

# SENATE JOURNAL

**EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION**

**AUSTIN, TEXAS**

**PROCEEDINGS**

**SIXTY-FIRST DAY**

(Thursday, May 25, 2023)

The Senate met at 2:14 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Pastor Eric Creekmore, Hill Country Bible Church, Austin, offered the invocation as follows:

Heavenly Father, thank You for this day. Thank You for the grace You've shown to each of us in allowing us to be here to serve You and serve the state we call home. I ask that You would give these men and women Your wisdom as they carry out their duties. I ask that You bring a spirit of peace and joy as they do their work and move them to be in step with You. I ask Your will be done above all else and that Your blessing would rest on this body for this session and moving forward. May Your blessing rest on Texas and that You would be with us now. In Jesus' name. Amen.

**(Senator Middleton in Chair)**

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## **MESSAGE FROM THE HOUSE**

**HOUSE CHAMBER**

Austin, Texas

Thursday, May 25, 2023 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 55** Zaffirini Sponsor: González, Mary  
Relating to a study and report by the Texas Higher Education Coordinating Board regarding best practices for assisting students with autism spectrum disorder.

**SB 158** Perry Sponsor: Lambert  
Relating to the location of a bank eligible to be selected as a depository or subdepository of county public money, including money held by a county or district clerk.

**SB 200** Eckhardt Sponsor: Howard  
Relating to the period for which an applicant for admission as an undergraduate student to a public institution of higher education is entitled to an academic fresh start.

**SB 232** Hinojosa Sponsor: Geren  
Relating to the removal from office of an officer of a political subdivision for commission of certain criminal offenses.

**SB 315** Hall Sponsor: Ramos  
Relating to the definition of telephone call for purposes of regulating telephone solicitations.

**SB 322** Huffman Sponsor: Morrison  
Relating to the compensation of members of the seawall commission in Matagorda County.

**SB 335** Schwertner Sponsor: Hull  
Relating to meetings of the Family and Protective Services Council broadcast over the Internet.

**SB 336** Zaffirini Sponsor: Cole  
Relating to compliance programs at public institutions of higher education.

**SB 422** Paxton Sponsor: Wilson  
Relating to the authority of certain military service members to engage in a business or occupation in this state.

**SB 427** Kolkhorst Sponsor: González, Mary  
Relating to requiring certain institutions of higher education to enter into an agreement to offer undergraduate courses in Texas History.

**SB 459** Paxton Sponsor: Harris, Caroline  
Relating to early registration for parenting students at public institutions of higher education.

**SB 469** Springer Sponsor: King, Tracy O.  
Relating to the eligibility of certain political subdivisions to receive certain financial assistance administered by the Texas Water Development Board.

**SB 498** Johnson Sponsor: Smithee  
Relating to the operation of statewide technology centers.

- SB 533** Paxton Sponsor: Shaheen  
Relating to training for peace officers on responding to and investigating child fatalities.
- SB 565** Sparks Sponsor: Darby  
Relating to the release of a reversionary interest in certain real property by the Health and Human Services Commission.
- SB 667** West Sponsor: Dutton  
Relating to establishing a state historical marker program to honor African Americans who served in the Texas Legislature during Reconstruction.
- SB 681** Johnson Sponsor: Hull  
Relating to the applicability of certain laws regarding the occupational licensing of individuals with criminal convictions to the licensing of certain long-term health care facility personnel.
- SB 718** Paxton Sponsor: Cook  
Relating to additional periods of possession of or access to a child to compensate for denial of court-ordered possession or access.  
(Committee Substitute)
- SB 719** Paxton Sponsor: Thierry  
Relating to an exemption from ad valorem taxation of property owned by a charitable organization that provides services related to the placement of a child in a foster or adoptive home.
- SB 813** Miles Sponsor: Lopez, Ray  
Relating to providing notice to a state representative and senator of certain administrative actions of the Texas Commission on Environmental Quality.
- SB 956** LaMantia Sponsor: Longoria  
Relating to repealing the coordinated strategic plan for health and human services in this state, including related conforming amendments.
- SB 997** West Sponsor: Leach  
Relating to the publication of certain photographs of human remains by certain individuals for a purpose other than an authorized purpose; providing a civil penalty.
- SB 1056** Hinojosa Sponsor: Canales  
Relating to the directors and administration of the Hidalgo County Water Improvement District No. 3.  
(Committee Substitute)
- SB 1098** Paxton Sponsor: Hull  
Relating to the rights of a parent or guardian with a child in certain child-care facilities.  
(Amended)
- SB 1131** Blanco Sponsor: Ortega  
Relating to the authority of certain independent school districts to change the date of the general election for officers.
- SB 1136** Schwertner Sponsor: Orr  
Relating to the administration of county roads in certain counties.

- SB 1146** West Sponsor: Klick  
Relating to the medical transportation and care for certain inmates in the Texas Department of Criminal Justice.
- SB 1192** Zaffirini Sponsor: Noble  
Relating to access to criminal history record information for certain employees, volunteers, and contractors, and for applicants for those positions, by the Health and Human Services Commission.  
(Amended)
- SB 1242** LaMantia Sponsor: Campos  
Relating to training for employees and operators of certain child-care facilities.
- SB 1289** Perry Sponsor: King, Tracy O.  
Relating to the disposal of reclaimed wastewater.
- SB 1290** Perry Sponsor: Landgraf  
Relating to a study of the effects of the installation, operation, removal, and disposal of solar, wind turbine, and energy storage equipment.
- SB 1327** Blanco Sponsor: Rose  
Relating to authorizing a day-care center to employ an interim director.
- SB 1342** Perry Sponsor: Smithee  
Relating to requirements applicable to certain third-party health insurers in relation to Medicaid.
- SB 1367** Creighton Sponsor: Leach  
Relating to the confidentiality of certain information for employees of a county courthouse or the Office of Court Administration of the Texas Judicial System and the employees' family members.  
(Committee Substitute)
- SB 1376** Parker Sponsor: Wilson  
Relating to an employment preference for members of the military and their spouses for positions at state agencies.  
(Committee Substitute/Amended)
- SB 1379** Parker Sponsor: Lujan  
Relating to a pilot program to increase the financial independence of foster youth who are transitioning to independent living.
- SB 1399** Schwertner Sponsor: Bell, Keith  
Relating to the renewal and review of standard permits for certain concrete plants.
- SB 1404** Parker Sponsor: Smithee  
Relating to the creation of a work group to study the benefits of coal-to-nuclear electric generating facility conversion.  
(Amended)
- SB 1431** Hinojosa Sponsor: Guerra  
Relating to the confidentiality of certain information for a current or former administrative law judge for the State Office of Administrative Hearings.

- SB 1520** Hughes Sponsor: Clardy  
Relating to the authority of the Texas Historical Commission to take certain actions relating to the Republic of Texas Granite Boundary Marker.
- SB 1525** Blanco Sponsor: Rose  
Relating to the confidentiality of certain home address information in property tax appraisal records.
- SB 1526** Blanco Sponsor: Morales, Eddie  
Relating to the provision of mobile emergency medical services by the Big Bend Regional Hospital District.
- SB 1565** Hughes Sponsor: Paul  
Relating to requiring the establishment of policy frameworks for research security at public institutions of higher education.
- SB 1568** Campbell Sponsor: Shaheen  
Relating to the persons authorized or appointed to exercise the power of sale under the terms of a contract lien on real property.
- SB 1585** Sparks Sponsor: Johnson, Ann  
Relating to certain proceedings in juvenile court for children with mental illness and intellectual disabilities.
- SB 1606** Zaffirini Sponsor: Leach  
Relating to evidence and orders regarding intellectual disability or mental condition in certain guardianship proceedings.
- SB 1624** Zaffirini Sponsor: Leach  
Relating to guardianships and services for incapacitated persons and to the emergency detention of certain persons with mental illness.  
(Amended)
- SB 1670** LaMantia Sponsor: Martinez  
Relating to required boating incident reports.
- SB 1712** Perry Sponsor: Darby  
Relating to the purchase, sale, or lease of real property on behalf of a limited partnership or a limited liability company.
- SB 1720** Kolkhorst Sponsor: Lozano  
Relating to the confidentiality of the identity of a public school employee who reports a potential threat to the school's threat assessment and safe and supportive school team.
- SB 1746** Perry Sponsor: Bell, Cecil  
Relating to an exemption from the requirement to obtain a permit from a groundwater conservation district for certain temporary water wells.
- SB 1854** Paxton Sponsor: Lambert  
Relating to optional group benefits for dental and vision care under the Texas Public School Employees Group Insurance Program.

- SB 1916** Parker Sponsor: Shine  
Relating to publication of public improvement district service plans and assessments on certain public Internet websites.
- SB 1930** Kolkhorst Sponsor: Dutton  
Relating to policies and procedures regarding children placed by the Department of Family and Protective Services in a residential treatment center or qualified residential treatment program.
- SB 1998** Bettencourt Sponsor: Shine  
Relating to the calculation of certain ad valorem tax rates.
- SB 1999** Bettencourt Sponsor: Hefner  
Relating to the calculation of the unused increment rate of a taxing unit.
- SB 2008** Kolkhorst Sponsor: Bailes  
Relating to operating requirements for farm mutual insurance companies related to insurance in force on rural property.
- SB 2052** Nichols Sponsor: Ashby  
Relating to permit fees for groundwater wells imposed by the Southeast Texas Groundwater Conservation District.
- SB 2105** Johnson Sponsor: Holland  
Relating to the registration of and certain other requirements relating to data brokers; providing a civil penalty and authorizing a fee.
- SB 2120** Zaffirini Sponsor: Cook  
Relating to the establishment of a family protection representation program within the Texas Indigent Defense Commission.
- SB 2133** Miles Sponsor: Oliverson  
Relating to emergency planning for the transportation of certain end stage renal disease facility patients during a declared disaster.
- SB 2192** Hall Sponsor: Bell, Keith  
Relating to the notice and petition for the creation of a municipal utility district in certain counties.  
(Committee Substitute)
- SB 2200** Hancock Sponsor: Harris, Caroline  
Relating to public acknowledgment of donations made to the Texas Department of Transportation.
- SB 2248** Zaffirini Sponsor: Murr  
Relating to guardianships for persons who are incapacitated; changing a fee.
- SB 2277** Zaffirini Sponsor: Cook  
Relating to special appointments in suits affecting the parent-child relationship.
- SB 2292** Zaffirini Sponsor: Murr  
Relating to bond requirements for certain judges.
- SB 2314** Hughes Sponsor: VanDeaver  
Relating to a membership interest in a limited liability company subject to a charging order.

