing a copy of the curriculum materials by mail or e-mail to a parent of a student enrolled in the district on the parent's request; and

(B) posting the curriculum materials on the district's Internet website, if the district has an Internet website; and

(2) for copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

(A) review the curriculum materials at the student's campus at any time during regular business hours;

(B) purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials under Subsection (j-1); or

(C) review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law [~~for reasonable public inspection~~].

(j-1) If a school district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

(p) In this section:

(1) "Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

(2) "Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

SECTION 8. Section 28.0062(a), Education Code, is amended to read as follows:

(a) Each school district and open-enrollment charter school shall:

(1) provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills;

(2) ensure that:

(A) not later than the 2022-2023 [~~2021-2022~~] school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Section 21.4552; and

(B) each classroom teacher and each principal initially employed in a grade level or at a campus described by Paragraph (A) for the 2022-2023 [~~2021-2022~~] school year or a subsequent school year has attended a teacher literacy achievement academy developed under Section 21.4552 by the end of [~~before~~] the teacher's or principal's first year of placement in that grade level or campus; and

(3) certify to the agency that the district or school:

(A) prioritizes placement of highly effective teachers in kindergarten through second grade; and

(B) has integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade.

SECTION 9. Section 29.026, Education Code, is amended by amending Subsections (c), (h), (k), and (o) and adding Subsection (l-1) to read as follows:

(c) A program is eligible for a grant under this section if the program:

(1) [~~the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;~~

[~~(2) the program~~] incorporates:

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide; and

(2) [~~(3) the program~~] gives priority for enrollment to students with autism[~~;~~

[~~(4) the program limits enrollment and services to students who are:~~

[~~(A) at least three years of age; and~~

[~~(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and~~

[~~(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year~~].

(h) [~~The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (e).~~] In selecting programs to receive a grant under this section, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.

(k) The commissioner shall use [~~set aside an amount not to exceed $20 million from the total amount of~~] funds appropriated or otherwise available [~~for the 2018-2019 fiscal biennium~~] to fund grants under this section. [~~The commissioner shall use $10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than $1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.~~]

(l-1) A regional education service center may administer grants awarded under this section.

(o) This section expires September 1, 2023 [~~2021~~].

SECTION 10. Section 29.027, Education Code, is amended to read as follows:

Sec. 29.027. GRANT PROGRAM PROVIDING TRAINING IN [~~SERVICES TO STUDENTS WITH~~] DYSLEXIA FOR TEACHERS AND STAFF. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools to increase local capacity to appropriately serve [~~that provide innovative services to~~] students with dyslexia.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, or [~~and~~] an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, is eligible to [~~may~~] apply for a grant under this section[~~.~~

[~~(c) A program is eligible for a grant under this section~~] if the district or school submits to the commissioner a proposal on the use of grant funds that:

(1) [~~the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;~~

[~~(2) the program~~] incorporates[~~:~~

[~~(A)~~] evidence-based and research-based design; and

(2) increases local capacity to appropriately serve students with dyslexia by providing:

(A) high-quality training to classroom teachers and administrators in meeting the needs of students with dyslexia; or

(B) training to intervention staff resulting in appropriate credentialing related to dyslexia [~~the use of empirical data on student achievement and improvement;~~

[~~(C) parental support and collaboration;~~

[~~(D) the use of technology;~~

[~~(E) meaningful inclusion; and~~

[~~(F) the ability to replicate the program for students statewide;~~

[~~(3) the program gives priority for enrollment to students with dyslexia;~~

[~~(4) the program limits enrollment and services to students who are:~~

[~~(A) at least three years of age; and~~

[~~(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and~~

[~~(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year~~].

(c) [~~(d) A school district or open-enrollment charter school may not:~~

[~~(1) charge a fee for the program, other than those authorized by law for students in public schools;~~

[~~(2) require a parent to enroll a child in the program;~~

[~~(3) allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or~~

[~~(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.~~

[~~(e) A program under this section may:~~

[~~(1) alter the length of the school day or school year or the number of minutes of instruction received by students;~~

[~~(2) coordinate services with private or community-based providers;~~

[~~(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and~~

[~~(4) adopt staff qualifications and staff-to-student ratios that differ from the applicable requirements of this title.~~

[~~(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.~~

[~~(g)~~] The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.

(d) [~~(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (e). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.~~

[~~(i)~~] The commissioner shall select grant recipients [~~programs~~] and award grant funds [~~to those programs~~] beginning in the 2021-2022 [~~2018-2019~~] school year. The grants [~~selected programs~~] are to be awarded [~~funded~~] for two years.

(e) [~~(j)~~] A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive. A grant awarded under this section may not come out of Foundation School Program funds.

(f) [~~(k)~~] The commissioner shall use [~~set aside an amount not to exceed $20 million from the total amount of~~] funds appropriated or otherwise available [~~for the 2018-2019 fiscal biennium~~] to fund grants under this section. [~~The commissioner shall use $10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than $1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.~~]

(g) [~~(l)~~] The commissioner and any grant recipient [~~program~~] selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the grant [~~program~~]. The commissioner and any grant recipient [~~program~~] selected under this section may not require any financial contribution from parents to implement and administer the grant [~~program~~].

(h) A regional education service center may administer grants awarded under this section.

(i) [~~(m) The commissioner may consider a student with dyslexia who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.~~

[~~(n) Not later than December 31, 2020, the commissioner shall publish a report on the grant program established under this section. The report must include:~~

[~~(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with dyslexia; and~~

[~~(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.~~

[~~(o)~~] This section expires September 1, 2023 [~~2021~~].

SECTION 11. Section 29.153(d-1), Education Code, is amended to read as follows:

(d-1) A district may not receive an exemption under Subsection (d) unless the district has solicited [~~and considered at a public meeting~~] proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the agency regarding soliciting partnerships and considered submitted proposals at a public meeting. A decision of the board of trustees regarding a partnership described by this subsection is final.

SECTION 12. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.929, 29.930, 29.931, 29.932, 29.933, and 29.934 to read as follows:

Sec. 29.929. PROGRAMS TO ENSURE ONE-TIME INTENSIVE EDUCATIONAL SUPPORTS FOR OVERCOMING COVID-19 PANDEMIC IMPACT. (a) From state discretionary funds under Section 313(e), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401) and Section 2001(f), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401) and other funds appropriated, the agency shall establish programs that assist school districts and open-enrollment charter schools in implementing intensive supports to ensure students perform at grade level and graduate demonstrating college, career, or military readiness. Programs established under this section must include:

(1) expanding learning options for:

(A) Pathways in Technology Early College High School (P-TECH) programs in participating school districts under Subchapter N, Chapter 29;

(B) the Texas Regional Pathways Network; and

(C) the Jobs and Education for Texans (JET) Grant Program under Chapter 134;

(2) supplemental instructional supports, including tutoring; and

(3) COVID-19 learning acceleration supports, including:

(A) innovation in curriculum and instruction;

(B) diagnosing student mastery;

(C) extended instructional time; and

(D) supports for teachers.

(b) The agency may take actions as necessary in implementing intensive supports under Subsection (a), including providing grants to school districts, open-enrollment charter schools, and regional education service centers.

Sec. 29.930. USE OF ONE-TIME FEDERAL DISCRETIONARY COVID-19 FUNDING TO ENSURE GRADE LEVEL SUPPORT AND REIMBURSEMENTS. (a) To ensure additional resources to pay for unreimbursed costs due to the coronavirus disease (COVID-19) pandemic and for intensive educational supports for students not performing satisfactorily, for each of the 2021-2022 and 2022-2023 school years, except as provided by Subsection (c), from state discretionary funds under Section 2001(f), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401), the agency shall provide to each school district and open-enrollment charter school an allotment in an amount equal to the sum of:

(1) $208.35 for each student enrolled in the district or charter school; and

(2) $1,290 for each student enrolled in the district or charter school during the 2020-2021 school year multiplied by the percentage of students at the district or charter school who are not performing satisfactorily, as determined under Subsection (b).

(b) For purposes of Subsection (a)(2), the agency shall determine the percentage of students not performing satisfactorily by:

(1) dividing the number of students who did not perform satisfactorily on an assessment instrument administered under Section 39.023 by the total number of students who were administered assessment instruments under Section 39.023 during the 2018-2019 school year; and

(2) increasing the resulting number under Subdivision (1) by:

(A) for the 2021-2022 school year, 40 percent; and

(B) for the 2022-2023 school year, 20 percent.

(c) The agency shall reduce the amount of the allotment that a school district or open-enrollment charter school receives under Subsection (a) by the amount that the district or charter school receives from the local educational agency subgrants under Section 313(c), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401) and Section 2001(d), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(d) If the allotment provided to a school district or open-enrollment charter school under Subsection (a) is reduced in accordance with Subsection (c), the agency shall provide the total allotment amount to which the district or charter school is entitled for the 2021-2022 and 2022-2023 school years to the district or charter school in an equal amount each year.

(e) An allotment provided to a school district or open-enrollment charter school under this section may not reduce funding to which the district or charter school is otherwise entitled.

(f) The agency may not provide allotments to school districts and open-enrollment charter schools under this section after the 2022-2023 school year.

(g) This section expires September 1, 2024.

Sec. 29.931. BROADBAND TECHNICAL SUPPORT FOR STUDENTS. From appropriated state funds or other funds, including federal funds, available for this section, the agency shall provide technical assistance to school districts and open-enrollment charter schools to ensure Internet access for students who have limited or no access to the Internet.

Sec. 29.932. ONE-TIME TECHNOLOGY REIMBURSEMENT. (a) Using state discretionary funds under Section 18003(e), Coronavirus Aid, Relief, and Economic Security Act (Title VIII, Div. B, Pub. L. No. 116-136, reprinted in note, 20 U.S.C. Section 3401), and Section 313(c), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), the agency shall provide reimbursement for technology acquisitions made by school districts and open-enrollment charter schools before February 28, 2021.

(b) This section expires September 1, 2023.

Sec. 29.933. LEGISLATIVE OVERSIGHT ON COVID-19 STATE RESPONSE. (a) At least quarterly, the agency shall update the entities listed under Subsection (b) regarding the state response to the coronavirus disease (COVID-19) pandemic with respect to public education matters, including:

(1) the implementation of and distribution of funds under the following programs:

(A) programs to ensure one-time intensive educational supports for overcoming COVID-19 pandemic impact under Section 29.929;

(B) the use of one-time federal discretionary COVID-19 funding to ensure grade level support and reimbursements under Section 29.930;

(C) broadband technical support for students under Section 29.931; and

(D) one-time technology reimbursement under Section 29.932; and

(2) the use of state discretionary funds under:

(A) Section 18003(e), Coronavirus Aid, Relief, and Economic Security Act (Title VIII, Div. B, Pub. L. No. 116-136, reprinted in note, 20 U.S.C. Section 3401); and

(B) Section 313(e), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401).

(b) The agency shall update, in accordance with Subsection (a), the following entities:

(1) the office of the governor;

(2) the office of the lieutenant governor;

(3) the office of the speaker of the house of representatives;

(4) the office of the chair of the Senate Committee on Finance;

(5) the office of the chair of the House Committee on Appropriations;

(6) the office of the chair of the Senate Committee on Education; and

(7) the office of the chair of the House Committee on Public Education.

(c) This section expires September 1, 2024.

Sec. 29.934. RESOURCE CAMPUS. (a) A school district campus that is eligible under Subsection (b) may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students.

(b) To apply to be designated as a resource campus under this section, the campus must have received an overall performance rating under Section 39.054 of F for four years over a 10-year period of time.

(c) A campus notified by the commissioner under Subsection (f) that the campus has been designated as a resource campus qualifies for funding as provided by Section 48.252 for each year the campus maintains approval to operate as a resource campus regardless of whether the campus is unacceptable or does not qualify under Subsection (b).

(d) To be designated as a resource campus, the campus must:

(1) implement a targeted improvement plan as described by Chapter 39A and establish a school community partnership team;

(2) adopt an accelerated campus excellence turnaround plan as provided by Section 39A.105(b) except that a classroom teacher who satisfies the requirements for demonstrated instructional effectiveness under Section 39A.105(b)(3) must also hold a current designation assigned under Section 21.3521;

(3) be in a school district that has adopted an approved local optional teacher designation system under Section 21.3521;

(4) satisfy certain staff criteria by:

(A) requiring a principal or teacher employed at the campus before the designation to apply for a position to continue at the campus;

(B) employing only teachers who have at least three years of teaching experience;

(C) employing at least one school counselor for every 300 students; and

(D) employing at least one appropriately licensed professional to assist with the social and emotional needs of students and staff, who must be a:

(i) family and community liaison;

(ii) clinical social worker;

(iii) specialist in school psychology; or

(iv) professional counselor;

(5) implement a positive behavior program as provided by Section 37.0013;

(6) implement a family engagement plan as described by Section 29.168;

(7) develop and implement a plan to use high quality instructional materials;

(8) if the campus is an elementary campus, operate the campus for a school year that qualifies for funding under Section 48.0051; and

(9) annually submit to the commissioner data and information required by the commissioner to assess fidelity of implementation.

(e) On the request of a school district, the agency shall assist the district in:

(1) applying for designation of a district campus as a resource campus; and

(2) developing and implementing a plan to operate a district campus as a resource campus.

(f) The commissioner shall notify a campus if it has been designated as a resource campus not later than the 60th day after the date the commissioner receives the request for the designation.

(g) A campus approved to operate as a resource campus must annually submit to the commissioner data and information requested by the commissioner for purposes of determining whether the campus has met the measure of fidelity of implementation required to maintain status as a resource campus.