- SB 2350** Bettencourt Sponsor: Shine  
Relating to the voter-approval tax rate used to calculate the unused increment rate of a taxing unit for ad valorem tax purposes.
- SB 2370** Campbell Sponsor: Kuempel  
Relating to the division of certain emergency services districts.  
(Committee Substitute)
- SB 2406** Creighton Sponsor: Manuel  
Relating to the authority of hospitals in certain counties to drill a water well for the purpose of producing water for use in the event of an emergency or natural disaster.
- SB 2429** Hancock Sponsor: Klick  
Relating to reporting procedures and training programs for law enforcement agencies regarding missing children and missing persons.
- SB 2440** Perry Sponsor: Burrows  
Relating to a requirement that certain plats for the subdivision of land include evidence of groundwater supply.  
(Committee Substitute/Amended)
- SB 2479** Zaffirini Sponsor: Moody  
Relating to procedures regarding certain persons who are or may be persons with a mental illness or intellectual disability.
- SB 2588** Huffman Sponsor: Kitzman  
Relating to the creation of the Fort Bend County Municipal Utility District No. 264; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2595** Creighton Sponsor: Metcalf  
Relating to the creation of the Montgomery County Municipal Utility District No. 204; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2597** Creighton Sponsor: Bell, Cecil  
Relating to the creation of the Montgomery County Municipal Utility District No. 237; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2598** Paxton Sponsor: Frazier  
Relating to the creation of the Honey Creek Improvement District No. 1; providing authority to issue bonds; providing authority to impose assessments and fees.
- SB 2604** Miles Sponsor: Thompson, Senfronia  
Relating to the creation of the Harris County Municipal Utility District No. 589; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- SB 2605** Flores Sponsor: Buckley  
Relating to the creation of the Knob Creek Municipal Utility District of Bell County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

**SB 2613**

Parker

Sponsor: Stucky

Relating to the creation of the Tabor Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

**SB 2616**

Zaffirini

Sponsor: Flores

Relating to the creation of the Travis County Municipal Utility District No. 27; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**(President in Chair)****PHYSICIAN OF THE DAY**

Senator Whitmire was recognized and presented Dr. Lindsay Botsford of Houston as the Physician of the Day.

The Senate welcomed Dr. Botsford and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**SENATE RESOLUTION 662**

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the Honorable Eddie Bernice Johnson and to recognize her on her trailblazing career in public service, which included 15 terms of leadership representing the 30th Congressional District of Texas; and

WHEREAS, A native of Waco, Eddie Bernice Johnson studied nursing at Saint Mary's College and later went on to earn a nursing degree from Texas Christian University and a master's degree in public administration from Southern Methodist University; she moved to Dallas during the late 1950s, where she experienced the blatant racism and discrimination that helped to inspire her commitment to activism and advocacy, and she went on to lead an exceptional career of public service that helped to transform the city and improve the lives of people across the nation; and

WHEREAS, Eddie Bernice Johnson began her pioneering career of public service when she became the first African American professional at the Dallas Veterans Administration Hospital, where she served as chief psychiatric nurse; she would continue to break boundaries at every step of her career, and in 1972, she became the first Black woman elected to represent Dallas County in the Texas House of Representatives; she became the first woman in Texas history to lead a major house committee, and she earned a reputation as a champion for women and children and was admired for her bipartisan and no-nonsense approach to policymaking; and

WHEREAS, In 1977, she accepted an appointment to serve as a regional director of the United States Department of Health, Education, and Welfare under President Jimmy Carter; after serving in the federal government and in the private sector, she



returned to Texas, and in 1986, she became the first Black person since Reconstruction to represent Dallas in the Texas Senate; she continued to make strides in improving the Dallas community, and she brought her service as a state legislator to a close in 1992, when she became the first registered nurse to be elected to the United States Congress; and

WHEREAS, Congresswoman Johnson served as a member of the House Transportation and Infrastructure Committee throughout her tenure as a United States Representative, and her many committee and subcommittee leadership assignments have led to national strides in such areas as human rights, STEM education, transportation, environmental policy, and foreign relations; she is widely recognized as one of the most effective legislators in Congress, and she is responsible for authoring and co-authoring more than 175 bills that have been signed into law; she has served as dean of the Texas Congressional Delegation and the Texas, New Mexico, and Arizona Democratic Congressional Delegation, and her acclaimed initiative, A World of Women for World Peace, has gained national and international recognition; and

WHEREAS, This widely esteemed Democratic leader is the founder and cochair of the Diversity and Innovation Caucus and the House Historical Black Colleges and Universities Caucus; she has remained focused on serving her local constituents while tirelessly working in support of human rights in the United States and around the globe, and she can reflect with pride on her exceptional legacy and on the enduring example of leadership and public service she leaves behind; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 88th Legislature, hereby commend the Honorable Eddie Bernice Johnson on her dedication to serving the citizens of Dallas County and on 30 years of outstanding leadership as a United States Congresswoman and extend to her best wishes in her retirement and in all her future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of high regard from the Texas Senate.

WEST  
ALVARADO  
ECKHARDT  
JOHNSON  
WHITMIRE

**SR 662** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator West, joined by Senators Whitmire, Menéndez, Hancock, Zaffirini, and Campbell, was recognized and introduced to the Senate the Honorable Eddie Bernice Johnson, accompanied by her son, Kirk Johnson; her daughter-in-law, Sondra Johnson; and former Senator Craig Washington.

The Senate welcomed its guests.

### **SENATE RESOLUTION 650**

Senator Hughes offered the following resolution:

WHEREAS, For more than two decades, Council for Life has served as a source of compassionate guidance to individuals who are navigating the challenges of an unplanned pregnancy; and

WHEREAS, In 2001, Council for Life was founded by a group of 11 women, Ann Carruth, Judy Ferguson, Elaine Harman, Bette Hoag, Sue Justice, Suzanne Nash, Sarah Perot, Janet Quisenberry, Kim Rozell, Jill G. Smith, and Lisa Troutt; the organization has since grown to more than 1,500 members and raised over \$12 million to benefit more than 70 pro-life agencies, with funding going toward pregnancy resource centers, adoption and foster care services, maternity homes, post-abortion support and healing, parenting and life skills education, youth and college mentoring, and other life-affirming initiatives and agencies; and

WHEREAS, Council for Life's mission is to empower women, men, and youth to make life-affirming choices; to that end, the organization educates the community about the complex issues that surround unplanned pregnancies and the many resources available to mothers, babies, and families; and

WHEREAS, Since its inception, Council for Life has been committed to its core values, endeavoring to educate the public but not to legislate or take a political stance; Council for Life has helped provide hope and healing to countless people in need, and the organization's remarkable success is a testament to the dedication of its members; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby honor Council for Life on its achievements and extend to all those affiliated with the organization sincere best wishes for the future; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Council for Life as an expression of high regard by the Texas Senate.

HUGHES  
HALL  
HANCOCK  
KING  
PARKER  
PAXTON  
SPRINGER

**SR 650** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Hughes, joined by Senators Paxton, Parker, and Kolkhorst, was recognized and introduced to the Senate a Council for Life delegation including Judy Ferguson, Kim Rozell, Bette Hoag, Ann Carruth, Chair Rebecca Lutz, Executive Director Lee Anne Morris, Director Suzanne Everbach, Director Natalie Siegel, David Carruth, Hugh Ferguson, Jerry Hoag, Lane Carruth, and Peyton Hawkins.

The Senate welcomed its guests.

### **SENATE RESOLUTION 637**

Senator Middleton offered the following resolution:

**SR 637**, Recognizing Kelly de Schaun for her service as CEO of the Galveston Park Board.

The resolution was read and was adopted without objection.

**GUEST PRESENTED**

Senator Middleton was recognized and introduced to the Senate Kelly de Schaun.

The Senate welcomed its guest.

**GUEST PRESENTED**

Senator West was recognized and introduced to the Senate Karen McCormick Zachary and congratulated her on her retirement as a Dallas Independent School District teacher and counselor.

The Senate welcomed its guest.

**SENATE RESOLUTION 655**

Senator Zaffirini offered the following resolution:

**SR 655**, Recognizing the participants of the Rio Grande Valley Legislative Internship Program for their work in the Texas Legislature.

ZAFFIRINI  
HINOJOSA  
LAMANTIA

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini, joined by Senators LaMantia and Hinojosa, was recognized and introduced to the Senate the Rio Grande Valley Legislative Internship Program members including Zeila Chavez, Lizette Galavis, Mireya Garcia, Roberto Garcia, Anthony Hernandez, Karina Lucio, Derek Luna, and Sontino Mann.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Whitmire, joined by Senator Alvarado, was recognized and introduced to the Senate Houston Community College Chancellor, Dr. Cesar Maldonado.

The Senate welcomed its guest.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate the family of John Self including his wife, Beatrice Self; his son, Jeremy Self; his daughter, Jarita Gardner; and his grandchildren, Tristan Gardner, Tatum Gardner, and T. J. Gardner.

The Senate welcomed its guests and extended its sympathy.

**SENATE RESOLUTION 648**

Senator Hall offered the following resolution:

**SR 648**, In memory of William Kevin Gallagher.

The resolution was read.

On motion of Senator Hall, **SR 648** was adopted by a rising vote of the Senate.

In honor of the memory of William Kevin Gallagher, the text of the resolution is printed at the end of today's *Senate Journal*.

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Campbell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Board of Directors, Brazos River Authority: Jennifer Lee Henderson, Williamson County; Moid Unnabi Khan, Fort Bend County; Judy Ann Krohn, Williamson County; Traci Garrett LaChance, Brazoria County; Catherine Anne Parks, Hamilton County; Jarrod David Smith, Brazoria County; Roger Wilson, Robertson County.