(h) If a campus fails to maintain status as a resource campus for two consecutive years, the campus is not eligible for designation as a resource campus. A campus subject to this subsection may reapply for designation as a resource campus if the campus qualifies under Subsection (b).

(i) A decision by the commissioner regarding whether to designate a campus as a resource campus is final and may not be appealed.

(j) The commissioner may adopt rules necessary to implement this section.

SECTION 13. Section 31.0211(c), Education Code, is amended to read as follows:

(c) 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

(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) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

(C) for costs associated with distance learning, including Wi-Fi, Internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate Internet access.

SECTION 14. Section 32.155, Education Code, is amended to read as follows:

Sec. 32.155. PROTECTION OF COVERED INFORMATION. (a) An operator must implement and maintain reasonable security procedures and practices designed to protect any covered information from unauthorized access, deletion, use, modification, or disclosure.

(b) Any operator that has been approved by the agency or had a product adopted by the agency and possesses any covered information must use the unique identifier established by the Texas Student Data System (TSDS) or a successor data management system maintained by the agency for any account creation, data upload, data transmission, analysis, or reporting to mask all personally identifiable student information. The operator shall adhere to a state-required student data sharing agreement that includes an established unique identifier standard for all operators as prescribed by the agency.

(c) In addition to including the unique identifier in releasing information as provided by Subsection (b), an operator may include any other data field identified by the agency or by a school district, open-enrollment charter school, regional education service center, or other local education agency as necessary for the information being released to be useful.

(d) A school district, open-enrollment charter school, regional education service center, or other local education agency may include additional data fields in an agreement with an operator or the amendment of an agreement with an operator under this section. An operator may agree to include the additional data fields requested by a school district, open-enrollment charter school, regional education service center, or other local education agency but may not require that additional data fields be included.

(e) A school district, open-enrollment charter school, regional education service center, or other local education agency may require an operator that contracts directly with the entity to adhere to a state-required student data sharing agreement that includes the use of an established unique identifier standard for all operators as prescribed by the agency.

(f) A national assessment provider who receives covered information from a student or from a school district or campus on behalf of a student is not required to comply with Subsection (b) or (e) if the provider receives the covered information solely to provide access to:

(1) employment, educational scholarships, financial aid, or postsecondary educational opportunities; or

(2) educational resources for middle school, junior high school, or high school students.

(g) The commissioner may adopt rules as necessary to administer this section.

SECTION 15. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.913 to read as follows:

Sec. 33.913. TUTORING PROGRAM. (a) A member of a nonprofit teacher organization or a person who is not a member but meets the requirements under Subsection (b) may participate in a tutoring program in accordance with this section to provide supplemental instruction to students in kindergarten through grade 12 on an individualized or small-group basis.

(b) To participate in the program as a tutor, a person must:

(1) be an active or retired teacher;

(2) apply for the position in a manner specified by the nonprofit organization;

(3) designate in the application whether the person plans to provide tutoring:

(A) for compensation, on a volunteer basis, or both; and

(B) in person, online, or both; and

(4) not be included in the registry of persons not eligible for employment by a public school under Section 22.092.

(c) The superintendent or chief executive officer of each school district or open-enrollment charter school or the person designated by the superintendent or chief executive officer shall:

(1) oversee the tutoring program within the district or school; and

(2) not later than the last day of each semester, submit a report to the board of trustees of the district or the governing body of the school that includes, with respect to that semester:

(A) the number of active or retired teachers who contacted the district or school to offer tutoring services to students in the district or school; and

(B) the number of active or retired teachers who were used by the district or school as a tutor on a volunteer basis or employed by the district or school to provide tutoring services for compensation.

(d) A school district or open-enrollment charter school may use any available local, state, or federal funds to provide compensation to a person participating in the program as a tutor who is providing tutoring for compensation under the program.

(e) If an active or retired teacher who has been approved for participation in the tutoring program contacts a school district or open-enrollment charter school to provide tutoring to students in the district or school and the district or school needs tutoring assistance, the district or school may:

(1) if the teacher is providing tutoring services on a volunteer basis, use the volunteer tutoring services provided by the teacher; or

(2) if the district or school has local, state, or federal funds for purposes of the tutoring program and the teacher is providing tutoring services for compensation, employ the teacher as a tutor.

(f) At least quarterly, each nonprofit organization participating in the tutoring program shall provide to the organization's members:

(1) a description of the tutoring program and guidance on how to participate in the program; and

(2) the contact information of each person described by Subsection (c) for the school district in which the member resides, any open-enrollment charter schools located within that district, and any adjacent districts.

(g) This section does not create a cause of action or liability or an obligation or duty that provides a basis for a cause of action or liability against a nonprofit teacher organization approved by the commissioner for the purpose of participating in the tutoring program for any action taken by a member of the organization participating in the program as a tutor.

SECTION 16. Section 37.108(b-1), Education Code, is amended to read as follows:

(b-1) In a school district's safety and security audit required under Subsection (b), the district must certify that the district used the funds provided to the district through the school safety allotment under Section 48.115 [~~42.168~~] only for the purposes provided by that section.

SECTION 17. Section 39.0261, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the commissioner by rule may allow a student to take at state cost an assessment instrument described by that subdivision if circumstances existed that prevented the student from taking the assessment instrument before the student graduated from high school.

(b) The agency shall:

(1) select and approve vendors of the specific assessment instruments administered under this section and negotiate with each approved vendor a price for each assessment instrument; and

(2) provide reimbursement to a school district in the amount negotiated under Subdivision (1) for [~~all fees associated with~~] the administration of the assessment instrument from funds appropriated for that purpose.

SECTION 18. Section 39.053(g-4), Education Code, is amended to read as follows:

(g-4) For purposes of the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), the commissioner shall exclude a student who was reported as having dropped out of school under Section 48.009(b-4) [~~42.006(a-9)~~], and the student may not be considered to have dropped out from the school district or campus in which the student was last enrolled.

SECTION 19. Subchapter D, Chapter 39, Education Code, is amended by adding Section 39.087 to read as follows:

Sec. 39.087. COVID-19 ADJUSTMENT FOR FINANCIAL ACCOUNTABILITY. (a) The commissioner shall adjust the financial accountability rating system under Section 39.082 to account for the impact of

financial practices necessary as a response to the coronavirus disease (COVID-19) pandemic, including adjustments required to account for federal funding and funding adjustments under Subchapter F, Chapter 48.

(b) This section expires September 1, 2023.

SECTION 20. Section 45.0021, Education Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) A school district may not levy [~~increase the rate of~~] the district's maintenance taxes described by Section 45.002 at a rate intended to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service.

(c) The agency shall:

(1) develop a method to identify school districts that may have adopted a maintenance tax rate in violation of Subsection (a), which must include a review of data over multiple years;

(2) for each school district identified under the method developed under Subdivision (1), investigate as necessary to determine whether the district has adopted a maintenance tax rate in violation of Subsection (a);

(3) if the agency determines that a school district has adopted a maintenance tax rate in violation of Subsection (a):

(A) order the district to comply with Subsection (a) not later than three years after the date of the order; and

(B) assist the district in developing a corrective action plan that, to the extent feasible, does not result in a net increase in the district's total tax rate; and

(4) post on the agency's Internet website a list of each school district the agency has determined to have adopted a maintenance tax rate in violation of Subsection (a).

(d) The implementation of a corrective action plan under Subsection (c)(3)(B) does not prohibit a school district from increasing the district's total tax rate as necessary to achieve other legal purposes.

(e) If a school district fails to take action under a corrective action plan developed under Subsection (c)(3)(B), the commissioner may reduce the district's entitlement under Chapter 48 by an amount equal to the difference between:

(1) the amount of state and local funding the district received as a result of adopting a maintenance tax rate in violation of Subsection (a); and

(2) the amount of state and local funding the district would have received if the district had not adopted a maintenance tax rate in violation of Subsection (a).

(f) This section does not prohibit a school district from:

(1) using a surplus in maintenance tax revenue to pay the district's debt service if:

(A) the district's interest and sinking fund tax revenue is insufficient to pay the district's debt service due to circumstances beyond the district's control; and

(B) the use of the surplus maintenance tax revenue to pay the district's debt service is necessary to prevent a default on the district's debt;

(2) paying a portion of the district's maintenance tax revenue into the tax increment fund for a reinvestment zone under Chapter 311, Tax Code; or

(3) using money disbursed from the tax increment fund for a reinvestment zone under Chapter 311, Tax Code, in accordance with the agreement entered into by the district with the governing body of the municipality or county that designated the zone under Section 311.013(f) of that code.

SECTION 21. Section 48.005(d), Education Code, is amended to read as follows:

(d) The commissioner may adjust the average daily attendance of a school district in which a disaster, flood, extreme weather condition, fuel curtailment, or other calamity has a significant effect on the district's attendance. In addition to providing the adjustment for the amount of instructional days during the semester in which the calamity first occurred, an adjustment under this section may only be provided based on a particular calamity for an additional amount of instructional days equivalent to one school year. The commissioner may divide the adjustment between two consecutive school years.

SECTION 22. Section 48.009, Education Code, is amended by amending Subsection (b) and adding Subsection (b-4) to read as follows:

(b) The commissioner by rule shall require each school district and open-enrollment charter school to report through the Public Education Information Management System information regarding:

(1) the number of students enrolled in the district or school who are identified as having dyslexia;

(2) the availability of school counselors, including the number of full-time equivalent school counselors, at each campus;

(3) the availability of expanded learning opportunities as described by Section 33.252 at each campus;

(4) the total number of students, other than students described by Subdivision (5), enrolled in the district or school with whom the district or school, as applicable, used intervention strategies, as that term is defined by Section 26.004, at any time during the year for which the report is made; [~~and~~]

(5) the total number of students enrolled in the district or school to whom the district or school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), at any time during the year for which the report is made;

(6) disaggregated by campus and grade, the number of:

(A) children who are required to attend school under Section 25.085, are not exempted under Section 25.086, and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year;

(B) students for whom the district initiates a truancy prevention measure under Section 25.0915(a-4); and

(C) parents of students against whom an attendance officer or other appropriate school official has filed a complaint under Section 25.093; and

(7) the number of students who are enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program provided by the district or school and who:

(A) are at least 18 years of age and under 26 years of age;

(B) have not previously been reported to the agency as dropouts; and

(C) enroll in the program at the district or school after not attending school for a period of at least nine months.

(b-4) A student reported under Subsection (b)(7) as having enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program must be reported through the Public Education Information Management System as having previously dropped out of school.

SECTION 23. Section 48.051, Education Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) A school district employee who received a salary increase under Subsection (c) from a school district for the 2019-2020 school year is, as long as the employee remains employed by the same district and the district is receiving at least the same amount of funding as the amount of funding the district received for the 2019-2020 school year, entitled to salary that is at least equal to the salary the employee received for the 2019-2020 school year. This subsection does not apply if the board of trustees of the school district at which the employee is employed:

(1) complies with Sections 21.4021, 21.4022, and 21.4032 in reducing the employee's salary; and

(2) has adopted a resolution declaring a financial exigency for the district under Section 44.011.

(c-2) A reduction in the salary of a school district employee described by Subsection (c-1) is subject to the rights granted to the employee under this code.

SECTION 24. Section 48.104, Education Code, is amended by adding Subsection (e-1) and amending Subsections (j-1) and (k) to read as follows:

(e-1) For each student who is a homeless child or youth as defined by 42 U.S.C. Section 11434a, a school district is entitled to an annual allotment equal to the basic allotment multiplied by the highest weight provided under Subsection (d).

(j-1) In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to:

(1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as described by Section 29.081(d)(5); [~~or~~]

(2) pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) and (3)-(7);

(3) pay costs for services provided by an instructional coach to raise student achievement at a campus in which educationally disadvantaged students are enrolled; or

(4) pay expenses related to reducing the dropout rate and increasing the rate of high school completion, including expenses related to:

(A) duties performed by attendance officers to support educationally disadvantaged students; and

(B) programs that build skills related to managing emotions, establishing and maintaining positive relationships, and making responsible decisions.

(k) At least 55 percent of the funds allocated under this section must be used to:

(1) fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between:

(A) students who are educationally disadvantaged and students who are not educationally disadvantaged; and

(B) students at risk of dropping out of school, as defined by Section 29.081, and all other students; or

(2) support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act.

SECTION 25. Section 48.106, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (d) to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades 7 through 12, a district is entitled to[~~:~~

[~~(1)~~] an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by:

(1) 1.1 for a full-time equivalent student in career and technology education courses not in an approved program of study;

(2) 1.28 for a full-time equivalent student in levels one and two career and technology education courses in an approved program of study, as identified by the agency [~~a weight of 1.35~~]; and

(3) 1.47 for a full-time equivalent student in levels three and four career and technology education courses in an approved program of study, as identified by the agency.

(a-1) In addition to the amounts under Subsection (a), for each student in average daily attendance, a district is entitled to

[~~(2)~~] $50 for each of the following in which the student is enrolled:

(1) [~~(A) two or more advanced career and technology education classes for a total of three or more credits;~~

[~~(B)~~] a campus designated as a P-TECH school under Section 29.556; or

(2) [~~(C)~~] a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

(d) The agency shall annually publish a list of career and technology courses that qualify for an allotment under Subsection (a), disaggregated by the weight for which the course qualifies.

SECTION 26. Section 48.106(b), Education Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Approved [~~Career and technology education class" and "~~]career and technology education program":

(A) means a sequence of career and technology education courses, including [~~include~~] technology applications courses, authorized by the State Board of Education; and

(B) includes only courses that qualify for high school credit.