Members, Correctional Managed Health Care Committee: Kristen Sanders Coons, Bexar County; Brian Phillip Edwards, El Paso County; Julia Alexandra Hiner, Harris County.

Members, Board, Department of Information Resources: Michael Dean Bell, Montgomery County; Benjamin Ethan Gatzke, Tarrant County; Jeffrey William Tayon, Harris County.

District Attorney, 118th Judicial District, Howard, Martin, and Glasscock Counties: Joshua Andrew Hamby, Howard County.

Members, Board of Directors, Gulf Coast Authority: Lamont Edward Meaux, Chambers County; Kevin Michael Scott, Galveston County.

Members, Board of Directors, Lower Colorado River Authority: Matthew Lehmann Arthur, Fayette County; Stephen Frank Cooper, Wharton County; Thomas Loran Kelley, Colorado County; Hatch Cummings Smith, Kendall County; David Ray Willmann, Llano County; Nancy Lou Eckert Yeary, Burnet County.

Members, Board of Directors, Nueces River Authority: Fohn Bendele, Medina County; John K. Crow, Edwards County.

Member, Prepaid Higher Education Tuition Board: Sarina Lora Davidson, Tarrant County.

Commissioner, Public Utility Commission of Texas: Kathleen Thea Jackson, Jefferson County.

Member, State Preservation Board: Alethea Swann Bugg, Bexar County.

Member, State Soil and Water Conservation Board: Christine Yturria Buford, Cameron County.

Members, Texas Board of Chiropractic Examiners: Joshua Laine Hollub, Harris County; Matthew Morgan Mix, Bastrop County; Mindy Rae Neal, Parmer County.

Members, Texas Board of Occupational Therapy Examiners: Estrella Barrera, Travis County; Blanca Estella Cardenas, Hidalgo County.

Member, Texas Board of Professional Geoscientists: Mark Norman Varhaug, Dallas County.

Members, Texas Commission of Licensing and Regulation: Sujeeth Draksharam, Fort Bend County; Richard Scott Figueroa, Austin County; Lori K. High, Travis County.

Members, Texas Commission on Law Enforcement: Charon Martina Lemond Dixon, Harris County; Kimberley Ann Lemaux, Tarrant County; Mario Lizcano, Hidalgo County.

Member, Texas Facilities Commission: Eddy Betancourt, Hidalgo County.

Members, Texas Funeral Service Commission: Dianne Walsh Hefley, Randall County; Kristin Deyon Tips, Bexar County.

Member, Texas Juvenile Justice Board: Cynthia McCrann Wheless, Collin County.

Members, Texas Racing Commission: Margaret L. Martin, Kendall County; Michael James Moore, Tarrant County; Robert Carroll Pate, Nueces County.

Members, Board of Regents, Texas State University System: Earl C. Austin, Harris County; Russell D. Gordy, Harris County; Thomas Edward Long, Collin County.

Members, Board of Directors, Trinity River Authority of Texas: Benny Leon Fogleman, Polk County; John Walter Jenkins, Chambers County; Margaret Sutherland Coleman Keliher, Dallas County; Robert Finley McFarlane, Anderson County; William Overton Rodgers, Tarrant County; Frank Heifner Steed, Navarro County; Frederick Carl Tate, Tarrant County; Gregory Scott Wassberg, Houston County.

Members, Board of Regents, University of Houston System: Tilman J. Fertitta, Harris County; Gregory Charles King, Bexar County; Ricky Anthony Raven, Fort Bend County.

Members, Board of Regents, University of North Texas System: Ashok Kumar Mago, Dallas County; Karen Lynn Rydman, Harris County; Laura Lynne Hesse Wright, Dallas County.

Members, Board of Directors, Upper Gradalupe River Authority: Frances N. Lovett, Kerr County; William Raymond Rector, Kerr County; Margaret Brogan Snow, Kerr County; Jeanne Coers Stacy, Kerr County.

Member, Veterans' Land Board: James Richard Rothfelder, Comal County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Campbell gave notice that tomorrow she would submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

**RECESS**

On motion of Senator Whitmire, the Senate at 4:20 p.m. recessed until 4:35 p.m. today.

**AFTER RECESS**

The Senate met at 4:55 p.m. and was called to order by Senator Flores.

**SENATE BILL 991 WITH HOUSE AMENDMENT**

Senator Hinojosa called **SB 991** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 991** (house committee report) on page 4 as follows:

(1) On line 14, strike "The attorney" and substitute "In accordance with department rule, the attorney".

(2) On line 15, strike "ensure that" and substitute "designate".

(3) On line 16, strike "is able" and substitute "as an individual who is authorized".

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 991**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 924 WITH HOUSE AMENDMENT**

Senator Springer called **SB 924** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 924** (house committee report) on page 1, line 13, between "million" and the underlined period, by inserting "that does not participate in the countywide polling place program described by Section 43.007".

The amendment was read.

Senator Springer moved to concur in the House amendment to **SB 924**.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

**SENATE BILL 785 WITH HOUSE AMENDMENT**

Senator Birdwell called **SB 785** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### Amendment

Amend **SB 785** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the ownership of and certain insurance policy provisions regarding the geothermal energy and associated resources below the surface of land.

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

SECTION 1. Section 2703.056, Insurance Code, is amended to read as follows:

Sec. 2703.056. EXCEPTIONS; MINERAL AND GEOTHERMAL ENERGY INTERESTS. (a) Subject to the underwriting standards of the title insurance company, a title insurance company may in a commitment for title insurance or a title insurance policy include a general exception or a special exception to except from coverage:

(1) a mineral estate or the geothermal energy and associated resources below the surface of the land; or

(2) an instrument that purports to reserve or transfer all or part of a mineral estate or the geothermal energy and associated resources below the surface of the land.

(b) A reduction to, or credit on a premium charge for, a policy of title insurance or other insuring form may not be directly or indirectly based on an exclusion of, or general or special exception to, a mineral estate or the geothermal energy and associated resources below the surface of the land in the title insurance policy.

(c) The inclusion in a title insurance policy of a general exception or a special exception described by Subsection (a) does not create title insurance coverage as to the condition or ownership of the mineral estate or the geothermal energy and associated resources below the surface of the land.

SECTION 2. Section 141.003(5), Natural Resources Code, is amended to read as follows:

(5) "By-product" means any other element found in a geothermal formation which is brought to the surface, whether or not it is used in geothermal heat or pressure inducing energy generation. The term does not include:

(A) a mineral, as defined by Section 75.001, Property Code; or

(B) oil, gas, or a product of oil or gas, as defined by Section 85.001.

SECTION 3. Subchapter A, Chapter 141, Natural Resources Code, is amended by adding Section 141.004 to read as follows:

Sec. 141.004. OWNERSHIP OF GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES. (a) Except as otherwise expressly provided by a conveyance, contract, deed, reservation, exception, limitation, lease, or other binding obligation, the geothermal energy and associated resources below the surface of land are owned as real property by:

(1) the landowner; or

(2) if the surface estate and the mineral estate of the land have been severed, the owner of the surface estate of the land.

(b) Subject to the provisions of this chapter, the property rights described by this section entitle the owner of the geothermal energy and associated resources below the surface of land and the owner's lessee, heir, or assignee to drill for and produce the geothermal energy and associated resources.

(c) This section does not:

(1) apply to minerals dissolved or otherwise contained in groundwater, including in hot brines; or

(2) change existing law regarding:

(A) oil, gas, or mineral extraction regardless of its heat or energy potential;

(B) the rights of the dominant and servient estates; or

(C) the ownership and use of groundwater.

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, 2023.

The amendment was read.

Senator Birdwell moved to concur in the House amendment to **SB 785**.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Middleton.

Present-not voting: Menéndez.

### **SENATE BILL 1900 WITH HOUSE AMENDMENTS**

Senator Birdwell called **SB 1900** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1900** (house committee report) as follows:

(1) On page 10, line 12, strike "71.02(a)" and substitute "71.02".

(2) On page 10, line 14, immediately before "(a)", insert "Sec. 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY."

(3) On page 12, between lines 8 and 9, insert the following subsections:

(b) Except as provided in Subsections (c), ~~and~~ (d), and (e), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that was committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that the offense is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for:



(1) life without parole, if the most serious offense is an aggravated sexual assault and if at the time of that offense the defendant is 18 years of age or older and:

(A) the victim of the offense is younger than six years of age;

(B) the victim of the offense is younger than 14 years of age and the actor commits the offense in a manner described by Section 22.021(a)(2)(A); or

(C) the victim of the offense is younger than 17 years of age and suffered serious bodily injury as a result of the offense;

(2) life or for any term of not more than 99 years or less than 30 years if the most serious offense is an offense under Section 20.06 that is punishable under Subsection (g) of that section; or

(3) life or for any term of not more than 99 years or less than 15 years if the most serious offense is an offense punishable as a felony of the first degree, other than an offense described by Subdivision (1) or (2).

(c) Notwithstanding Section 15.02(d), a conspiracy [Conspiring] to commit an offense under this section is punishable in [is of] the same manner as an offense under this section [degree as the most serious offense listed in Subsection (a) that the person conspired to commit].

(d) At the punishment stage of a trial, the defendant may raise the issue as to whether in voluntary and complete renunciation of the offense he withdrew from the combination before commission of an offense listed in Subsection (a) and made substantial effort to prevent the commission of the offense. If the defendant proves the issue in the affirmative by a preponderance of the evidence the offense is the same category of offense as the most serious offense listed in Subsection (a) that is committed ~~[, unless the defendant is convicted of conspiring to commit the offense, in which event the offense is one category lower than the most serious offense that the defendant conspired to commit].~~

(e) An offense that is punishable as a second degree felony or as any lower category of offense under Subsection (b) is one additional category higher than the category listed under Subsection (b) if the person used or exhibited a deadly weapon during the commission of one or more of the offenses listed under Subsection (a) and if an offense is punishable as a Class A misdemeanor under Subsection (b), the offense is a state jail felony.