(1-a) "Approved program of study" means a course sequence that:

(A) provides students with the knowledge and skills necessary for success in the students' chosen careers; and

(B) is approved by the agency for purposes of the Strengthening Career and Technical Education for the 21st Century Act (Pub. L. No. 115-224).

SECTION 27. Subchapter C, Chapter 48, Education Code, is amended by adding Section 48.109 to read as follows:

Sec. 48.109. GIFTED AND TALENTED STUDENT ALLOTMENT. (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter D, Chapter 29, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation.

(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter D, Chapter 29, including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.

(c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.

(d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section 48.266.

(e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section 48.104 may be used.

(f) After each district has received allotted funds for this program, the State Board of Education may use up to $500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education.

SECTION 28. Section 48.110(f), Education Code, is amended to read as follows:

(f) For purposes of this section, an annual graduate demonstrates:

(1) college readiness if the annual graduate:

(A) both:

(i) achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(ii) [~~(B)~~] during a time period established by commissioner rule, enrolls at a postsecondary educational institution; or

(B) earns an associate degree from a postsecondary educational institution approved by the Texas Higher Education Coordinating Board while attending high school or during a time period established by commissioner rule;

(2) career readiness if the annual graduate:

(A) achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(B) during a time period established by commissioner rule, earns an industry-accepted certificate; and

(3) military readiness if the annual graduate:

(A) achieves a passing score set by the applicable military branch on the Armed Services Vocational Aptitude Battery; and

(B) during a time period established by commissioner rule, enlists in the armed forces of the United States.

SECTION 29. Section 48.111, Education Code, is amended to read as follows:

Sec. 48.111. FAST GROWTH ALLOTMENT. (a) Except as provided by Subsection (c), a [~~A~~] school district [~~in which the growth in student enrollment in the district over the preceding three school years is in the top quartile of student enrollment growth in school districts in the state for that period, as determined by the commissioner,~~] is entitled to an annual allotment equal to the basic allotment multiplied by the applicable weight under Subsection (a-1) [~~0.04~~] for each enrolled student equal to the difference, if the difference is greater than zero, that results from subtracting 250 from the difference between the number of students

enrolled in the district during the school year immediately preceding the current school year and the number of students enrolled in the district during the school year six years preceding the current school year [~~in average daily attendance~~].

(a-1) For purposes of Subsection (a), the agency shall assign the following weights:

(1) 0.48 for each student enrolled at a district in the top 40 percent of districts, as determined based on the number of students calculated under Subsection (a);

(2) 0.33 for each student enrolled at a district in the middle 30 percent of districts, as determined based on the number of students calculated under Subsection (a); and

(3) 0.18 for each student enrolled at a district in the bottom 30 percent of districts, as determined based on the number of students calculated under Subsection (a).

(a-2) Notwithstanding Subsection (a-1), for the 2021-2022 school year, instead of using the weights under that subsection, the agency shall substitute the following weights:

(1) 0.45 for each student enrolled at a district in the top 40 percent of districts, as determined based on the number of students calculated under Subsection (a);

(2) 0.30 for each student enrolled at a district in the middle 30 percent of districts, as determined based on the number of students calculated under Subsection (a); and

(3) 0.15 for each student enrolled at a district in the bottom 30 percent of districts, as determined based on the number of students calculated under Subsection (a).

(a-3) Subsection (a-2) and this subsection expire September 1, 2024.

(b) For purposes of Subsection (a), in determining the number of students enrolled in a school district, the commissioner shall exclude students enrolled in the district who receive full-time instruction through the state virtual school network under Chapter 30A.

(c) Notwithstanding Subsection (a), the total amount that may be used to provide allotments under Subsection (a) may not exceed $320 million. If the total amount of allotments to which districts are entitled under Subsection (a) for a school year exceeds the amount permitted under this subsection, the commissioner shall proportionately reduce each district's allotment under this section.

(c-1) Notwithstanding Subsection (c), the total amount that may be used to provide allotments under Subsection (a) may not exceed:

(1) for the 2021-2022 school year, $270 million;

(2) for the 2022-2023 school year, $310 million; and

(3) for the 2023-2024 school year, $315 million.

(c-2) Subsection (c-1) and this subsection expire September 1, 2025.

(d) Subject to the limitation under Subsection (d-1), for the 2021-2022 school year, the agency shall provide to each school district, regardless of whether the district is entitled to an allotment under Subsection (a)

for the 2021-2022 school year, an amount equal to the difference, if the difference is greater than zero, between the amount of the allotment for the 2019-2020 school year under this section, as this section existed on September 1, 2019, and the amount of the allotment for the 2021-2022 school year.

(d-1) The total amount that may be used to provide funding under Subsection (d) may not exceed $40 million. If the total amount of funding to which districts are entitled under Subsection (d) for a school year exceeds the amount permitted under this subsection, the commissioner shall proportionately reduce each district's amount under Subsection (d).

(d-2) The amounts to which school districts are entitled under Subsection (d) are not subject to the amount limitations described by Subsections (c) and (c-1).

(d-3) Subsections (d), (d-1), (d-2), and this subsection expire September 1, 2023.

SECTION 30. Section 48.112, Education Code, is amended by adding Subsection (j) to read as follows:

(j) The Texas School for the Deaf and the Texas School for the Blind and Visually Impaired are entitled to an allotment under this section. If the commissioner determines that assigning point values under Subsections (e) and (f) to students enrolled in the Texas School for the Deaf or the Texas School for the Blind and Visually Impaired is impractical, the commissioner may use the average point value assigned for those students' home districts for purposes of calculating the high needs and rural factor.

SECTION 31. Section 42.168, Education Code, as added by Chapter 464 (**SB 11**), Acts of the 86th Legislature, Regular Session, 2019, is transferred to Subchapter C, Chapter 48, Education Code, redesignated as Section 48.115, Education Code, and amended to read as follows:

Sec. 48.115 [~~42.168~~]. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:

(A) improvements to school infrastructure;

(B) the use or installation of physical barriers; and

(C) the purchase and maintenance of:

(i) security cameras or other security equipment; and

(ii) technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:

(i) providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices;

(ii) providing mental health personnel and support;

(iii) [~~(ii)~~] providing behavioral health services; [~~and~~]

(iv) [~~(iii)~~] establishing threat reporting systems; and

(v) developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support; and

(4) providing programs related to suicide prevention, intervention, and postvention.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d) The commissioner shall annually publish a report regarding funds allocated under this section including the programs, personnel, and resources purchased by districts using funds under this section and other purposes for which the funds were used [~~A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.~~

[~~(e) The commissioner may adopt rules to implement this section~~].

SECTION 32. Section 48.252(a), Education Code, is amended to read as follows:

(a) This section applies only to:

(1) a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174;

(2) a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder; [~~and~~]

(3) a school district that contracts with an open-enrollment charter school to jointly operate a campus or campus program as provided by Section 11.157(b); and

(4) a school district that operates a resource campus as provided by Section 29.934.

SECTION 33. Section 48.2551, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (d-1) and (d-2) to read as follows:

(a) In this section:

(1) "DPV" is the taxable value of property in the school district, as determined by the agency by rule, using locally determined property values adjusted in accordance with Section 403.302(d), Government Code [~~has the meaning assigned by Section 48.256~~];

(2) "E" is the expiration of the exclusion of appraised property value for the preceding tax year that is recognized as taxable property value for the current tax year, which is the sum of the following:

(A) property value that is no longer subject to a limitation on appraised value under Chapter 313, Tax Code; and

(B) property value under Section 311.013(n), Tax Code, that is no longer excluded from the calculation of "DPV" from the preceding year because of refinancing or renewal after September 1, 2019;

(3) "MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per $100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under this chapter;

(4) "PYDPV" is the district's value of "DPV" for the preceding tax year; and

(5) "PYMCR" is the district's value of "MCR" for the preceding tax year.

(c) Notwithstanding Subsection (b), for a district to which Section 48.2552(b) applies, the district's maximum compressed rate is the value calculated in accordance with Section 48.2552(b) [~~for "MCR" under Subsection (b)(1)(B)~~].

(d-1) Local appraisal districts, school districts, and the comptroller shall provide any information necessary to the agency to implement this section.

(d-2) A school district may appeal to the commissioner the district's taxable property value as determined by the agency under this section. A decision by the commissioner is final and may not be appealed.

SECTION 34. Section 48.2552(b), Education Code, is amended to read as follows:

(b) If a school district's [~~district has a~~] maximum compressed rate as calculated under Section 48.2551(b) would be [~~that is~~] less than 90 percent of another school district's maximum compressed rate, the district's maximum compressed rate is the value at which the district's maximum compressed rate would be equal to 90 percent of the other district's maximum compressed rate [~~calculated under Section 48.2551(c) until the agency determines that the difference between the district's and another district's maximum compressed rates is not more than 10 percent~~].

SECTION 35. Section 48.257(c), Education Code, is amended to read as follows:

(c) For purposes of Subsection (a), state aid to which a district is entitled under this chapter that is not described by Section 48.266(a)(3) [~~48.266(a)(1), (2), or (3)~~] may offset the amount by which a district must reduce the district's [~~tier one~~] revenue level under this section [~~Subsection (a)~~]. Any amount of state aid used as an offset under this subsection shall reduce the amount of state aid to which the district is entitled.

SECTION 36. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.2611 to read as follows:

Sec. 48.2611. ONE-TIME REIMBURSEMENT FOR WINTER STORM URI. (a) The agency shall provide reimbursement to school districts in accordance with Section 48.261 for costs incurred as a result of the 2021 North American winter storm (Winter Storm Uri), including any resulting electricity price increases.

(b) This section expires September 1, 2023.

SECTION 37. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.2721 to read as follows:

Sec. 48.2721. RECOVERY OF FUNDS FROM EXCESSIVE TAXATION. The commissioner shall reduce state aid or adjust the limit on local revenue under Section 48.257 in an amount equal to the amount of revenue generated by a school district's tax effort that is not in compliance with Section 45.003 or this chapter.

SECTION 38. Section 48.277, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding any other provision of this chapter, beginning with the 2021-2022 school year, if the total amount of allotments to which school districts and open-enrollment charter schools are entitled under this section for a school year exceeds $400 million, the commissioner shall proportionately reduce each district's or school's allotment under this section. The reduction in the amount to which a district or school is entitled under this section may not result in an amount that is less than zero.

SECTION 39. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.281 to read as follows:

Sec. 48.281. MAINTENANCE OF EFFORT AND EQUITY FOR FEDERAL MONEY RELATED TO COVID-19 PANDEMIC. (a) Subject to Subsection (b), the commissioner shall increase a school district's or open-enrollment charter school's entitlement under this chapter as necessary to ensure compliance with requirements regarding maintenance of effort and maintenance of equity under Section 317, Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), and Section 2001, American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(b) Before making an increase under Subsection (a), the commissioner shall notify the Legislative Budget Board and the governor of the proposed increase. The increase is considered to be approved unless the Legislative Budget Board or

the governor issues a written disapproval of the increase not later than the 30th day after the date on which the commissioner provides notice under this subsection.

(c) If the total amount of money available to the commissioner for purposes of making increases under this section for a state fiscal year is insufficient to make an increase the commissioner determines necessary under Subsection (a), the commissioner shall submit to the legislature an estimate of the amount of funding needed to make the increase for that state fiscal year.

(d) This section expires September 1, 2025.

SECTION 40. Section 48.302(b), Education Code, is amended to read as follows:

(b) The agency shall enter into a memorandum of understanding with the commission for the agency to transfer funds to the commission [~~funds specifically appropriated to the agency~~] for the commission to provide to an individual who is 21 years of age or older a subsidy in an amount equal to the cost of taking one high school equivalency examination administered under Section 7.111.

SECTION 41. Subchapter G, Chapter 48, Education Code, is amended by adding Section 48.303 to read as follows:

Sec. 48.303. ADDITIONAL STATE AID FOR REGIONAL EDUCATION SERVICE CENTER STAFF SALARY INCREASES. (a) A regional education service center is entitled to state aid in an amount equal to the sum of:

(1) the product of $500 multiplied by the number of full-time center employees, other than administrators or classroom teachers, full-time librarians, full-time school counselors certified under Subchapter B, Chapter 21, or full-time school nurses; and

(2) the product of $250 multiplied by the number of part-time center employees, other than administrators or teachers, librarians, school counselors certified under Subchapter B, Chapter 21, or school nurses.

(b) A determination by the commissioner under Subsection (a) is final and may not be appealed.

SECTION 42. Chapter 48, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. TEXAS COMMISSION ON SPECIAL EDUCATION FUNDING

Sec. 48.401. DEFINITION. In this subchapter, "commission" means the Texas Commission on Special Education Funding.

Sec. 48.402. TEXAS COMMISSION ON SPECIAL EDUCATION FUNDING. (a) The commission is established to develop and make recommendations regarding methods of financing special education in public schools.

(b) The commission is composed of seven members, appointed as follows:

(1) one member appointed by the governor;

(2) three members appointed by the lieutenant governor; and

(3) three members appointed by the speaker of the house of representatives.

(c) In making appointments under Subsection (b), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that membership of the commission, to the extent possible, reflects the ethnic and geographic diversity of this state.

(d) The members appointed by:

(1) the governor must have an interest in special education;

(2) the lieutenant governor must be three members of the senate; and

(3) the speaker of the house of representatives must be three members of the house of representatives.

Sec. 48.403. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission.

Sec. 48.404. COMPENSATION AND REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 48.405. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by legislative appropriation made to the agency for that purpose.

Sec. 48.406. RECOMMENDATIONS. (a) The commission shall develop recommendations under this subchapter to address issues related to special education funding.

(b) The commission may establish one or more working groups composed of not more than three members of the commission to study, discuss, and address specific policy issues and recommendations to refer to the commission for consideration.

Sec. 48.407. REPORT. Not later than December 31, 2022, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve funding for special education.

Sec. 48.408. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552, Government Code.

Sec. 48.409. COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER. The commission is abolished and this subchapter expires January 1, 2023.

SECTION 43. Subchapter A, Chapter 49, Education Code, is amended by adding Section 49.0041 to read as follows:

Sec. 49.0041. LOCAL REVENUE LEVEL IN EXCESS OF ENTITLEMENT AFTER REVIEW NOTIFICATION. If the commissioner determines that a school district has a local revenue level in excess of entitlement after the date the commissioner sends notification for the school year under Section 49.004(a), the commissioner shall include the amount of the district's

local revenue level that exceeded the level established under Section 48.257 for that school year in the annual review for the following school year of the district's local revenue levels under Section 49.004(a).

SECTION 44. Section 49.054(b), Education Code, is amended to read as follows:

(b) A consolidated [~~Except as provided by Subsection (e), a~~] district under this subchapter [~~receiving incentive aid payments under this section~~] is [~~not~~] entitled to incentive aid under Subchapter G, Chapter 13.

SECTION 45. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986, if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e);

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, except as provided by Subsection (c);

(6) stipends paid to teachers in accordance with former Section 21.410, 21.411, 21.412, or 21.413, Education Code;

(7) amounts by which the member's salary is reduced or that are deducted from the member's salary as authorized by Subchapter J, Chapter 659;

(8) a merit salary increase made under Section 51.962, Education Code;

(9) amounts received under the relevant parts of the educator excellence awards program under Subchapter O, Chapter 21, Education Code, or a mentoring program under Section 21.458, Education Code, that authorize compensation for service;

(10) salary amounts designated as health care supplementation by an employee under Subchapter D, Chapter 22, Education Code; [~~and~~]

(11) to the extent required by Sections 3401(h) and 414(u)(12), Internal Revenue Code of 1986, differential wage payments received by an individual from an employer on or after January 1, 2009, while the individual is performing qualified military service as defined by Section 414(u), Internal Revenue Code of 1986; and

(12) increased compensation paid to a teacher by a school district using funds received by the district under the teacher incentive allotment under Section 48.112, Education Code.

SECTION 46. Section 824.602(a), Government Code, is amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the retiree's effective date of retirement; [~~or~~]

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree; or

(5) as a tutor under Section 33.913, Education Code.

SECTION 47. Subchapter G, Chapter 825, Government Code, is amended by adding Section 825.604 to read as follows:

Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. The retirement system shall regularly provide information in an electronic format to members and retirees regarding the tutoring program established under Section 33.913, Education Code, that includes:

(1) general information regarding the tutoring program; and

(2) a statement directing members and retirees who want to participate in the tutoring program to contact their local school districts or open-enrollment charter schools for further guidance.

SECTION 48. (a) The following provisions of the Education Code are repealed:

(1) Sections 12.133(d), (d-1), and (e);

(2) Sections 29.026(f) and (m);

(3) Section 29.124;

(4) Section 48.0051(a-1);

(5) Section 48.154; and

(6) Sections 49.054(a) and (c).

(b) The following provisions, which amended Section 42.006, Education Code, are repealed:

(1) Section 2, Chapter 1036 (**HB 548**), Acts of the 86th Legislature, Regular Session, 2019; and

(2) Section 8, Chapter 1060 (**HB 1051**), Acts of the 86th Legislature, Regular Session, 2019.

SECTION 49. (a) Except as provided by Subsection (b) of this section, Section 28.004, Education Code, as amended by this Act, applies beginning with the 2021-2022 school year.

(b) Section 28.004(j-1), Education Code, as added by this Act, applies only to a purchase agreement entered into, amended, or renewed on or after September 1, 2021.

SECTION 50. Section 45.0021, Education Code, as amended by this Act, applies only to a tax rate adopted on or after the effective date of this Act. A tax rate adopted before the effective date of this Act is governed by the law in effect on the date the tax rate was adopted, and the former law is continued in effect for that purpose.

SECTION 51. (a) Subject to Subsection (b) of this section, the changes in law made by this Act apply to a retiree of the Teacher Retirement System of Texas regardless of whether the person retired from employment before, on, or after the effective date of this Act.

(b) Section 824.602(a), Government Code, as amended by this Act, applies only to the employment of a retiree of the Teacher Retirement System of Texas that occurs on or after the effective date of this Act.

SECTION 52. 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 53. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2021.

(b) Sections 28.004 and 31.0211(c), Education Code, as amended 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 take effect September 1, 2021.

(c) Section 32.155, Education Code, as amended by this Act, takes effect September 1, 2023.

HB 1525 - REMARKS

REPRESENTATIVE BONNEN: Representative Huberty, thank you for your work on this. This is a really important piece of legislation and I know you've spent many, many hours on this. Some members have some concerns about the Technology and Instructional Materials Allotment and that that may be actually reduced in its funding in the budget. Can you speak to that?

REPRESENTATIVE HUBERTY: Yes, absolutely. So we only had a proclamation for three different criteria right now. It was pre-K, health, and PE this biennium, which amounted to about $450 million. So that's what we funded through the IMA.

BONNEN: Great. So that is actually funded?

HUBERTY: Yes, sir.

BONNEN: And what are the future plans for the Instructional Materials Allotment?

HUBERTY: So we're going to go back to historic levels, which is about 50 percent of the ASF, which is about a $1 billion—between $1 billion and $1.2 billion—based on where we're going to end up, which would be the expectation as we go into the next legislative session. So I know there were concerns about that when we reduce that amount of money for other programs moving forward. That is not the floor at all. That is going to be, as we go forward, what is the need going to be as we look in the future? And we anticipate that when we come back in the 2023 session, that it would be between between $1 billion and $1.2 billion.

REPRESENTATIVE C. TURNER: I know you've worked a lot on this over the last several months, and I just want to have a conversation with you about the conference committee report as it relates to the house amendment that you accepted from me a while back pertaining to protecting the hard-fought salary increases that we got into **HB 3** two years ago. We had an amendment in **HB 1525** to preserve those pay increases. I want to know if you can speak to that in the conference committee report.

HUBERTY: Yes. So the amendment that you offered to us that we worked out during the original passing of **HB 1525** out of the house, we tweaked it just a little bit. But the bones of it that we put together are virtually the same, where we said, look, whatever the 2019-2020 salaries are, we're not going backwards, making sure that we're creating the funding mechanism on the basic allotment as we go forward. If for some reason the legislature wanted to make that change, they have to statutorily do it just like they would in the basic allotment, which, as you know, we increased the basic allotment back in the 2019 legislative session. So we wanted to make sure that we tied those salaries together to what we already did and so that has stayed now, statutorily, in law as we go forward.

C. TURNER: That's great. Well, I appreciate your commitment to protecting that language in a modified version and thanks for your work on this bill.

REPRESENTATIVE BERNAL: First, Chairman Huberty, I wanted to thank you for all of your work on this. I know it wasn't easy, and I know this bill contains a lot of different elements that went through a variety of negotiations. And I think it is a good example of people working across the aisle trying to get something that we can all either live with—we either all don't like it or we all kind of hate it—but in the end, it's something that reflects a lot of different voices in one place. So I appreciate that. I wanted to ask you about two amendments you mentioned to make sure that members understand what they do. The first is the inclusion of Representative Talarico's bill, which would allow the use of the comp ed allotment which we increased in **HB 3** significantly. It would allow the use of that money for social workers, for family specialists, for school psychologists, and the programs they run, which is something that we heard at

length in committee. And just to be clear, would you agree with me that we heard more about mental health and suicide in this Public Education Committee than in all of the others that you and I have worked on together combined?

HUBERTY: Absolutely, 100 percent.

BERNAL: And that highlights the importance of Representative Talarico's bill and the inclusion in this bill.

HUBERTY: That is correct. That's why we added it in. We thought it was another good tool that we could add in our toolbox to help our districts for sure. And as we learned when we increased the comp ed waiving to 55 percent versus the 45 percent that we had prior to that, you know, this will give them another program that they can adapt so they can utilize this money and put it in the classroom where it belongs.

BERNAL: And then with regard to my **HB 220**, right now, under **SB 1882**, if a school wanted to get more resources, they would have to hand governance over to either a charter school, a nonprofit, or a university or college. And what we've done here is add another universe of eligibility that is designed to infuse F campuses with the same resources without handing governance over of their school. Is that right?

HUBERTY: Absolutely, and that gives us a chance—as Dr. Allen has talked to us and taught us during our time on the Public Education Committee—that we need to spend the money now to educate them versus trying to pay somebody else to do it in the future and put the money and the resources where they belong and get good principals and good teachers and people in those classrooms. And your concept and idea certainly is something that we need to progressively think about that can be helping these kids right now versus turning our schools over to somebody that doesn't pay attention to them.

REPRESENTATIVE K. KING: We've talked a lot about this bill all session. Can you remind the body how many dollars are tied to this legislation?

HUBERTY: Yes. So there's roughly right now—originally it left here with about $300 million—there is a general revenue fiscal note of $475 million. There's another $1.2 billion of federal dollars that are tied to it. So when you move all the moving parts, we're roughly talking about $2.3 billion. It left here with $300 million. And that's all inclusive of general revenue and federal funds. One other important thing—last session, one of the things Chairwoman Nelson wanted, as we talked about in **HB 3** last session, was the gifted and talented. Well, that's back in. So that's another $100 million on top of it. We fixed the CTE issue and the small/mid-sized adjustment. That's about $220 million for the rural districts. So that's where it's at.

K. KING: So would you remind the body? I mean, we've talked a lot on these education bills this session about giving the commissioner more power. If this bill doesn't pass, who has discretion over that money?

HUBERTY: The TEA.

K. KING: So we would ultimately be giving the commissioner more power if the bill doesn't pass?

HUBERTY: Yes, sir.

K. KING: One final question, Representative Huberty, just so the body's clear. Is there any of these dollars that you just mentioned in this bill that are still tied to outcome-based funding?

HUBERTY: No, we took that out.

Representative Huberty moved to adopt the conference committee report on **HB 1525**.

The motion to adopt the conference committee report on **HB 1525** prevailed by (Record 1792): 129 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; 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; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; 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 — Hunter; Middleton; Schaefer.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Ashby; Campos; Gervin-Hawkins; Hinojosa; Israel; Johnson, J.D.; Martinez Fischer; Minjarez; Ordaz Perez; Pacheco; Ramos; Rodriguez.

STATEMENTS OF VOTE

When Record No. 1792 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1792 was taken, I was shown voting no. I intended to vote yes.

Hunter

When Record No. 1792 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1792 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

When Record No. 1792 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

When Record No. 1792 was taken, I was shown voting yes. I intended to vote no.

Toth

HB 4492 - RULES SUSPENDED
CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie moved to suspend all necessary rules to submit at this time the conference committee report on **HB 4492**.

The motion prevailed.

Representative Paddie submitted the following conference committee report on **HB 4492**:

Austin, Texas, May 29, 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 4492** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hancock	Paddie
West	P. King
Paxton	Deshotel
	Lucio
	Metcalf
On the part of the senate	On the part of the house

HB 4492, A bill to be entitled An Act relating to financing certain costs associated with electric markets; granting authority to issue bonds; authorizing fees.

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

SECTION 1. Section 404.0241, Government Code, is amended by adding Subsections (b-1), (b-2), (b-3), (b-4), and (b-5) to read as follows:

(b-1) Notwithstanding any other law, directly or indirectly through a separately managed account or other investment vehicle, the comptroller shall invest not more than $800 million of the economic stabilization fund balance to finance the default balance as defined by Section 39.602, Utilities Code, to be repaid by ERCOT market participants through default charges established by the Public Utility Commission of Texas. The interest rate charged in connection with the debt obligations must be calculated by adding the rate determined by the Municipal Market Data Municipal Electric Index, as published by Refinitiv TM3, based on the credit rating of the independent organization, as defined by Section 39.602, Utilities Code, plus 2.5 percent. The term of the debt obligations may not exceed 30 years.

(b-2) A person may not bring a civil action against this state, the Texas Treasury Safekeeping Trust Company, or an employee, independent contractor, or official of this state, including the comptroller, for any claim, including breach of fiduciary duty or violation of any constitutional, statutory, or regulatory requirement, in connection with any action, inaction, decision, divestment, investment, report, or other determination made or taken in connection with Subsections (b-1), (b-4), and (b-5).

(b-3) A person who brings an action described by Subsection (b-2) is liable to the defendant for the defendant's costs and attorney's fees resulting from the action.

(b-4) The comptroller shall manage the investments required by Subsection (b-1) as a separate investment portfolio. The comptroller shall provide separate accounting and reporting for the investments in that portfolio. The comptroller shall credit to that portfolio all payments, distributions, interest, and other earnings on the investments in that portfolio.

(b-5) The comptroller has any power necessary to accomplish the purposes of managing and investing the assets of the portfolio described by Subsection (b-4). In managing the assets of that portfolio, through procedures and subject to restrictions the comptroller considers appropriate, the comptroller may acquire, sell, transfer, or otherwise assign the investments as appropriate, taking into consideration the purposes, terms, distribution requirements, and other circumstances of that portfolio then prevailing.