## Floor Amendment No. 2

Amend **SB 1900** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 557.001, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) A person commits an offense if the person knowingly:

(1) commits, attempts to commit, or conspires with one or more persons to commit an act intended to overthrow, destabilize, destroy, or alter the constitutional form of government of this state or of any political subdivision of this state by force, ~~[or]~~ violence, or a threat of force or violence;

(2) under circumstances that constitute a clear and present danger to the security of this state or a political subdivision of this state, advocates, advises, or teaches or conspires with one or more persons to advocate, advise, or teach a person to commit or attempt to commit an act described in Subdivision (1); or

(3) participates, with knowledge of the nature of the organization, in the management of an organization that engages in or attempts to engage in an act intended to overthrow, destabilize, destroy, or alter the constitutional form of government of this state or of any political subdivision of this state by force or violence.

(b-1) Notwithstanding Section 15.02(d), Penal Code, a conspiracy to commit an offense under this section is punishable in the same manner as an offense under this section.

The amendments were read.

Senator Birdwell moved to concur in the House amendments to **SB 1900**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

#### **SENATE BILL 477 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 477** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 477** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to accommodating voters with a disability.

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

SECTION 1. Section 63.0015, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (f) to read as follows:

(b) An election officer shall ~~may~~ accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person.

(c) Notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted:

(1) at ~~[one or more locations in]~~ each entrance to a polling place where it can be read by persons waiting to vote;

(2) on the Internet website of the secretary of state; and

(3) on each Internet website relating to elections maintained by a county.

(d) The notice required by Subsection (c) must read: "Pursuant to Section 63.0015, Election Code, an election officer shall ~~may~~ give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of

portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device."

(f) All procedures and accommodations available for voters with disabilities, including voting under Section 64.009, shall be posted in an accessible manner on the county clerk's Internet website.

SECTION 2. Section 64.009, Election Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) At each polling place an area for parking not smaller than the size of two parking spaces shall be reserved for voting under this section. The area may not be designated specifically for persons with disabilities. The area must be clearly marked with a sign:

(1) indicating that the space is reserved for use by a voter who is unable to enter the polling place; and

(2) displaying, in large font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place.

(a-2) As an alternative to displaying a telephone number under Subsection (a-1)(2), a parking space may comply with the requirements of this section by providing the voter with a button or intercom that the voter may use to request assistance from an election officer.

SECTION 3. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0121 to read as follows:

Sec. 84.0121. CLERK TO POST APPLICATION FORM ONLINE. (a) The early voting clerk shall post the official application form for an early voting ballot on the clerk's Internet website in a format that allows a person to easily complete the application directly on the website before printing.

(b) The early voting clerk may use the application form provided by the secretary of state under Section 84.013 or the early voting clerk's own application form.

SECTION 4. Section 84.013, Election Code, is amended to read as follows:

Sec. 84.013. APPLICATION FORMS FURNISHED BY SECRETARY OF STATE. (a) The secretary of state shall maintain a supply of the official application forms for ballots to be voted by mail and shall furnish the forms in reasonable quantities without charge to individuals or organizations requesting them for distribution to voters.

(b) The secretary of state shall provide a printable application for a ballot by mail in a format that complies with Section 84.0121(a) to the early voting clerk for use under that section.

SECTION 5. Section 104.004(e), Election Code, is amended to read as follows:

(e) If the voter is physically unable to enter the early voting polling place without personal assistance or a likelihood of injuring the voter's health, the clerk shall deliver the balloting materials to the voter at the polling place entrance or curb following the procedures prescribed by Section 64.009.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

### Floor Amendment No. 1

Amend **CSSB 477** (house committee report) as follows:

(1) On page 2, line 16, strike "two parking spaces" and substitute "one parking space".

(2) On page 3, line 7, between "website" and "in", insert ", if the clerk maintains an Internet website,".

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 477**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Hughes, Springer.

### SENATE BILL 643 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 643** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

### Amendment

Amend **SB 643** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the conduct of charitable bingo.

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

SECTION 1. Sections 2001.002(19) and (25-a), Occupations Code, are amended to read as follows:

(19) "Nonprofit organization" means an unincorporated association or a corporation that is incorporated or holds a certificate of authority under Chapter 22, Business Organizations Code [~~the Texas Non Profit Corporation Act (Article 1396 1.01 et seq., Vernon's Texas Civil Statutes)~~]. The organization:

(A) may not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services; and

(B) must have obtained tax exempt status under Section 501(c), Internal Revenue Code of 1986.

(25-a) "Regular license" means a license to conduct bingo [~~that is~~] issued by the commission under Subchapter C that is not a temporary license [~~and that expires on the first or second anniversary of the date of issuance unless revoked or suspended before that date by the commission. The term includes an annual license~~].

SECTION 2. Section 2001.103, Occupations Code, is amended by amending Subsections (e) and (g) and adding Subsection (i) to read as follows:

(e) Notwithstanding any other provision of this subchapter ~~[Subsection (e)], the commission shall issue to an authorized organization that holds a regular [an annual] license to conduct bingo 48 [may receive not more than 24 temporary licenses during the 12 month period following the issuance or renewal of the license. The holder of a license that is effective for two years may receive not more than 24]~~ temporary licenses for each 12-month period that ends on an anniversary of the date the regular license was issued or renewed. Each unused temporary license issued to the license holder expires on the anniversary of the date the temporary license was issued.

(g) Before using [An organization that has been issued] a temporary license issued under Subsection (e), the license holder [(4)] shall notify the commission in the manner the commission prescribes of the specific date, [and] time, and location of the bingo occasion for which the temporary license will be used [before using the license]. The [If the commission receives the notification by noon of the day before the day the temporary license will be used, the] commission shall provide to the license holder verification of the commission's [verify] receipt of the notification [notice before the end of the business day on which the notice is received. If the commission does not receive the notification by noon of the day before the day the temporary license will be used, the commission shall verify receipt of the notice before noon of the business day that follows the day the commission received the notice]. The license holder shall maintain the verification in the records of the authorized organization.

(i) The notice requirements of Sections 2001.305(b) and (c) do not apply to a temporary license issued to the holder of a regular license.

SECTION 3. Sections 2001.105(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission shall issue a temporary or regular license or renew a regular license to conduct bingo if the commission determines that:

- (1) the member or members of the applicant designated in the application to conduct bingo are active members of the applicant;
- (2) the bingo is to be conducted in accordance with this chapter;
- (3) the proceeds of the bingo are to be disposed in accordance with this chapter;

- (4) the applicant has made and can demonstrate significant progress toward the accomplishment of the purposes of the organization during the 24 ~~[12]~~ months preceding the date of application for a license or regular license renewal;

- (5) all persons who will conduct, promote, or administer the proposed bingo are active members of the applicant organization and all other persons who will assist in conducting, promoting, or administering the proposed bingo games are persons authorized to do so by Section 2001.411; and

- (6) no person under whose name bingo will be conducted and no person working at the proposed bingo has been convicted of a gambling offense or criminal fraud.

(c) A regular ~~[Except as provided by Section 2001.104(d), a]~~ license to conduct bingo issued under this subchapter expires on the second anniversary of the date of issuance unless the commission revokes or suspends the license before that date ~~[is effective for one year]~~.

SECTION 4. Sections 2001.305(b) and (c), Occupations Code, are amended to read as follows:

(b) ~~Except as provided by Section 2001.103(i), immediately~~ ~~[Immediately]~~ after issuing a license, the commission shall send a copy of the license to the appropriate governing body. The governing body shall file the copy of the license in a central file containing licenses issued under this chapter.

(c) ~~Except as provided by Section 2001.103(i), not~~ ~~[Not]~~ later than the 10th day after the date a license is issued, the commission shall give written notice of the issuance of the license to:

(1) the police department of the municipality in which bingo will be conducted, if bingo is to be conducted in a municipality; or

(2) the sheriff of the county in which bingo will be conducted, if bingo is to be conducted outside a municipality.

SECTION 5. Section 2001.315(a), Occupations Code, is amended to read as follows:

(a) A person who fails to renew the person's license under this chapter before the date the license expires may renew the license after the expiration date by:

(1) filing a license renewal application with the commission not later than the 14th day after the date the license expires, paying the applicable ~~[annual]~~ license fee, and paying a late license renewal fee equal to 10 percent of the ~~[annual]~~ license fee; or

(2) filing a license renewal application with the commission not later than the 60th day after the date the license expires, paying the applicable ~~[annual]~~ license fee, and paying a late license renewal fee equal to 10 percent of the ~~[annual]~~ license fee for each 14-day period occurring after the date the license expires and before the date the renewal application is filed with the commission.

SECTION 6. Section 2001.401, Occupations Code, is amended to read as follows:

Sec. 2001.401. RESTRICTIONS ON PREMISES PROVIDERS. A person may not, for direct or indirect consideration, lease or otherwise make a premises available for conducting bingo unless the person is:

(1) a licensed commercial lessor; or

(2) a person who leases or otherwise makes available premises to an organization that:

(A) has been issued a temporary license; and

(B) does not hold a regular license.

SECTION 7. Section 2001.413, Occupations Code, is amended to read as follows:

Sec. 2001.413. PAYMENT ~~[ADMISSION CHARGE]~~ REQUIRED. Except as provided by Section 2001.4155, a licensed authorized organization may not offer or provide to a person the opportunity to play bingo without payment ~~[charge]~~.

SECTION 8. Section 2001.419(a), Occupations Code, is amended to read as follows:

(a) A licensed authorized organization may not conduct more than three bingo occasions during a calendar week under a regular ~~[an annual]~~ license.

SECTION 9. Section 2001.420(b), Occupations Code, is amended to read as follows:

(b) A person may not offer or award on a single bingo occasion prizes with an aggregate value of more than \$5,000 ~~[\$2,500]~~ for all bingo games other than:

- (1) pull-tab bingo; or
- (2) bingo games that award individual prizes of \$50 or less.

SECTION 10. Section 2001.435(b), Occupations Code, is amended to read as follows:

(b) Each member of a unit shall deposit into the unit's bingo account all funds derived from the conduct of bingo, less the amount awarded as cash prizes ~~[under Sections 2001.420(a) and (b)]~~. The deposit shall be made not later than the third ~~[second]~~ business day after the day of the bingo occasion on which the receipts were obtained.