SECTION 2. Section 39.002, Utilities Code, is amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.151, 39.1516, 39.155, 39.157(e), 39.159, 39.203, 39.904, 39.9051, 39.9052, and 39.914(e), and Subchapters M and N, does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 3. Section 39.151, Utilities Code, is amended by adding Subsection (j-1) to read as follows:

(j-1) Notwithstanding Subsection (j) of this section, Section 39.653(c), or any other law, the independent system operator in the ERCOT power region may not reduce payments to or uplift short-paid amounts to a municipally owned utility that becomes subject to the jurisdiction of that independent system operator on or after May 29, 2021, and before December 30, 2021, related to a default on a payment obligation by a market participant that occurred before May 29, 2021.

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. AMOUNTS OWED TO INDEPENDENT ORGANIZATION BY MARKET PARTICIPANTS. (a) The commission shall require that all market participants fully and promptly pay to the independent organization certified under Section 39.151 for the ERCOT power region all amounts owed to the independent organization, or provide for the full and prompt payment of those amounts owed, which must be calculated solely according to the protocols of the independent organization in effect during the period of emergency and subject to the jurisdiction of the commission, to qualify, or to continue to qualify, as a market participant in the ERCOT power region.

(b) The independent organization shall report to the commission that a market participant is in default for the failure to pay, or provide for the full and prompt payment of, all amounts owed to the independent organization as calculated in accordance with this section. The commission may not allow the defaulting market participant to continue to be a market participant in the ERCOT power region for any purpose or allow the independent organization to accept the defaulting market participant's loads or generation for scheduling in the ERCOT power region until all amounts owed to the independent organization by the market participant as calculated in this section are fully paid.

(c) The commission and the independent organization shall pursue collection in full of amounts owed to the independent organization by any market participant to reduce the costs that would otherwise be borne by other market participants or their customers.

SECTION 5. Chapter 39, Utilities Code, is amended by adding Subchapters M and N to read as follows:

SUBCHAPTER M. WINTER STORM URI DEFAULT BALANCE FINANCING

Sec. 39.601. PURPOSE. (a) The purpose of this subchapter is to address the Winter Storm Uri default balance, as defined by Section 39.602, in a manner that benefits the public interest by:

(1) enabling the independent organization to finance the payment of the default balance with debt obligations; and

(2) authorizing the commission to contract with the comptroller under Section 404.0241, Government Code, to finance the payment of the default balance with debt obligations.

(b) Financing the default balance in the manner provided by this subchapter will:

(1) allow wholesale market participants that are owed money to be paid in a more timely manner;

(2) replenish financial revenue auction receipts temporarily used by the independent organization to reduce the Winter Storm Uri-related amounts short-paid to the wholesale market participants; and

(3) allow the wholesale market to repay the default balance over time.

(c) The legislature finds that the financing authorized by this subchapter serves the public purpose of preserving the integrity of the electricity market in the ERCOT power region.

(d) The proceeds of debt obligations issued under this subchapter must be used solely for the purpose of financing default balances that otherwise would be or have been uplifted to the wholesale market.

(e) The commission shall ensure that the structuring and pricing of debt obligations issued under this subchapter result in the lowest financing costs consistent with market conditions and the terms of the commission's order. The present value calculation must use a discount rate equal to the proposed interest rate on the debt obligations.

Sec. 39.602. DEFINITIONS. In this subchapter:

(1) "Default balance" means an amount of money of not more than $800 million that includes only:

(A) amounts owed to the independent organization by competitive wholesale market participants from the period of emergency that otherwise would be or have been uplifted to other wholesale market participants;

(B) financial revenue auction receipts used by the independent organization to temporarily reduce amounts short-paid to wholesale market participants related to the period of emergency; and

(C) reasonable costs incurred by a state agency or the independent organization to implement a debt obligation order under Sections 39.603 and 39.604, including the cost of retiring or refunding existing debt.

(2) "Default charges" means charges assessed to wholesale market participants to repay amounts financed under this subchapter to pay the default balance.

(3) "Independent organization" means the independent organization certified under Section 39.151 for the ERCOT power region.

(4) "Period of emergency" means the period beginning 12:01 a.m., February 12, 2021, and ending 11:59 p.m., February 20, 2021.

Sec. 39.603. DEBT OBLIGATION ORDER. (a) On application by the independent organization, the commission by order may authorize the independent organization to establish a debt financing mechanism to finance the default balance if the commission finds that the debt obligations are needed to preserve the integrity of the wholesale market and the public interest, after considering:

(1) the need to timely replenish financial revenue auction receipts used by the independent organization to reduce amounts short-paid to wholesale market participants;

(2) the interests of wholesale market participants that are owed balances; and

(3) the potential effects of uplifting those balances to the wholesale market without a financing vehicle.

(b) The order must state:

(1) the default balance to be financed; and

(2) the period over which the default charges must be assessed to repay the debt obligations, which may not exceed 30 years.

(c) The order must include an adjustment mechanism requiring the independent organization to adjust default charges to refund, over the remaining period of the default charges, any payments made by a market participant toward unpaid obligations from the period of emergency that were included in the financed default balance.

(d) The independent organization shall collect from and allocate among wholesale market participants the default charges using the same allocated pro rata share methodology under which the charges would otherwise be uplifted under the protocols in effect on March 1, 2021. The default charges must be assessed on all wholesale market participants, including market participants who are in default but still participating in the wholesale market and who enter the market after a debt obligation order is issued under this subchapter, and may be based on periodically updated transaction data to prevent market participants from engaging in behavior designed to avoid the default charges.

(e) Not later than the 30th day after the date the independent organization receives a default charge payment from a wholesale market participant, the independent organization shall remit the payment to the comptroller toward repayment of debt obligations in which the comptroller made an investment under Section 404.0241(b-1), Government Code, if applicable.

(f) Notwithstanding another provision of this subchapter, default charges may not be collected from or allocated to a market participant that:

(1) otherwise would be subject to a default charge solely as a result of acting as a central counterparty clearinghouse in wholesale market transactions in the ERCOT power region; and

(2) is regulated as a derivatives clearing organization, as defined by Section 1a, Commodity Exchange Act (7 U.S.C. Section 1a).

(g) Not later than the 90th day after the date the independent organization files an application for an order under Subsection (a), the commission shall issue an order described by Subsection (a) or an order denying the application. The order becomes effective in accordance with its terms and the order, together with the default charges authorized in the order, shall be irrevocable and not subject to reduction, impairment, or adjustment by further action of the commission after the order takes effect. Notwithstanding this requirement, the commission may refinance any debt obligations created by an order issued under this subchapter if the commission determines that the refinancing is in the public interest, considering the interest of both the ERCOT market and the state's interest in the economic stabilization fund, and otherwise meets the requirements of this subchapter.

(h) An order described by Subsection (a) or (g) is not subject to rehearing by the commission. The order may be reviewed by appeal by a party to the proceeding to a Travis County district court that is filed not later than the 15th day after the date the order is signed by the commission. The judgment of the district court may be reviewed only by a direct appeal to the Supreme Court of Texas that is filed not later than the 15th day after the date of the entry of judgment. 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 commission and briefs to the court and shall be limited to whether the order conforms to the constitution and laws of this state and the United States and is within the authority of the commission under this chapter.

(i) A debt obligation issued under this section is a nonrecourse debt secured solely by the default charges explicitly assessed to repay the obligation. The independent organization's obligations authorized under this section do not create personal liability for the independent organization.

Sec. 39.604. COMMISSION-AUTHORIZED FINANCING. (a) The commission may contract with another state agency with expertise in public financing to establish a debt financing mechanism for the payment of the default balance as defined in this subchapter, under an order that meets the requirements of Section 39.603. This section does not apply to a default balance securitized under Subchapter D, Chapter 41.

(b) The contracted state agency and any issuer, along with the independent organization, must be a party to the commission's proceedings that address the issuance of an order.

(c) In addition to the other applicable requirements of this subtitle, an order issued under this section must:

(1) require the sale, assignment, or other transfer to the contracted state agency of default charges created by the order and, following that sale, assignment, or transfer, require that default charges paid under any order be created, assessed, and collected as the property of the contracted state agency, subject to subsequent sale, assignment, or transfer by the contracted state agency as authorized under this subchapter;

(2) authorize:

(A) the issuance of debt obligations by the contracted state agency secured by a pledge of default charge revenue, and the application of the proceeds of those debt obligations, net of issuance costs, to the independent organization; or

(B) the acquisition of default charge revenue from the independent organization by the contracted state agency, financed:

(i) by a loan by an issuer to the contracted state agency of the proceeds of debt obligations, net of issuance costs; or

(ii) by the acquisition by an issuer from the contracted state agency of the default charge revenue and in each case the pledge of the revenue to the repayment of the loan or other debt obligation, as applicable; and

(3) authorize the independent organization to serve as collection agent to collect the default charges and transfer the collected default charges to the contracted state agency or the issuer, as appropriate.

(d) After issuance of the order, the contracted state agency shall arrange for the issuance of debt obligations, as specified by the order, by the contracted state agency or another issuer selected by the contracted state agency and approved by the commission.

(e) Debt obligations issued pursuant to an order issued under this section are secured only by the default charge revenue and any other funds pledged under the bond documents. No assets of the state or the independent organization are subject to claims by the holders of the debt obligations. Following assignment of the default charge revenue, the independent organization does not have any beneficial interest or claim of right in the revenue.

(f) Effective on the date the first debt obligations are issued under this subchapter, if any provision of this title or portion of this title is held to be invalid or is invalidated, superseded, replaced, or repealed, or expires for any reason, that occurrence does not affect the validity or continuation of this subchapter or any other provision of this title that is relevant to the issuance, administration, payment, retirement, or refunding of debt obligations authorized under this subchapter or to any actions of the independent organization, its successors, an assignee, a collection agent, the contracted state agency, or an issuer and those provisions shall remain in full force and effect.

Sec. 39.605. DEFAULT CHARGES NONBYPASSABLE. An order issued under Section 39.603 or 39.604 must:

(1) include terms ensuring that the imposition and collection of default charges authorized in the order shall be nonbypassable by wholesale market participants; and

(2) authorize the independent organization to establish appropriate fees and other methods for pursuing amounts owed from entities exiting the wholesale market.

Sec. 39.606. TRUE-UP MECHANISM. An order issued under Section 39.603 or 39.604 must include a mechanism requiring that default charges be reviewed and adjusted at least annually, not later than the 45th day after the anniversary date of the issuance of the order, to:

(1) correct over-collections or under-collections over the preceding 12 months; and

(2) ensure the expected recovery of amounts sufficient to timely provide all payments of debt service.

Sec. 39.607. TAX EXEMPTION. The transfer and receipt of default charges are exempt from state and local sales and use, franchise, and gross receipts taxes.

Sec. 39.608. PROPERTY RIGHTS. (a) The rights and interests of the independent organization or its successor under a debt obligation order issued under this subchapter, including the right to impose, collect, and receive default charges, shall be only contract rights until they are first transferred to an assignee

or pledged in connection with an investment agreement entered into under Section 404.0241, Government Code, or the issuance of debt obligations, at which time they will become default property, as described by Subsection (b).

(b) Default property shall constitute a present property right for purposes of contracts concerning the sale or pledge of property, even though the imposition and collection of default charges depends on further acts of the independent organization or others that have not yet occurred. A debt obligation order issued under this subchapter shall remain in effect and the property shall continue to exist for the same period as the pledge of the state described by Section 39.609.

(c) All revenues and collections resulting from default charges shall constitute proceeds only of the default property arising from the debt obligation order.

Sec. 39.609. PLEDGE OF STATE. Debt obligations issued pursuant to this subchapter, including any bonds, are not a debt or obligation of the state and are not a charge on its full faith and credit or taxing power. The state pledges, however, for the benefit and protection of financing parties and the independent organization that it will not take or permit any action that would impair the value of default property, or reduce, alter, or impair the default charges to be imposed, collected, and remitted to financing parties, until the principal, interest and premium, and any other charges incurred and contracts to be performed in connection with the related debt obligations have been paid and performed in full. Any party issuing a debt obligation under this subchapter is authorized to include this pledge in any documentation relating to the obligation.

SUBCHAPTER N. WINTER STORM URI UPLIFT FINANCING

Sec. 39.651. PURPOSE; USE OF PROCEEDS. (a) The purpose of this subchapter is to address the Winter Storm Uri uplift balance by:

(1) enabling the independent organization certified under Section 39.151 for the ERCOT power region to finance the uplift balance on behalf of wholesale market participants through debt obligations; and

(2) authorizing the commission to contract with another state agency to finance the payment of the uplift balance with debt obligations or use any another financial mechanism consistent with this subchapter for that purpose.

(b) Financing the uplift balance in the manner provided by this subchapter will allow wholesale market participants who were assessed extraordinary uplift charges due to consumption during the period of emergency to pay those charges over a longer period of time, alleviating liquidity issues and reducing the risk of additional defaults in the wholesale market.

(c) The legislature finds that authorizing financing under this subchapter serves the public purpose of allowing the commission to stabilize the wholesale electricity market in the ERCOT power region.

(d) The proceeds of debt obligations issued under this subchapter must be used solely for the purpose of financing reliability deployment price adder charges and ancillary service costs that exceeded the commission's system-wide offer cap and were uplifted to load-serving entities based on consumption during the period of emergency. A load-serving entity that receives proceeds from the debt obligations may use the proceeds solely for the purposes of fulfilling

payment obligations directly related to such costs and refunding such costs to retail customers who have paid or otherwise would be obligated to pay such costs.

(e) The commission shall ensure that the structuring and pricing of the debt obligations results in the lowest uplift charges consistent with market conditions and the terms of the order issued under this subchapter. The present value calculation must use a discount rate equal to the proposed interest rate on the debt obligations.