SECTION 11. Section 2001.438, Occupations Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) Each licensed authorized organization that is a member of the unit shall be jointly and severally liable for:

- (1) compliance with the requirements of this subchapter and the rules of the commission relating to the filing of required reports;
- (2) the maintenance of bingo inventory and financial records; and
- (3) except as provided by Subsection (f-1), the payment of any penalties imposed for a violation of this subchapter or commission rules related to the operations of the unit.

(f-1) If a unit on which a penalty is imposed under Subsection (f)(3) demonstrates that a violation is wholly attributable to a specific licensed authorized organization member or members of the unit:

- (1) a penalty for the violation may not be imposed on a unit member to which the violation is not attributable; and
- (2) the penalty imposed on a unit member to which the violation is attributable may not be in an amount greater than the amount initially assessed against each unit member.

SECTION 12. Sections 2001.451(b), (g), and (i), Occupations Code, are amended to read as follows:

(b) Except as provided by Section 2001.502(a), a licensed authorized organization shall deposit in the bingo account all funds derived from the conduct of bingo, less the amount awarded as cash prizes ~~[under Sections 2001.420(a) and (b)]~~. Except as provided by Subsection (b-1), a deposit must be made not later than the third business day after the day of the bingo occasion on which the receipts were obtained.

- (g) The bingo operations of a licensed authorized organization must~~[-~~  
~~[(1) result in net proceeds over the organization's license period; or~~

~~[(2) if the organization has a two-year license,]~~ result in net proceeds over each 24-month ~~[12-month]~~ period that ends on the second ~~[an]~~ anniversary of the date the ~~[two-year]~~ license was issued.

(i) Prize fees ~~[held in escrow for remittance to the commission]~~ are not included in the calculation of operating capital under Subsection (h) if the prize fees are:

(1) held in escrow for remittance to:

(A) the commission; or

(B) a county or municipality; or

(2) retained by a licensed authorized organization.

SECTION 13. Sections 2001.502(b) and (c), Occupations Code, are amended to read as follows:

(b) Notwithstanding Subsection (a)(2), each quarter, a licensed authorized organization or unit that collects a prize fee under Subsection (a) for a bingo game conducted in a county or municipality that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, shall remit 50 percent of the amount collected as the prize fee to the commission and shall remit or deposit the remainder of the amount collected as the prize fee as follows:

(1) if the county ~~[or municipality]~~ in which the bingo game is conducted voted before November 1, 2019, to impose the prize fee and ~~[remit 50 percent of the amount collected as the prize fee to:~~

~~[(A) the county that voted to impose the fee by that date, provided]~~ the location at which the bingo game is conducted:

(A) is not within the boundaries of a municipality, remit 50 percent of the amount collected as the prize fee to the county ~~[that voted to impose the prize fee by that date]; or~~

(B) is within the boundaries of a ~~[the]~~ municipality that:

(i) voted before November 1, 2019, to impose the prize fee, remit 50 percent of the amount collected as the prize fee in equal shares to the county and municipality ~~[by that date, provided the county in which the bingo game is conducted did not vote to impose the fee by that date]; or~~

(ii) did not vote before November 1, 2019, to impose the prize fee, remit 25 percent of the amount collected as the prize fee to the county and deposit the remaining amount in the manner described by Subdivision (3);

~~[(C) in equal shares, the county and the municipality, provided each voted to impose the fee before that date; or]~~

(2) if the county in which the bingo game is conducted did not vote before November 1, 2019, to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a municipality that voted before November 1, 2019, to impose the prize fee:

(A) remit 25 percent of the amount collected as the prize fee to the municipality; and

(B) deposit the remaining amount in the manner described by Subdivision (3); and

(3) if neither the county or municipality in which the bingo game is conducted voted before November 1, 2019, to impose the prize fee, deposit the remainder of the amount collected as the prize fee in the general charitable fund of the



organization or on a pro rata basis to the general funds of the organizations comprising the unit, as applicable, to be used for the charitable purposes of the organization or organizations.

(c) The governing body of a county or municipality that voted to impose a prize fee under Subsection (b) [(b)(1)] may at any time vote to discontinue the imposition of the fee. If a county or municipality votes on or after November 1, 2019, to discontinue the fee, the fees to which the county or municipality, as applicable, was entitled before the vote shall be collected by the licensed authorized organization or unit as defined by Section 2001.431 and deposited as provided by Subsection (b)(3) [(b)(2)].

SECTION 14. Section 2001.513(a), Occupations Code, is amended to read as follows:

(a) At any time within three years after a person is delinquent in the payment of an amount of the fee on prizes due to the commission, the commission may collect the amount under this section.

SECTION 15. Section 2001.514(a), Occupations Code, is amended to read as follows:

(a) To secure payment due to the commission of the fee on prizes imposed under this subchapter, each license holder shall furnish to the commission:

- (1) a cash bond;
- (2) a bond from a surety company chartered or authorized to do business in this state;
- (3) certificates of deposit;
- (4) certificates of savings;
- (5) United States treasury bonds;
- (6) subject to the approval of the commission, an assignment of negotiable stocks or bonds; or
- (7) other security as the commission considers sufficient.

SECTION 16. Section 2001.515, Occupations Code, is amended to read as follows:

Sec. 2001.515. COMMISSION'S DUTIES. The commission shall perform all functions incident to the administration, collection, enforcement, and operation of the fee on prizes imposed under this subchapter for amounts due to the commission, including any necessary reconciliation of a prize fee held by the commission that is due to a county or municipality.

SECTION 17. The following provisions of the Occupations Code are repealed:

- (1) Section 2001.103(f);
- (2) Section 2001.420(a); and
- (3) Section 2001.459(b).

SECTION 18. Not later than January 1, 2024, the Texas Lottery Commission shall adopt the rules necessary to implement the changes in law made by this Act to Chapter 2001, Occupations Code.

SECTION 19. (a) Section 2001.103(g), Occupations Code, as amended by this Act, applies to a notification of the Texas Lottery Commission by a license holder on or after the effective date of this Act. A notification before the effective date of this Act is governed by the law in effect on the date of the notification, and the former law is continued in effect for that purpose.

(b) Section 2001.438, Occupations Code, as amended by this Act, applies only to a penalty imposed on or after the effective date of this Act. A penalty imposed before the effective date of this Act is governed by the law in effect on the date the penalty was imposed, and the former law is continued in effect for that purpose.

SECTION 20. This Act takes effect September 1, 2023.

### **Floor Amendment No. 1**

Amend **CSSB 643** (house committee report) on page 7, lines 9-10, by striking "on which a penalty is imposed under Subsection (f)(3) demonstrates that a violation" and substituting "demonstrates that a violation of this subchapter or commission rules".

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 643**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hall, Middleton.

### **SENATE BILL 893 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 893** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Amendment**

Amend **SB 893** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to the correction of a certificate of public convenience and necessity for providing water or sewer service.

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

SECTION 1. Section 13.244, Water Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The executive director of the utility commission, at the discretion of the executive director of the utility commission or on the request of the certificate holder, may make a correction to a certificate of public convenience and necessity, without observing formal amendment procedures, by reissuing the certificate or issuing an endorsement to the certificate. The executive director of the utility commission shall notify the certificate holder that the correction has been made and ensure that the

reissued certificate or endorsement is recorded in the commission's records. The executive director of the utility commission may make a correction under this subsection only:

(1) to correct a clerical or typographical error;

(2) to change the name of an incorporated certificate holder on a certificate

if:

(A) an amendment to the certificate holder's articles of incorporation or certificate of formation, as applicable, is filed with the secretary of state that only changes the name of the certificate holder; and

(B) the certificate holder provides verification from the secretary of state to the utility commission that the amendment only changed the name of the certificate holder;

(3) to correct a mapping error in a certificate to reflect the metes and bounds of the certificated area; or

(4) to correct another similar nonsubstantive error or matter if authorized by the utility commission by rule.

(f) The executive director of the utility commission may not make a correction under Subsection (e)(3) unless the certificate holder:

(1) submits to the executive director of the utility commission a written agreement between the certificate holder and any other retail water or sewer service provider whose service area is directly affected by the correction; and

(2) provides notice of the correction to any water or sewer service customers whose retail service is directly affected by the correction.

SECTION 2. Section 13.246(j), Water Code, is amended to read as follows:

(j) This section does not apply to an application under Section 13.258 or a correction under Section 13.244(e).

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 893**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1402 WITH HOUSE AMENDMENTS**

Senator Zaffirini called **SB 1402** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1402** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 323.0045, Health and Safety Code, is amended to read as follows:

Sec. 323.0045. BASIC SEXUAL ASSAULT FORENSIC EVIDENCE COLLECTION TRAINING. (a) A person who performs a forensic medical examination on a sexual assault survivor must complete ~~have~~ at least two hours of basic forensic evidence collection training or the equivalent education that conforms to the evidence collection protocol developed by the attorney general under Section 420.031, Government Code.

(b) A person who completes a continuing medical or nursing education course in forensic evidence collection described by Section 156.057, 204.1563, or 301.306, Occupations Code, that is approved or recognized by the appropriate licensing board is considered to have completed basic ~~[sexual assault]~~ forensic evidence collection training for purposes of this chapter.

(c) Each health care facility that has an emergency department and that is not a SAFE-ready facility shall develop a written policy ~~[plan]~~ to ensure that a person described by Subsection (a) completes training on basic ~~[train personnel on sexual assault]~~ forensic evidence collection in accordance with this section.

SECTION \_\_\_\_\_. Subchapter A, Chapter 323, Health and Safety Code, is amended by adding Section 323.0046 to read as follows:

Sec. 323.0046. BASIC SEXUAL ASSAULT RESPONSE POLICY AND TRAINING FOR CERTAIN HEALTH CARE FACILITY PERSONNEL. (a) A health care facility that has an emergency department shall provide at least one hour of basic sexual assault response training to facility employees who provide patient admission functions, patient-related administrative support functions, or direct patient care. The training must include instruction on:

(1) the provision of survivor-centered, trauma-informed care to sexual assault survivors; and

(2) the rights of sexual assault survivors under Chapter 56A, Code of Criminal Procedure, including:

(A) the availability of a forensic medical examination, including an examination that is available when a sexual assault survivor does not report the assault to a law enforcement agency; and

(B) the role of an advocate as defined by Section 420.003, Government Code, in responding to a sexual assault survivor.

(b) An employee described by Subsection (a) who completes a continuing medical or nursing education course in forensic evidence collection described by Section 156.057, 204.1563, or 301.306, Occupations Code, that is approved or recognized by the appropriate licensing board is considered to have completed basic sexual assault response training for purposes of this section.

(c) Each health care facility that has an emergency department and that is not a SAFE-ready facility shall develop a written policy to ensure that all appropriate facility personnel complete the basic sexual assault response training required by Subsection (a).

SECTION \_\_\_\_\_. (a) Section 323.0045(a), Health and Safety Code, as amended by this Act, applies only to a forensic medical examination that occurs on or after December 1, 2023. A forensic medical examination that occurs before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

(b) Not later than December 1, 2023, a health care facility that has an emergency department shall develop the written policies required by Section 323.0045(c), Health and Safety Code, as amended by this Act, and Section 323.0046(c), Health and Safety Code, as added by this Act.

(c) Notwithstanding Section 323.0046(a), Health and Safety Code, as added by this Act, a health care facility that has an emergency department is not required to comply with that subsection until December 1, 2023.

### **Floor Amendment No. 2**

Amend **SB 1402** on page 4, line 5, by striking "trauma-informed response".

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 1402**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1717 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 1717** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Floor Amendment No. 1**

Amend **SB 1717** (house committee report) on page 1 of the bill by striking lines 11 through 21 and substituting the following:  
by Section 42.072(a)(3)(A), (B), or (C), Penal Code, including the facts and circumstances surrounding any existing or previous relationship between the actor and the alleged victim, a member of the alleged victim's family or household, or an individual with whom the alleged victim has a dating relationship.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1717**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 2476 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 2476** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Amendment**

Amend **SB 2476** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to consumer protections against certain medical and health care billing by emergency medical services providers.

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

SECTION 1. Subchapter A, Chapter 38, Insurance Code, is amended by adding Section 38.006 to read as follows:

Sec. 38.006. EMERGENCY MEDICAL SERVICES PROVIDER BALANCE BILLING RATE DATABASE. (a) A political subdivision may submit to the department, in the form and manner prescribed by the commissioner, a rate set, controlled, or regulated by the political subdivision for purposes of Section 1271.159, 1275.054, 1301.166, 1551.231, 1575.174, or 1579.112. The department shall establish and maintain on the department's Internet website a publicly accessible database for the rates.

(b) This section expires September 1, 2025.

SECTION 2. (a) Section 1271.008, Insurance Code, is amended to read as follows:

Sec. 1271.008. BALANCE BILLING PROHIBITION NOTICE. (a) A health maintenance organization shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or provider in connection with a health care service or supply or transport provided by a non-network physician or provider. The notice must include:

(1) a statement of the billing prohibition under Section 1271.155, 1271.157, ~~[or]~~ 1271.158, or 1271.159, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) A health maintenance organization shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the health maintenance organization makes a payment under Section 1271.155, 1271.157, ~~[or]~~ 1271.158, or 1271.159, as applicable.

(b) Effective September 1, 2025, Section 1271.008, Insurance Code, is amended to read as follows:

Sec. 1271.008. BALANCE BILLING PROHIBITION NOTICE. (a) A health maintenance organization shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or provider in connection with a health care service or supply provided by a non-network physician or provider. The notice must include:

(1) a statement of the billing prohibition under Section 1271.155, 1271.157, or 1271.158, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) A health maintenance organization shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the health maintenance organization makes a payment under Section 1271.155, 1271.157, or 1271.158, as applicable.

SECTION 3. Subchapter D, Chapter 1271, Insurance Code, is amended by adding Section 1271.159 to read as follows:

Sec. 1271.159. NON-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), a health maintenance organization shall pay for a covered health care service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by a non-network emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) A health maintenance organization shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The health maintenance organization shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the health maintenance organization receives an electronic clean claim as defined by Section 843.336 for those services that includes all information necessary for the health maintenance organization to pay the claim; or

(2) the 45th day after the date the health maintenance organization receives a nonelectronic clean claim as defined by Section 843.336 for those services that includes all information necessary for the health maintenance organization to pay the claim.

(e) A non-network emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health care plan that is based on:

(1) the amount initially determined payable by the health maintenance organization; or

(2) if applicable, a modified amount as determined under the health maintenance organization's internal appeal process.

(f) This section may not be construed to require the imposition of a penalty under Section 843.342.

(g) This section expires September 1, 2025.

SECTION 4. (a) Section 1275.003, Insurance Code, is amended to read as follows:

Sec. 1275.003. **BALANCE BILLING PROHIBITION NOTICE.** (a) The administrator of a health benefit plan to which this chapter applies shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1275.051, 1275.052, ~~[or]~~ 1275.053, or 1275.054, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1275.051, 1275.052, ~~[or]~~ 1275.053, or 1275.054, as applicable.

(b) Effective September 1, 2025, Section 1275.003, Insurance Code, is amended to read as follows:

Sec. 1275.003. **BALANCE BILLING PROHIBITION NOTICE.** (a) The administrator of a health benefit plan to which this chapter applies shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1275.051, 1275.052, or 1275.053, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's health benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1275.051, 1275.052, or 1275.053, as applicable.

SECTION 5. Subchapter B, Chapter 1275, Insurance Code, is amended by adding Section 1275.054 to read as follows:

Sec. 1275.054. **OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS.** (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.



(b) Except as provided by Subsection (c), the administrator of a health benefit plan to which this chapter applies shall pay for a covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health benefit plan that is based on:

(1) the amount initially determined payable by the administrator; or

(2) if applicable, the modified amount as determined under the administrator's internal appeal process.

(f) This section expires September 1, 2025.

SECTION 6. (a) Section 1301.0045(b), Insurance Code, is amended to read as follows:

(b) Except as provided by Sections 1301.0052, 1301.0053, 1301.155, 1301.164, ~~and~~ 1301.165, and 1301.166, this chapter may not be construed to require an exclusive provider benefit plan to compensate a nonpreferred provider for services provided to an insured.

(b) Effective September 1, 2025, Section 1301.0045(b), Insurance Code, is amended to read as follows:

(b) Except as provided by Sections 1301.0052, 1301.0053, 1301.155, 1301.164, and 1301.165, this chapter may not be construed to require an exclusive provider benefit plan to compensate a nonpreferred provider for services provided to an insured.

SECTION 7. (a) Section 1301.010, Insurance Code, is amended to read as follows:

Sec. 1301.010. BALANCE BILLING PROHIBITION NOTICE. (a) An insurer shall provide written notice in accordance with this section in an explanation of benefits provided to the insured and the physician or health care provider in connection with a medical care or health care service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1301.0053, 1301.155, 1301.164, ~~[or]~~ 1301.165, or 1301.166, as applicable;

(2) the total amount the physician or provider may bill the insured under the insured's preferred provider benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) An insurer shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the insurer makes a payment under Section 1301.0053, 1301.155, 1301.164, ~~[or]~~ 1301.165, or 1301.166, as applicable.

(b) Effective September 1, 2025, Section 1301.010, Insurance Code, is amended to read as follows:

Sec. 1301.010. BALANCE BILLING PROHIBITION NOTICE. (a) An insurer shall provide written notice in accordance with this section in an explanation of benefits provided to the insured and the physician or health care provider in connection with a medical care or health care service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1301.0053, 1301.155, 1301.164, or 1301.165, as applicable;

(2) the total amount the physician or provider may bill the insured under the insured's preferred provider benefit plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) An insurer shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the insurer makes a payment under Section 1301.0053, 1301.155, 1301.164, or 1301.165, as applicable.

SECTION 8. Subchapter D, Chapter 1301, Insurance Code, is amended by adding Section 1301.166 to read as follows:

Sec. 1301.166. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), an insurer shall pay for a covered medical care or health care service performed for, or a covered supply or covered transport related to that service provided to, an insured by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) An insurer shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The insurer shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the insurer receives an electronic clean claim as defined by Section 1301.101 for those services that includes all information necessary for the insurer to pay the claim; or

(2) the 45th day after the date the insurer receives a nonelectronic clean claim as defined by Section 1301.101 for those services that includes all information necessary for the insurer to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an insured receiving a medical care or health care service or supply or transport described by Subsection (b) in, and the insured does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the insured's preferred provider benefit plan that is based on:

(1) the amount initially determined payable by the insurer; or

(2) if applicable, the modified amount as determined under the insurer's internal appeal process.

(f) This section may not be construed to require the imposition of a penalty under Section 1301.137.

(g) This section expires September 1, 2025.

SECTION 9. (a) Section 1551.015, Insurance Code, is amended to read as follows:

Sec. 1551.015. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group benefits program shall provide written notice in accordance with this section in an explanation of benefits

provided to the participant and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1551.228, 1551.229, ~~[or]~~ 1551.230, or 1551.231, as applicable;

(2) the total amount the physician or provider may bill the participant under the participant's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1551.228, 1551.229, ~~[or]~~ 1551.230, or 1551.231, as applicable.

(b) Effective September 1, 2025, Section 1551.015, Insurance Code, is amended to read as follows:

Sec. 1551.015. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group benefits program shall provide written notice in accordance with this section in an explanation of benefits provided to the participant and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1551.228, 1551.229, or 1551.230, as applicable;

(2) the total amount the physician or provider may bill the participant under the participant's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1551.228, 1551.229, or 1551.230, as applicable.

SECTION 10. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.231 to read as follows:

Sec. 1551.231. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a managed care plan provided under the group benefits program shall pay for a covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, a participant by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill a participant receiving a health care or medical service or supply or transport described by Subsection (b) in, and the participant does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the participant's managed care plan that is based on:

(1) the amount initially determined payable by the administrator; or

(2) if applicable, the modified amount as determined under the administrator's internal appeal process.

(f) This section expires September 1, 2025.