Sec. 39.652. DEFINITIONS. In this subchapter:

(1) "Independent organization" means the independent organization certified under Section 39.151 for the ERCOT power region.

(2) "Load-serving entity" means a municipally owned utility, an electric cooperative, or a retail electric provider.

(3) "Period of emergency" means the period beginning 12:01 a.m., February 12, 2021, and ending 11:59 p.m., February 20, 2021.

(4) "Uplift balance" means an amount of money of not more than $2.1 billion that was uplifted to load-serving entities on a load ratio share basis due to energy consumption during the period of emergency for reliability deployment price adder charges and ancillary services costs in excess of the commission's system-wide offer cap, excluding amounts securitized under Subchapter D, Chapter 41. The term does not include amounts that were part of the prevailing settlement point price during the period of emergency.

(5) "Uplift charges" means charges assessed to load-serving entities to repay amounts financed under this subchapter to pay the uplift balance and reasonable costs incurred by a state agency or the independent organization to implement a debt obligation order under Section 39.653, 39.654, or 39.655, including the cost of retiring or refunding existing debt.

Sec. 39.653. DEBT OBLIGATION ORDER. (a) The independent organization shall file an application with the commission to establish a debt financing mechanism for the payment of the uplift balance if the commission finds that such financing will support the financial integrity of the wholesale market and is necessary to protect the public interest, considering the impacts on both wholesale market participants and retail customers.

(b) An order issued under this section must:

(1) state the uplift balance to be financed;

(2) state the period over which the uplift charges must be assessed to repay the debt obligations, which may not exceed 30 years; and

(3) provide the process for remitting the proceeds of the financing to load-serving entities who were exposed to the costs included in the uplift balance, including a requirement for the load-serving entities to submit documentation of their exposure.

(c) The independent organization shall assess uplift charges to all load-serving entities on a load ratio share basis, which may be translated to a kWh charge, including load serving entities who enter the market after an order has been issued under this subchapter, but excluding the load of entities that opt out under Subsection (d).

(d) The commission shall develop a one-time process that allows municipally owned utilities, electric cooperatives, river authorities, a retail electric provider that has the same corporate parent as each of the provider's customers, a retail electric provider that is an affiliate of each of the provider's customers, and transmission-voltage customers served by a retail electric provider to opt out of the uplift charges by paying in full all invoices owed for usage during the period of emergency. Load-serving entities and transmission-voltage customers that opt out under this subsection shall not receive any proceeds from the uplift financing.

(e) An order issued under this section must include a requirement that any load-serving entity that receives proceeds from the financing that exceed the entity's actual exposure to uplift charges from consumption during the period of emergency notify the independent organization and remit any excess receipts. Any payments received under this subsection must be credited against the uplift balance to reduce the remaining uplift charges.

(f) Not later than the 90th day after the date the independent organization files an application for an order under Subsection (a), the commission shall issue an order described by Subsection (a) or an order denying the application. The order becomes effective in accordance with its terms and the order, together with the uplift charges authorized in the order, shall be irrevocable and not subject to reduction, impairment, or adjustment by further action of the commission after it takes effect. Notwithstanding this requirement, the commission may refinance any debt obligations created by an order under this subchapter if the commission determines that the refinancing is in the public interest and otherwise meets the requirements of this subchapter.

(g) An order issued under this section is not subject to rehearing by the commission. An order may be reviewed by appeal by a party to the proceeding to a Travis County district court filed not later than the 15th day after the date the order is signed by the commission. The judgment of the district court may be reviewed only by direct appeal to the Supreme Court of Texas filed not later than the 15th day after the date of the entry of judgment. 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 commission and briefs to the court and shall be limited to whether the order conforms to the constitution and laws of this state and the United States and is within the authority of the commission under this chapter.

(h) A debt obligation issued under this section is a nonrecourse debt secured solely by the uplift charges explicitly assessed to repay the obligation. The independent organization's obligations authorized under this section do not create personal liability for the independent organization.

(i) This section does not apply to any balance securitized under Subchapter D, Chapter 41.

Sec. 39.654. COMMISSION-AUTHORIZED FINANCING. (a) The commission may contract with another state agency with expertise in public financing to establish a debt financing mechanism to finance the payment of the uplift balance under an order that meets the requirements of Section 39.653.

(b) The contracted state agency and any issuer must be a party to the commission's proceedings that address the issuance of an order along with the independent organization.

(c) In addition to the other applicable requirements of this subtitle, an order issued under this section must:

(1) require the sale, assignment, or other transfer to the contracted state agency of uplift charges created by the order and, following that sale, assignment, or transfer, require that uplift charges paid under any order be created, assessed, and collected as the property of the contracted state agency, subject to subsequent sale, assignment, or transfer by the contracted state agency as authorized under this subchapter;

(2) authorize:

(A) the issuance of debt obligations by the contracted state agency secured by a pledge of uplift charge revenue, and the application of the proceeds of those debt obligations, net of issuance costs, to the independent organization; or

(B) the acquisition of uplift charge revenue from the independent organization by the contracted state agency, financed:

(i) by a loan by an issuer to the contracted state agency of the proceeds of debt obligations, net of issuance costs; or

(ii) by the acquisition by an issuer from the contracted state agency of the uplift charge revenue and in each case the pledge of the revenue to the repayment of the loan or debt obligations, as applicable; and

(3) authorize the independent organization to serve as collection agent to collect the uplift charges and transfer the collected uplift charges to the contracted state agency or the issuer, as appropriate.

(d) After issuance of the order, the contracted state agency shall arrange for the issuance of debt obligations, as specified by the order, by the contracted state agency or another issuer selected by the contracted state agency and approved by the commission.

(e) Debt obligations issued pursuant to an order issued under this section are secured only by the uplift charge revenue and any other funds pledged under the bond documents. No assets of the state or the independent organization are subject to claims by the holders of the debt obligations. Following assignment of the uplift charge revenue, the independent organization does not have any beneficial interest or claim of right in the revenue.

Sec. 39.655. OTHER FINANCIAL MECHANISM. The commission may use a financial mechanism other than the mechanisms described by Sections 39.653 and 39.654 that meets the requirements of this subchapter to accomplish the purposes of this subchapter.

Sec. 39.656. UPLIFT CHARGES NONBYPASSABLE. An order issued under Section 39.653, 39.654, or 39.655 must:

(1) include terms ensuring that the imposition and collection of uplift charges authorized in the order shall be nonbypassable, except for entities excluded under Section 39.653(d); and

(2) authorize the independent organization to establish appropriate fees and other methods for pursuing amounts owed from entities exiting the wholesale market.

Sec. 39.657. TRUE-UP. An order shall include a mechanism requiring that uplift charges be reviewed and adjusted at least annually, not later than the 45th day after the anniversary date of the issuance of the debt obligations, to:

(1) correct over-collections or under-collections over the preceding 12 months; and

(2) ensure the expected recovery of amounts sufficient to timely provide all payments of debt service and other required amounts and charges in connection with the debt obligations.

Sec. 39.658. TAX EXEMPTION. Transactions involving the transfer and ownership of uplift property and the receipt of uplift charges are exempt from state and local income, sales, franchise, gross receipts, and other taxes or similar charges.

Sec. 39.659. SEVERABILITY. Effective on the date the first debt obligations are issued under this subchapter, if any provision in this title or portion of this title is held to be invalid or is invalidated, superseded, replaced, repealed, or expires for any reason, that occurrence does not affect the validity or continuation of this subchapter or any other provision of this title that is relevant to the issuance, administration, payment, retirement, or refunding of debt obligations or to any actions of the independent organization, its successors, an assignee, a collection agent, or a financing party, which shall remain in full force and effect.

Sec. 39.660. CUSTOMER CHARGES. All load-serving entities that receive offsets to specific uplift charges from the independent organization under this subchapter must adjust customer invoices to reflect the offsets for any charges that were or would otherwise be passed through to customers under the terms of service with the load-serving entity, including by providing a refund for any offset charges that were previously paid. An electric cooperative, including an electric cooperative that elects to receive offsets, shall not otherwise become subject to rate regulation by the commission and receipt of offsets does not affect the applicability of Chapter 41 to an electric cooperative.

Sec. 39.661. ENFORCEMENT. The commission may use any enforcement mechanism established by Chapter 15 or this chapter, including revocation of certification by the commission, against any entity that fails to remit excess receipts from the uplift balance financing under Section 39.653(e) or otherwise misappropriates or misuses amounts received from the uplift balance financing this subchapter.

Sec. 39.662. PROPERTY RIGHTS. (a) The rights and interests of the independent organization or its successor under a debt obligation order issued under this subchapter, including the right to impose, collect, and receive uplift charges authorized in a debt obligation order under this subchapter, shall be only

contract rights until they are first transferred to an assignee or pledged in connection with the issuance of a financing agreement entered into under Section 39.654(a) or the issuance of debt obligations, at which time they will become uplift property, as described by Subsection (b).

(b) Uplift property shall constitute a present property right for purposes of contracts concerning the sale or pledge of property, even though the imposition and collection of uplift charges depends on further acts of the independent organization or others that have not yet occurred. A debt obligation order issued under this subchapter shall remain in effect and the property shall continue to exist for the same period as the pledge of the state described by Section 39.663.

(c) All revenues and collections resulting from uplift charges shall constitute proceeds only of the uplift property arising from the debt obligation order.

Sec. 39.663. PLEDGE OF STATE. Debt obligations issued pursuant to this subchapter, including any bonds, are not a debt or obligation of the state and are not a charge on its full faith and credit or taxing power. The state pledges, however, for the benefit and protection of financing parties and the independent organization that it will not take or permit any action that would impair the value of uplift property, or reduce, alter, or impair the uplift charges to be imposed, collected, and remitted to financing parties, until the principal, interest and premium, and any other charges incurred and contracts to be performed in connection with the related debt obligations have been paid and performed in full. Any party issuing a debt obligation under this subchapter is authorized to include this pledge in any documentation relating to the obligation.

Sec. 39.664. LEGAL ACTIONS INVOLVING PRICING OR UPLIFT ACTIONS. A load-serving entity that receives proceeds from the financing under this subchapter shall return an amount of the proceeds equal to any amount of money received by the entity due to litigation seeking judicial review of pricing or uplift actions taken by the commission or the independent organization in connection with the period of emergency.

SECTION 6. The independent organization to which Section 39.653(a), Utilities Code, applies shall file the application required by that section not later than the 30th day after the effective date of this Act.

SECTION 7. Sections 404.0241(b-2) and (b-3), Government Code, as added by this Act, apply only to a cause of action that accrues 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 4492 - REMARKS

REPRESENTATIVE PADDIE: **HB 4492**, you all will remember, was the last of the securitization bills that we worked on. This deals with the default balance of ERCOT. This is largely a similar bill that we passed 129 to 15 out of this body. There were a couple of amendments. The senate amendments did direct the comptroller to make a loan for the investment portion of ESF for the $800 million

default balance that would be left after the co-op securitization. Also, it cleaned up some senate language on lawsuits. And also we maintained the senate's amendment that put a $2.1 billion cap on the ancillary services, providing limits on how much market participants can securitize. And just for the purposes of legislative intent, I just want folks to know that by placing a cap on the uplift amount of $2.1 billion, it is my intent that this be applied to all load serving entities on a load-proportionate and equitable basis. It is crucial that we do not discriminate between load-serving entities, in order to protect against market imbalances.

Representative Paddie moved to adopt the conference committee report on **HB 4492**.

The motion to adopt the conference committee report on **HB 4492** prevailed by (Record 1793): 116 Yeas, 18 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; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Holland; Howard; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; 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; Canales; Cason; Cyrier; Gates; Harris; Hefner; Krause; Metcalf; Middleton; Oliverson; Sanford; Schaefer; Slaton; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Campos; Gervin-Hawkins; Hinojosa; Israel; Johnson, J.D.; Martinez Fischer; Minjarez; Pacheco; Ramos; Shine.

STATEMENTS OF VOTE

When Record No. 1793 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1793 was taken, I was shown voting no. I intended to vote yes.

Metcalf

When Record No. 1793 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1793 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

When Record No. 1793 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

REMARKS ORDERED PRINTED

Representative Buckley moved to print all remarks on **HB 1525**.

The motion prevailed.

(Speaker in the chair)

HR 2007 - ADOPTED
(by Cain)

The following privileged resolution was laid before the house:

HR 2007

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 **SB 7** (election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 2.04 of the bill, by adding amended Section 31.006, Election Code, to read as follows:

Sec. 31.006. REFERRAL [~~OF COMPLAINT~~] TO ATTORNEY GENERAL. (a) If, after receiving or discovering information indicating that [~~a complaint alleging~~] criminal conduct in connection with an election has occurred, the secretary of state determines that there is reasonable cause to suspect that [~~the alleged~~] criminal conduct occurred, the secretary shall promptly refer the information [~~complaint~~] to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:

(1) the secretary of state makes a determination that the information [~~complaint~~] received does not warrant an investigation; or

(2) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information [~~complaint~~] referred does not warrant an investigation.

Explanation: The change is necessary to require the secretary of state to take certain actions upon the receipt or discovery of information indicating that criminal conduct in connection with an election has occurred.

(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 2.05 of the bill, by adding Section 31.019, Election Code, to read as follows:

Sec. 31.019. ENFORCEMENT OF VOTER ROLL MAINTENANCE PROVISIONS. (a) In order to ensure compliance with voter roll maintenance provisions, the secretary of state shall monitor each county's list of registered voters to ensure that no county has a number of registered voters in the county equal to or greater than the number of people eligible to register to vote in the county.