SECTION 11. (a) Section 1575.009, Insurance Code, is amended to read as follows:

Sec. 1575.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group program shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1575.171, 1575.172, ~~or~~ 1575.173, or 1575.174, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1575.171, 1575.172, ~~or~~ 1575.173, or 1575.174, as applicable.

(b) Effective September 1, 2025, Section 1575.009, Insurance Code, is amended to read as follows:

Sec. 1575.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under the group program shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1575.171, 1575.172, or 1575.173, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1575.171, 1575.172, or 1575.173, as applicable.

SECTION 12. Subchapter D, Chapter 1575, Insurance Code, is amended by adding Section 1575.174 to read as follows:

Sec. 1575.174. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a managed care plan provided under the group program shall pay for a covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:

(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that is based on:

(1) the amount initially determined payable by the administrator; or

(2) if applicable, the modified amount as determined under the administrator's internal appeal process.

(f) This section expires September 1, 2025.

SECTION 13. (a) Section 1579.009, Insurance Code, is amended to read as follows:

Sec. 1579.009. BALANCE BILLING PROHIBITION NOTICE. (a) The administrator of a managed care plan provided under this chapter shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply or transport provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1579.109, 1579.110, ~~or~~ 1579.111, or 1579.112, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1579.109, 1579.110, ~~or~~ 1579.111, or 1579.112, as applicable.

(b) Effective September 1, 2025, Section 1579.009, Insurance Code, is amended to read as follows:

Sec. 1579.009. **BALANCE BILLING PROHIBITION NOTICE.** (a) The administrator of a managed care plan provided under this chapter shall provide written notice in accordance with this section in an explanation of benefits provided to the enrollee and the physician or health care provider in connection with a health care or medical service or supply provided by an out-of-network provider. The notice must include:

(1) a statement of the billing prohibition under Section 1579.109, 1579.110, or 1579.111, as applicable;

(2) the total amount the physician or provider may bill the enrollee under the enrollee's managed care plan and an itemization of copayments, coinsurance, deductibles, and other amounts included in that total; and

(3) for an explanation of benefits provided to the physician or provider, information required by commissioner rule advising the physician or provider of the availability of mediation or arbitration, as applicable, under Chapter 1467.

(b) The administrator shall provide the explanation of benefits with the notice required by this section to a physician or health care provider not later than the date the administrator makes a payment under Section 1579.109, 1579.110, or 1579.111, as applicable.

SECTION 14. Subchapter C, Chapter 1579, Insurance Code, is amended by adding Section 1579.112 to read as follows:

Sec. 1579.112. OUT-OF-NETWORK EMERGENCY MEDICAL SERVICES PROVIDER PAYMENTS. (a) In this section, "emergency medical services provider" has the meaning assigned by Section 773.003, Health and Safety Code, except that the term does not include an air ambulance.

(b) Except as provided by Subsection (c), the administrator of a managed care plan provided under this chapter shall pay for a covered health care or medical service performed for, or a covered supply or covered transport related to that service provided to, an enrollee by an out-of-network provider who is an emergency medical services provider at:

(1) if the political subdivision has submitted the rate to the department under Section 38.006, the rate set, controlled, or regulated by the political subdivision in which:

(A) the service originated; or

(B) the transport originated if transport is provided; or

(2) if the political subdivision has not submitted the rate to the department, the lesser of:

(A) the provider's billed charge; or

(B) 325 percent of the current Medicare rate, including any applicable extenders and modifiers.

(c) The administrator shall adjust a payment required by Subsection (b)(1) each plan year by increasing the payment by the lesser of the Medicare Inflation Index or 10 percent of the provider's previous calendar year rates.

(d) The administrator shall make a payment required by this section directly to the provider not later than, as applicable:



(1) the 30th day after the date the administrator receives an electronic claim for those services that includes all information necessary for the administrator to pay the claim; or

(2) the 45th day after the date the administrator receives a nonelectronic claim for those services that includes all information necessary for the administrator to pay the claim.

(e) An out-of-network provider who is an emergency medical services provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply or transport described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's managed care plan that is based on:

(1) the amount initially determined payable by the administrator; or

(2) if applicable, a modified amount as determined under the administrator's internal appeal process.

(f) This section expires September 1, 2025.

SECTION 15. The changes in law made by this Act apply only to emergency medical services provided on or after January 1, 2024. Emergency medical services provided before January 1, 2024, are 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 16. The Texas Department of Insurance is not required to establish the database described by Section 38.006, Insurance Code, as added by this Act, before January 1, 2024.

SECTION 17. Except as otherwise provided by this Act, this Act takes effect September 1, 2023.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 2476**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2484 ADOPTED**

Senator LaMantia called from the President's table the Conference Committee Report on **HB 2484**. The Conference Committee Report was filed with the Senate on Tuesday, May 23, 2023.

On motion of Senator LaMantia, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 2023 - 2

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 113** Vasut  
Commemorating the dedication of the Battle of Velasco Memorial Monument.

**HCR 118** Craddick  
Commending Bobby Burns on his service as president and CEO of the Midland Chamber of Commerce.

**SCR 50** Hinojosa Sponsor: Muñoz, Jr.  
Recognizing the Bazan family on the occasion of the 50th anniversary of Taco Olé.

**SCR 51** Hughes Sponsor: Harris, Caroline  
Recognizing May 11, 2023, as American Heritage Girls Day.

**SCR 53** Sparks Sponsor: Cain  
Recognizing Mikael and Carolyn Garcia on the birth of their daughter, Mary Faustina Garcia.

**SCR 54** Hinojosa Sponsor: Guerra  
Recognizing E. Linda Villarreal for her service as president of the Texas Medical Association.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 19** (86 Yeas, 53 Nays, 1 Present, not voting)

**HB 409** (125 Yeas, 11 Nays, 2 Present, not voting)

**HB 422** (127 Yeas, 3 Nays, 1 Present, not voting)

**HB 456** (135 Yeas, 2 Nays, 1 Present, not voting)

**HB 527** (109 Yeas, 27 Nays, 2 Present, not voting)

**HB 711** (137 Yeas, 0 Nays, 1 Present, not voting)

**HB 784** (119 Yeas, 20 Nays, 1 Present, not voting)

**HB 1009** (140 Yeas, 0 Nays, 1 Present, not voting)

**HB 1181** (133 Yeas, 1 Nays, 2 Present, not voting)

**HB 1211** (122 Yeas, 17 Nays, 1 Present, not voting)

**HB 1558** (118 Yeas, 20 Nays, 2 Present, not voting)

**HB 1710** (133 Yeas, 3 Nays, 2 Present, not voting)

**HB 1883** (101 Yeas, 38 Nays, 1 Present, not voting)

**HB 2071** (115 Yeas, 20 Nays, 3 Present, not voting)

**HB 2263** (120 Yeas, 19 Nays, 1 Present, not voting)

**HB 2555** (134 Yeas, 7 Nays, 2 Present, not voting)

**HB 2706** (127 Yeas, 12 Nays, 1 Present, not voting)

**HB 2847** (135 Yeas, 5 Nays, 1 Present, not voting)

**HB 3161** (136 Yeas, 0 Nays, 1 Present, not voting)

**HB 3286** (139 Yeas, 0 Nays, 1 Present, not voting)

**HB 3462** (135 Yeas, 4 Nays, 1 Present, not voting)

**HB 3506** (137 Yeas, 0 Nays, 1 Present, not voting)

**HB 3579** (122 Yeas, 19 Nays, 1 Present, not voting)

**HB 4087** (129 Yeas, 3 Nays, 2 Present, not voting)

**HB 4363** (119 Yeas, 19 Nays, 2 Present, not voting)

**HB 4628** (139 Yeas, 0 Nays, 1 Present, not voting)

**HB 4704** (119 Yeas, 17 Nays, 3 Present, not voting)

**HB 4759** (114 Yeas, 21 Nays, 1 Present, not voting)

**HB 5336** (139 Yeas, 0 Nays, 1 Present, not voting)

**HB 5398** (119 Yeas, 19 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 357**

House Conferees: Bucy - Chair/Capriglione/González, Jessica/Manuel/Smith

**HB 1613**

House Conferees: Shine - Chair/Clardy/Kuempel/Martinez Fischer/Spiller

**HB 3372**

House Conferees: Thimesch - Chair/Capriglione/Goldman/Morales, Eddie/Slawson

**HB 3699**

House Conferees: Wilson - Chair/Bell, Cecil/Thierry/Thompson, Ed/Vasut

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**SENATE BILL 1308 WITH HOUSE AMENDMENT**

Senator Hancock called **SB 1308** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 1308** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the operation of an unmanned aircraft over an airport or military installation; creating a criminal offense.

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

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.15 to read as follows:

Sec. 42.15. OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR MILITARY INSTALLATION. (a) In this section:

(1) "Airport" has the meaning assigned by Section 22.001, Transportation Code.

(2) "Military installation" means any military installation owned or operated by or for the federal government, this state, or another governmental entity.

(b) A person commits an offense if the person intentionally or knowingly:

(1) operates an unmanned aircraft over an airport or military installation;

(2) allows an unmanned aircraft to make contact with an airport or military installation, including any person or object on the premises of or within the airport or military installation; or

(3) operates an unmanned aircraft in a manner that interferes with the operations of or causes a disturbance to an airport or military installation.

(c) It is a defense to prosecution under this section that the conduct described by Subsection (b) was engaged in by:

(1) the federal government, this state, or a governmental entity;

(2) a person under contract with or otherwise acting under the direction or on behalf of the federal government, this state, or a governmental entity;

(3) a law enforcement agency;

(4) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency;

(5) an owner or operator of the airport or military installation;

(6) a person under contract with or otherwise acting under the direction or on behalf of an owner or operator of the airport or military installation;

(7) a person who has the prior written or electronic authorization of:

(A) the owner or operator of the airport or military installation; or

(B) the Federal Aviation Administration; or

(8) the owner or occupant of the property on which the airport or military installation is located or a person who has the prior written consent of the owner or occupant of that property.