(b) If the secretary of state determines that a county has a number of registered voters equal to or greater than the number of people eligible to register to vote in the county, the secretary of state shall notify the appropriate registrar in writing.

(c) Not later than 30 days after receiving notice under Subsection (b), a registrar must:

(1) refute, in writing, that the number of registered voters is equal to or greater than the number of people eligible to register to vote in the county and the failure to comply alleged by the notice; or

(2) develop a remediation plan to address failures to comply with voter roll maintenance provisions and send a copy of the plan to the secretary of state.

(d) If a voter registrar fails to respond to a notice under Subsection (c), refutes an allegation under Subsection (c)(1), or fails to comply with a provision of the remediation plan developed by the registrar under Subsection (c)(2), the secretary of state shall:

(1) require the registrar to attend a training course developed under Subsection (h);

(2) publish notice that the county is undergoing an audit under this subsection on the secretary of state's Internet website;

(3) audit the voter registration list for the county in which the registrar serves; and

(4) identify voter roll maintenance provisions with which the registrar is failing to comply and provide a list to the registrar.

(e) If the secretary of state determines that a voter registrar has not performed any overt actions in pursuance of compliance with the provisions identified under Subsection (d)(4) within 14 days of receiving the list under Subsection (d)(4), the secretary of state shall:

(1) withhold distribution of state funds for financing voter registration to the county until the registrar takes action in pursuance of compliance; and

(2) inform the attorney general that the county which the registrar serves may be subject to a civil penalty under Subsection (f).

(f) A county is liable to this state for a civil penalty of $1,000 for each day after the 14th day following the receipt of a list under Subsection (d)(4) that the county's voter registrar fails to take overt action to comply with provisions identified under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(h) The secretary of state shall develop and implement a three-hour training course for county clerks and registrars on the maintenance of voter rolls required and permitted by law.

(i) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

Explanation: The change is necessary to require the secretary of state to take certain actions in order to ensure compliance with voter roll maintenance provisions.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3.05 of the bill, by adding to amended Section 64.007(c), Election Code, the following:

The secretary of state shall create and promulgate a form to be used for this purpose.

Explanation: The change is necessary to require the secretary of state to create and promulgate a form to be used by an election officer in maintaining a register of spoiled ballots at the polling place.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3.07 of the bill, by adding Section 66.004, Election Code, to read as follows:

SECTION 3.07. Subchapter A, Chapter 66, Election Code, is amended by adding Section 66.004 to read as follows:

Sec. 66.004. CLOSING POLLING PLACE. The secretary of state shall adopt rules and create a checklist or similar guidelines to assist the presiding judge of a polling place in processing forms and conducting procedures required by this code at the closing of the polling place.

Explanation: The change is necessary to require the secretary of state to adopt rules and create a checklist or similar guidelines to assist in the closing of a polling place.

(5) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 3.10 of the bill, in amended Section 85.006(e), Election Code, to read as follows:

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 [~~100,000~~] or more, the early voting clerk shall order voting by personal appearance [~~voting~~] at the main early voting polling place to be conducted on the last Saturday of the early voting period for at

least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m., [~~on the last Saturday~~] and on the last Sunday of the early voting period for at least six [~~five~~] hours, except that voting may not be conducted earlier than 1 p.m. or later than 9 p.m [~~on the last Sunday of the early voting period~~]. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 30,000 [~~100,000~~] on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

Explanation: The change is necessary to regulate the hours for voting on a Saturday or Sunday in counties with population of 30,000 or more and certain counties with a population under 30,000.

(6) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 4.06 of the bill, in added Section 33.063, Election Code, to read as follows:

SECTION 4.06. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows:

Sec. 33.063. RELIEF. (a) A watcher, or the appointing authority for a watcher, who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

(1) injunctive relief under Section 273.081, including issuance of temporary orders;

(2) a writ of mandamus under Section 161.009 or 273.061; and

(3) any other remedy available under law.

(b) The relief provided by this section is available to a state inspector appointed under Chapter 34 or any other election inspector authorized by law.

Explanation: The change is necessary to provide relief for a watcher, the appointing authority for a watcher, or any election inspector authorized by law, who believes that they were unlawfully prevented or obstructed from the performance of their duties.

(7) 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 4.16 of the bill, by adding Section 127.131(f), Election Code, to read as follows:

SECTION 4.16. Section 127.131, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

Explanation: The change is necessary to regulate the duties of the presiding judge of the central counting station and the secretary of state regarding the preparing of election returns.

(8) 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 5.01 of the bill, by adding amended Section 82.002, Election Code, to read as follows:

SECTION 5.01. Section 82.002, Election Code, is amended to read as follows:

Sec. 82.002. DISABILITY. (a) A qualified voter is eligible for early voting by mail if the voter is not capable of [~~has a sickness or physical condition that prevents the voter from~~] appearing at the polling place on election day without [~~a likelihood of~~] needing personal assistance or [~~of~~] injuring the voter's health due to the voter's:

(1) illness;

(2) injury;

(3) medical confinement ordered by a health care professional; or

(4) mental or physical disability.

(b) The following do not constitute [~~Expected or likely confinement for childbirth on election day is~~] sufficient cause to entitle a voter to vote under Subsection (a):

(1) a lack of transportation;

(2) an illness, injury, or disability that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health; or

(3) a requirement to appear at the voter's place of employment on election day.

(c) An application for a ballot to be voted by mail on the ground of disability must require the applicant to specifically select the grounds on which the voter is eligible under Subsection (a).

Explanation: The change is necessary to regulate qualified voters eligible for early voting by mail on the grounds of disability.

(9) 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 5.02 of the bill, by adding amended Section 84.001(b), Election Code, to read as follows:

(b) An application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

Explanation: The change is necessary to regulate the manner in which an application for an early voting ballot to be voted by mail may be submitted and signed.

(10) 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 5.03 of the bill, by adding amended Section 84.002(a), Election Code, and Section 84.002(c), Election Code, to read as follows:

SECTION 5.03. Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) 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;

(1-a) the following information:

(A) the number of the applicant's driver's license or personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);

(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:

(A) [,] 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; and

(B) if applicable, the selected specific grounds on which the voter is eligible for a ballot to be voted by mail on the ground of disability, as required by Section 82.002(c);

(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.

(c) A person may use the number of a driver's license or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

Explanation: The change is necessary to regulate the content of an application for an early voting ballot.

(11) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 5.04 of the bill, in amended Section 84.011(a), Election Code, by amending Section 84.011(a)(1) and adding Section 84.011(a)(3-a), to read as follows:

(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.";

(3-a) a space for entering the information required under Section 84.002(a)(1-a); and

Explanation: The change is necessary to regulate the contents of the officially prescribed application form for an early voting ballot.

(12) 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 5.06 of the bill, by adding Section 86.001(f), Election Code, to read as follows:

(f) If the information required under Section 84.002(a)(1-a) included on the application does not match the information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

Explanation: The change is necessary to require an early voting clerk to reject an application for a ballot to be voted by mail if certain information included in the application does not match the information on the applicant's application for voter registration.

(13) 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 5.07 of the bill, by adding Sections 86.002(g), (h), and (i), Election Code, to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1) the number of the voter's driver's license or personal identification card issued by the Department of Public Safety;

(2) if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or

(3) a statement by the applicant that the applicant has not been issued a number described by Subdivision (1) or (2).

(h) A person may use the number of a driver's license or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i) No record associating an individual voter with a ballot may be created.

Explanation: The change is necessary to regulate the contents of the carrier envelope for a ballot to be voted by mail.

(14) 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 5.15 of the bill, by adding Section 87.128, Election Code, to read as follows:

Sec. 87.128. NOTES. Each member of an early voting ballot board and each member of a signature verification committee is entitled to take and keep any notes reasonably necessary to perform the member's duties under this chapter.

Explanation: The change is necessary to provide that members of early voting ballot boards and of signature verification committees may take and keep certain notes.

(15) 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 8.04 of the bill, by amending Sections 232.008(b), (c), and (d), Election Code, to read as follows:

(b) Except as provided by Subsection (c), a contestant must file the petition not later than the later of the 45th [~~30th~~] day after the date the election records are publicly available under Section 1.012 or the official result of the contested election is determined.

(c) A contestant must file the petition not later than the later of the 15th [~~10th~~] day after the date the election records are publicly available under Section 1.012 or the official result is determined in a contest of:

(1) a primary or runoff primary election; or

(2) a general or special election for which a runoff is necessary according to the official result or will be necessary if the contestant prevails.

(d) A contestant must deliver, electronically or otherwise, a copy of the petition to the secretary of state by the same deadline prescribed for the filing of the petition.

Explanation: The change is necessary to regulate the filing and delivery of a petition in an election contest.

(16) 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 8.04 of the bill, by adding Section 232.063, Election Code, to read as follows:

Sec. 232.063. OVERTURNING ELECTION. If the number of votes illegally cast in the election is equal to or greater than the number of votes necessary to change the outcome of an election, the court may declare the election void without attempting to determine how individual voters voted.

Explanation: The change is necessary to provide certain circumstances in which a court may declare an election void.

(17) 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 8.06 of the bill, by amending Section 273.061, Election Code, to read as follows:

Sec. 273.061. JURISDICTION. (a) The supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) The court of criminal appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with

the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.

Explanation: The change is necessary to permit the court of criminal appeals to issue writs of mandamus to compel the performance of certain duties relating to elections.

(18) 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 8.09 of the bill, by adding Sections 23.301(c), (d), and (e), Government Code, to read as follows:

(c) Notwithstanding any other law or rule, a proceeding entitled to priority under Section 23.101(b-1) relating to a temporary injunction shall have a court assigned under Subsection (b) not later than 24 hours after the proceeding is filed and, if a temporary injunction is granted, the injunction may not remain in effect for longer than four days.

(d) A person, including a public official, commits an offense if the person communicates with a county or district clerk with the intention of influencing or attempting to influence the court or judge assigned to a proceeding under this section.

(e) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the person committed the offense while acting in the person's official capacity as an election official.

Explanation: The change is necessary to regulate the assignment of certain election proceedings and describe the conduct constituting an offense under Section 23.301, Government Code, as well as the punishment for that offense.

(19) 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 8.09 of the bill, by adding Section 23.302, Government Code, to read as follows:

Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS. (a) Not later than 24 hours after the proceeding is filed, a judge to whom a case is assigned under Section 23.301(b) who wishes to be recused from the proceeding must, before recusal:

(1) hear an application for any emergency temporary relief sought;

(2) grant or deny any emergency temporary relief sought; and

(3) set a scheduling order that provides:

(A) a date for a hearing on any injunction sought not later than five days after the date on which the proceeding was filed; and

(B) discovery and deposition deadlines before the expiration of any emergency relief order entered.

(b) The presiding judge of an administrative region shall assign a new judge to a proceeding assigned under Section 23.301(b) not later than 12 hours after the original judge assigned to the proceeding is recused under Subsection (a).

(c) A final order in a proceeding filed under Section 273.081, Election Code, shall be submitted in writing to the parties not later than 24 hours after the judge makes a final determination in the proceeding.

(d) If a district judge does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

(e) Notwithstanding Section 23.101(b-1), a proceeding relating to a permanent injunction being sought in connection to a challenge under Section 141.034, Election Code, may be heard after the primary election has been canvassed.

Explanation: The change is necessary to provide for deadlines in certain election proceedings.

(20) 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 9.02 of the bill, by adding amended Article 42.01, Code of Criminal Procedure, to read as follows:

Sec. 4. The Court of Criminal Appeals [~~Office of Court Administration of the Texas Judicial System~~] shall promulgate a standardized felony judgment form that conforms to the requirements of Section 1 of this article. A court entering a felony judgment [~~judgement~~] shall use the form promulgated under this section.

Sec. 16. In addition to the information described by Section 1, the judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.

Explanation: The change is necessary to require the Court of Criminal Appeals to promulgate a standardized felony judgment form including certain information entered pursuant to Article 42.0194, Code of Criminal Procedure.

(21) 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 11.03(d) of the bill, in the transition language, to read as follows:

(d) The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

Explanation: The change is necessary to ensure that any change in law made by the Act applies only to an application to vote an early voting ballot by mail submitted on or after the effective date of the Act.

(22) 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 11.04 of the bill, in the transition language, to read as follows:

SECTION 11.04. Not later than January 1, 2022, the secretary of state shall develop the training course required by Section 31.019, Election Code, as added by this Act.

Explanation: The change is necessary to require the secretary of state to develop the training course required by added Section 31.019, Election Code, before January 1, 2022.

(23) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 11.06 of the bill, providing for an effective, to read as follows:

SECTION 11.06. 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.

Explanation: The change is necessary to allow the provisions of the Act to take effect immediately if the measure receives a vote of two-thirds of all the members elected to each house.

HR 2007 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g), of the House Rules on the grounds that the resolution suspending limitations on the conference committee does not specify in detail the reasons that the suspension of the limitations is being requested.

(Harris in the chair)

The point of order was withdrawn.

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. 36).

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Resolutions Calendars to meet while the house is in session, at 9 p.m. today, in 1W.14, to consider a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 8:21 p.m., the following committee meeting was announced:

Resolutions Calendars, 9 p.m. today, 1W.14, for a formal meeting, to consider a calendar.

HR 2007 - (consideration continued)

HR 2007 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g)(4), of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER
on House Resolution 2007

Announced in the House on May 30, 2021

Representative Zwiener raises a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g)(4), of the House Rules on the grounds that the explanation of reasons that suspension of the limitations is being requested lacks the required detail.

Subdivision (13) of the resolution suspends the limitations on the conferees to permit the addition of proposed SECTION 5.07, amending Section 86.002, Election Code. The proposed section would require a voter to enter certain personally identifiable information on the carrier envelope for a mail ballot. The proposed section also provides that "[n]o record associating an individual voter with a ballot may be created." The resolution's explanation states that "[t]he change is necessary to regulate the contents of the carrier envelope for a ballot to be voted by mail." Ms. Zwiener argues that the explanation does not indicate that the record creation prohibition would also apply to the statement of residence form required under current law to be included with a mail ballot.

The rule only requires an explanation of the proposed change and not a detailed analysis of the effect of the proposed change to current law. Here, the explanation indicates the major purpose of the proposed change and it is plain that the record creation prohibition is designed to prevent the association of identifiable information on the carrier envelope with the ballot. The explanation complies with the rule.

Accordingly, the point of order is respectfully overruled.

HR 2007 was adopted by (Record 1794): 79 Yeas, 35 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; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White.

Nays — Anchia; Beckley; Bernal; Bucy; Canales; Collier; Cortez; Dominguez; Dutton; González, J.; González, M.; Guerra; Guillen; Hernandez; Howard; King, T.; Larson; Martinez; Meza; Moody; Neave; Ortega; Raymond; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Bowers; Campos; Cole; Crockett; Davis; Deshotel; Fierro; Gervin-Hawkins; Goodwin; Hinojosa; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez Fischer; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Noble; Ordaz Perez; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Wilson.

STATEMENTS OF VOTE

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Allen

When Record No. 1794 was taken, my vote failed to register. I would have voted no.

Bowers

When Record No. 1794 was taken, I was temporarily out of the house chamber. I would have voted no.

Crockett

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Goodwin

When Record No. 1794 was taken, my vote failed to register. I would have voted no.

C. Morales

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted yes.

E. Morales

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Morales Shaw

When Record No. 1794 was taken, my vote failed to register. I would have voted no.

Muñoz

When Record No. 1794 was taken, my vote failed to register. I would have voted yes.

Noble

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Ramos

When Record No. 1794 was taken, my vote failed to register. I would have voted yes.

Wilson

SB 7 - CONFERENCE COMMITTEE REPORT SUBMITTED

Representative Cain submitted the conference committee report on **SB 7**.

REMARKS ORDERED PRINTED

Representative Collier moved to print all remarks on **HR 2007** and **SB 7**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **HR 2007** and **SB 7**.]

(Harris in the chair)

SB 7 - POINT OF ORDER

Representative Beckley raised a point of order against further consideration of **SB 7** under Rule 13, Section 9(a)(2), of the House Rules.

(Speaker in the chair)

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

RULING BY THE SPEAKER

on Senate Bill 7 (Conference Committee Report)

Announced in the House on May 30, 2021

Representative Beckley raises a point of order against further consideration of the conference committee report on **SB 7** under Rule 13, Section 9(a)(2), of the House Rules on the grounds that the conferees exceeded their jurisdiction by omitting text that was not in disagreement.

Ms. Beckley points to the text of the engrossed Senate bill and House Floor Amendment No. 14 that would enact Section 86.015, Election Code, related to the electronic tracking of mail ballots, in substantially similar language. This text does not appear in the conference committee report.

Both the Senate and House versions of the bill are in wide disagreement on the subject of election administration, including mail balloting. The conferees may omit text in the overall context of adjusting differences on a subject matter in disagreement between the two houses. Here, the Chair determines that the conference committee acted within their jurisdiction in resolving differences on the subject of mail balloting. *See* 74 H. Jour. 4444-4446 (1995).

Accordingly, the point of order is respectfully overruled.

LEAVE OF ABSENCE

Representative J. Turner requested to grant leave of absence for Representative Moody for the remainder of today because of important business.

The outcome of the request to grant leave of absence for Representative Moody could not be determined (a quorum not being present) by (Record 1795): 86 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

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

STATEMENT OF VOTE

When Record No. 1795 was taken, I was absent because of a medical emergency. Had I been present, I would have voted yes.

Shine

PARLIAMENTARY INQUIRY

REPRESENTATIVE TINDERHOLT: We take an oath at the beginning of session, and we collect per diem per day to be here on the house floor to do our job on behalf of almost 30 million Texans. Am I seeing that we don't have a quorum and essentially it looks to me like the democrats left the house floor and they're neglecting their duty that they swore an oath to do?

SPEAKER PHELAN: Mr. Tinderholt, that is not a proper parliamentary inquiry. Not every person left the floor as part of a party or not.

POINT OF ORDER

Representative Geren raised a point of order against further proceedings under Rule 5, Section 6, of the House Rules on the grounds that a quorum was not present on the last roll call. The point of order was sustained.

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 10:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1970 (By Guillen), In memory of Lauro and Maria Celia Lopez of Rio Grande City.
To Resolutions Calendars.

HR 1971 (By Vasut), In memory of Brazoria County Deputy Constable Brad Andrew Briscoe.
To Resolutions Calendars.

HR 1972 (By Vasut), In memory of Billy Ray Richardson of Angleton.
To Resolutions Calendars.

HR 1973 (By Fierro), Recognizing April as Parkinson's Disease Awareness Month.
To Resolutions Calendars.

HR 1974 (By Smithee), Congratulating Jackson Harwell and Eleanor Archer of Amarillo High School on winning the 5A mixed doubles gold medal at the 2021 UIL Tennis State Tournament.
To Resolutions Calendars.

HR 1975 (By Smithee), Congratulating the Amarillo High School boys' and girls' track teams on their success at the 2021 UIL Track & Field State Meet.
To Resolutions Calendars.

HR 1976 (By Smithee), Congratulating Faith Anderson of Amarillo High School on winning a bronze medal at the 2021 UIL Wrestling State Tournament.
To Resolutions Calendars.

HR 1977 (By Smithee), Congratulating the Amarillo High School boys' basketball team on advancing to the semifinals of the 2021 UIL 5A state tournament.
To Resolutions Calendars.

HR 1978 (By Raymond), Commemorating Memorial Day 2021.
To Resolutions Calendars.

HR 1979 (By Zwiener), In memory of Cheryl Brandner Archer of San Marcos.
To Resolutions Calendars.

HR 1980 (By Zwiener), In memory of William Douglas Payea Rios of San Marcos.

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. 32

HB 29, **HB 222**, **HB 295**, **HB 385**, **HB 547**, **HB 619**, **HB 692**, **HB 707**, **HB 750**, **HB 72**, **HB 246**, **HB 465**, **HB 787**, **HB 872**, **HB 885**, **HB 954**, **HB 981**, **HB 988**, **HB 1115**, **HB 1164**, **HB 1172**, **HB 1193**, **HB 1239**, **HB 1240**, **HB 1247**, **HB 1321**, **HB 1371**, **HB 1423**, **HB 1456**, **HB 1518**, **HB 1526**, **HB 1554**, **HB 1564**, **HB 1578**, **HB 1681**, **HB 1706**, **HB 1802**, **HB 1935**, **HB 2086**, **HB 2757**, **HB 2831**, **HB 3897**, **HCR 24**, **HCR 46**, **HCR 51**

House List No. 33

HB 5, **HB 79**, **HB 133**, **HB 721**, **HB 757**, **HB 1027**, **HB 1154**, **HB 1252**, **HB 1301**, **HB 1315**, **HB 1410**, **HB 1480**, **HB 1505**, **HB 1535**, **HB 1558**, **HB 1659**, **HB 1664**, **HB 1698**, **HB 1849**, **HB 1863**, **HB 1919**, **HB 1925**, **HB 1966**, **HB 2025**, **HB 2063**, **HB 2073**, **HB 2116**, **HB 2168**, **HB 2201**, **HB 2205**, **HB 2211**, **HB 2219**, **HB 2235**, **HB 2237**, **HB 2256**, **HB 2283**, **HB 2287**, **HB 2357**, **HB 2365**, **HB 2382**, **HB 2448**, **HB 2521**, **HB 2535**, **HB 2595**, **HB 2610**, **HB 2633**, **HB 2667**, **HB 2681**, **HB 2706**, **HB 2803**, **HB 2807**, **HB 2835**, **HCR 29**

House List No. 36

HCR 113

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 PASSED THE FOLLOWING MEASURES:

HCR 107 Thierry SPONSOR: Miles

Congratulating Toni Middleton Lewis on her retirement from Houston Public Works.

HCR 108 Craddick SPONSOR: Seliger
Commending Rosalind Redfern Grover for her service as chair of the Midland Memorial Foundation Board of Governors.

HCR 109 Rodriguez SPONSOR: Eckhardt
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.

HCR 110 Rodriguez SPONSOR: Eckhardt
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.

HCR 111 Rodriguez SPONSOR: Eckhardt
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.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 705 (31 Yeas, 0 Nays)

SB 855 (31 Yeas, 0 Nays)

SB 1065 (30 Yeas, 1 Nay)

SB 1936 (31 Yeas, 0 Nays)

SB 2116 (31 Yeas, 0 Nays)

SB 2181 (27 Yeas, 4 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 900 (30 Yeas, 1 Nay)

HB 1281 (30 Yeas, 1 Nay)

HB 1869 (20 Yeas, 10 Nays, 1 Present, not voting)

HB 2483 (31 Yeas, 0 Nays)

HB 3282 (30 Yeas, 1 Nay)

HB 3476 (29 Yeas, 2 Nays)

HB 3648 (31 Yeas, 0 Nays)

SB 7 (18 Yeas, 13 Nays)

SB 49 (31 Yeas, 0 Nays)

SB 64 (31 Yeas, 0 Nays)

SB 281 (31 Yeas, 0 Nays)

SB 288 (31 Yeas, 0 Nays)

SB 295 (31 Yeas, 0 Nays)

SB 383	(30 Yeas, 1 Nay)
SB 601	(30 Yeas, 1 Nay)
SB 800	(31 Yeas, 0 Nays)
SB 1160	(31 Yeas, 0 Nays)
SB 1164	(31 Yeas, 0 Nays)
SB 1308	(31 Yeas, 0 Nays)
SB 1438	(21 Yeas, 10 Nays)
SB 1831	(31 Yeas, 0 Nays)

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 572	(31 Yeas, 0 Nays)
SB 703	(31 Yeas, 0 Nays)
SB 2185	(29 Yeas, 1 Nay, 1 Present, not voting)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 966	(31 Yeas, 0 Nays)
SB 968	(28 Yeas, 3 Nays)
SB 1495	(25 Yeas, 6 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2462	(31 Yeas, 0 Nays)
SB 23	(27 Yeas, 4 Nays)
SB 155	(18 Yeas, 13 Nays)

SB 696 (26 Yeas, 4 Nays, 1 Present, not voting)

SB 1138 (31 Yeas, 0 Nays)

SB 1356 (31 Yeas, 0 Nays)

SB 1588 (28 Yeas, 3 Nays)

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 969 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 967 (31 Yeas, 0 Nays)

SB 970 (31 Yeas, 0 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 15 (31 Yeas, 0 Nays)

SB 204 (27 Yeas, 4 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1525	(31 Yeas, 0 Nays)
HB 1758	(26 Yeas, 5 Nays)
HB 1929	(21 Yeas, 10 Nays)
HB 3578	(31 Yeas, 0 Nays)
HB 3752	(31 Yeas, 0 Nays)
HJR 4	(23 Yeas, 8 Nays)
SB 14	(19 Yeas, 12 Nays)
SB 794	(31 Yeas, 0 Nays)
SB 1267	(30 Yeas, 1 Nay)
SB 2124	(30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2658	(31 Yeas, 0 Nays)
HB 3720	(31 Yeas, 0 Nays)
HB 4124	(31 Yeas, 0 Nays)
SB 22	(31 Yeas, 0 Nays)
SB 248	(28 Yeas, 3 Nays)
SB 766	(31 Yeas, 0 Nays)

SB 1123 (31 Yeas, 0 Nays)

SB 2154 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2315 (25 Yeas, 6 Nays)

SB 1315 (29 Yeas, 2 Nays)

SB 2038 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 8

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 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 PASSED THE FOLLOWING MEASURES:

HCR 113 Shaheen
Recalling H.B. No. 1322 from the governor.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 572 (31 Yeas, 0 Nays)

HB 1468 (28 Yeas, 3 Nays)

HB 1493 (31 Yeas, 0 Nays)

HB 1560 (31 Yeas, 0 Nays)

HB 4305 (26 Yeas, 5 Nays)

SB 713 (31 Yeas, 0 Nays)

SB 1704 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 9

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 2021 - 9

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 112 Bonnen SPONSOR: Buckingham
Instructing the enrolling clerk of the house to make corrections in H.B. No. 3459.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 2233 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 29 - HB 4, HB 18, HB 19, HB 29, HB 39, HB 72, HB 115, HB 135, HB 222, HB 246, HB 295, HB 385, HB 465, HB 547, HB 549, HB 619, HB 692, HB 707, HB 750, HB 787, HB 872, HB 885, HB 954, HB 981, HB 988, HB 1115, HB 1164, HB 1172, HB 1193, HB 1239, HB 1240, HB 1247, HB 1321, HB 1371, HB 1423, HB 1456, HB 1518, HB 1526, HB 1554, HB 1564, HB 1578, HB 1681, HB 1706, HB 1802, HB 1935, HB 2086, HB 2757, HB 2831, HB 3897, HB 4605, HCR 24, HCR 46, HCR 51

SENT TO THE GOVERNOR

May 29 - HB 999, 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

SENT TO THE COMPTROLLER

May 29 - HB 2