(d) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

SECTION 2. Section 423.0045(a)(1-a), Government Code, is amended to read as follows:

(1-a) "Critical infrastructure facility" means:

(A) one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

- (i) a petroleum or alumina refinery;
- (ii) an electrical power generating facility, substation, switching station, or electrical control center;
- (iii) a chemical, polymer, or rubber manufacturing facility;
- (iv) a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- (v) a natural gas compressor station;
- (vi) a liquid natural gas terminal or storage facility;
- (vii) a telecommunications central switching office or any structure used as part of a system to provide wired or wireless telecommunications services;
- (viii) a port, ~~[a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration,]~~ a railroad switching yard, a trucking terminal, or any other freight transportation facility;
- (ix) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- (x) a transmission facility used by a federally licensed radio or television station;
- (xi) a steelmaking facility that uses an electric arc furnace to make steel;
- (xii) a dam that is classified as a high hazard by the Texas Commission on Environmental Quality; or
- (xiii) a concentrated animal feeding operation, as defined by Section 26.048, Water Code; or
- ~~[(xiv) a military installation owned or operated by or for the federal government, the state, or another governmental entity; or]~~

(B) if enclosed by a fence or other physical barrier obviously designed to exclude intruders:

- (i) any portion of an aboveground oil, gas, or chemical pipeline;
- (ii) an oil or gas drilling site;
- (iii) a group of tanks used to store crude oil, such as a tank battery;
- (iv) an oil, gas, or chemical production facility;
- (v) an oil or gas wellhead; or
- (vi) any oil and gas facility that has an active flare.

SECTION 3. Section 424.001, Government Code, is amended to read as follows:

Sec. 424.001. DEFINITION. In this chapter, "critical infrastructure facility" has the meaning assigned by Section 423.0045(a)(1-a) and also includes:

- (1) any pipeline transporting oil or gas or the products or constituents of oil or gas; ~~[and]~~
- (2) a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration;

(3) a military installation owned or operated by or for the federal government, this state, or another governmental entity; and

(4) a facility or pipeline described by this section that is under construction and all equipment and appurtenances used during that construction.

SECTION 4. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1308**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1467 WITH HOUSE AMENDMENT**

Senator Hancock called **SB 1467** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 1467** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the disclosure of certain medical information by electronic means.

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

SECTION 1. Section 159.006(d), Occupations Code, is amended to read as follows:

(d) A physician shall provide the information requested under this section:

(1) not later than the 15th business day after the date of receipt of the written consent for release under Subsection (a) or the written request under Subsection (c); and

(2) in accordance with Section 159.0065(b), if applicable.

SECTION 2. Chapter 159, Occupations Code, is amended by adding Section 159.0065 to read as follows:

Sec. 159.0065. SENSITIVE TEST RESULTS DISCLOSED BY ELECTRONIC MEANS. (a) In this section:

(1) "Electronic health record" has the meaning assigned by Section 531.901, Government Code.

(2) "Electronic means" means publishing information on a secure electronic network or Internet website, including a secure online patient portal or health software application:

(A) that is accessible by an electronic device, including a computer, mobile device, or tablet; and

(B) through which the patient or patient representative has consented to receive the patient's billing or medical records.

(3) "Patient representative" means a person described by Sections 159.005(a)(2)-(4).

(4) "Sensitive test result" means a:

(A) pathology report or radiology report that has a reasonable likelihood of showing a finding of malignancy; or

(B) test result that may reveal a genetic marker.

(b) Sensitive test results may not be disclosed to a patient or patient representative by electronic means by a person or entity who administers or controls the electronic health record of the patient before the third day after the date the sensitive test results are finalized.

(c) A person or entity is not subject to civil, criminal, or administrative liability or professional disciplinary action for failure to comply with Section 159.006(d)(2) or this section.

SECTION 3. Section 159.0065, Occupations Code, as added by this Act, applies only to the disclosure of test results on or after the effective date of this Act.

SECTION 4. Section 159.006, Occupations Code, as amended by this Act, applies to a request for information under that section made on or after the effective date of this Act. A request made before the effective date of this Act is governed by the law in effect on the date the request was made, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1467**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1236 WITH HOUSE AMENDMENTS**

Senator Flores called **SB 1236** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 1236** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the use of certain weapons in or on the bed or bank of a navigable river or stream; providing a penalty.

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

SECTION 1. Section 284.001, Parks and Wildlife Code, is transferred to Subchapter B, Chapter 1, Parks and Wildlife Code, redesignated as Section 1.014, Parks and Wildlife Code, and amended to read as follows:

Sec. 1.014 [284.001]. USE OF CERTAIN WEAPONS IN OR ON BED OR BANK OF NAVIGABLE RIVER OR STREAM [DISCHARGE OF FIREARM] PROHIBITED. (a) In this section:

(1) "Archery equipment" means a longbow, recurved bow, compound bow, or crossbow.

(2) "Firearm" has the meaning assigned by Section 62.014.

(3) "Navigable river or stream" has the meaning assigned by Section 90.001.

~~(b) [This section applies only to a navigable river or stream located wholly or partly in Dimmit, Edwards, Frio, Hall, Kenedy, Llano, Maverick, Real, Uvalde, or Zavala County.]~~

~~[(e)]~~ Except as provided by Subsection (c) ~~[(d)]~~, a person may not discharge a firearm or shoot an arrow from any kind of bow if:

(1) the person is located in or on the bed or bank of a navigable river or stream at the time the firearm is discharged or the arrow is shot from the bow; or

(2) any portion of the ammunition discharged or arrow shot could physically contact the bed or bank of a navigable river or stream.

(c) ~~[(d)]~~ This section does not apply to:

(1) an individual acting in the scope of the individual's duties as a peace officer or department employee;

(2) the discharge of a shotgun loaded with ammunition that releases only shot when discharged; ~~[(e)]~~

(3) an individual engaging in fishing using archery equipment, if the individual is in compliance with Subsection (e); or

(4) the discharge of a firearm from the bank of a navigable river or stream to take a venomous snake or nonindigenous rodent by:

(A) an owner of the land adjacent to or through which the navigable river or stream runs; or

(B) an agent of an owner described by Paragraph (A) ~~[(d)]~~.

(d) ~~[(e)]~~ This section does not limit the ability of a license holder to carry a handgun under the authority of Subchapter H, Chapter 411, Government Code.

(e) ~~[(f)]~~ An individual engaging in fishing using archery equipment may not possess while fishing:

(1) an arrow equipped with fletching of any kind;

(2) an unbarbed arrow; or

(3) a bow that is not equipped with a reel and line.

(f) A person who violates this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

(g) If conduct that constitutes an offense under this section also constitutes an offense under Title 7, the actor may be prosecuted under this section or the other law, but not both.

SECTION 2. The heading to Chapter 284, Parks and Wildlife Code, is repealed.

SECTION 3. This Act takes effect September 1, 2023.

### Floor Amendment No. 1

Amend CSSB 1236 (house committee report) as follows:

(1) On page 2, line 13, strike "or" and substitute the following:

(4) the discharge of a firearm during the legal taking of an alligator; or

(2) On page 2, line 14, strike "(4)" and substitute "(5)".



The amendments were read.

Senator Flores moved to concur in the House amendments to **SB 1236**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Hughes.

### **SENATE BILL 1015 WITH HOUSE AMENDMENT**

Senator King called **SB 1015** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 1015** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to periodic rate adjustments by electric utilities.

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

SECTION 1. Section 36.210, Utilities Code, is amended by amending Subsections (a), (d), and (g) and adding Subsections (h) and (i) to read as follows:

(a) The commission [~~or a regulatory authority~~], on the petition of an electric utility, may approve a tariff or rate schedule in which a nonfuel rate may be periodically adjusted upward or downward, based on changes in the parts of the utility's invested capital, as described by Section 36.053, that are categorized or functionalized as distribution plant, distribution-related intangible plant, and distribution-related communication equipment and networks in accordance with commission rules adopted after consideration of the uniform system of accounts prescribed by the Federal Energy Regulatory Commission. A periodic rate adjustment must:

(1) be approved or denied in accordance with a [~~an expedited~~] procedure that[=

~~[(A) provides for appropriate updates of information;~~

~~[(B)] allows for participation by the office and affected parties; [and~~

~~[(C) extends for not less than 60 days;]~~

(2) take into account changes in the number of an electric utility's customers and the effects, on a weather-normalized basis, that energy consumption and energy demand have on the amount of revenue recovered through the electric utility's base rates;

(3) be consistent with the manner in which costs for invested capital described by this subsection were allocated to each rate class, as approved by the commission, in an electric utility's most recent base rate statement of intent proceeding with changes to residential and commercial class rates reflected in volumetric charges to the extent that residential and commercial class rates are collected in that manner based on the electric utility's most recent base rate statement of intent proceeding;

(4) not diminish the ability of the commission or a regulatory authority, on its own motion or on complaint by an affected person as provided by Subchapter D, after reasonable notice and hearing, to change the existing rates of an electric utility for a service after finding that the rates are unreasonable or in violation of law;

(5) be applied by an electric utility on a system-wide basis; and

(6) be supported by the sworn statement of an appropriate employee of the electric utility that affirms that:

(A) the filing is in compliance with the provisions of the tariff or rate schedule; and

(B) the filing is true and correct to the best of the employee's knowledge, information, and belief.

(d) An ~~[Except as provided by Subsection (d-1), an]~~ electric utility may adjust the utility's rates under this section not more than twice ~~[once]~~ per year ~~[and not more than four times between comprehensive base rate proceedings]~~.

(g) The commission shall adopt rules necessary to implement this section. The rules must provide for:

(1) a procedure by which a tariff or rate schedule is to be reviewed and approved;

(2) filing requirements and discovery consistent with ~~[the expedited procedure described by]~~ Subsection (a) ~~[(a)(1)]~~;

(3) an earnings monitoring report that allows the commission ~~[or regulatory authority]~~ to reasonably determine whether a utility is earning in excess of the utility's allowed return on investment as normalized for weather;

(4) denial of the electric utility's filing if the electric utility is earning more than the utility's authorized rate of return on investment, on a weather-normalized basis, at the time the periodic rate adjustment request is filed; and

(5) a mechanism by which the commission may refund customers any amounts determined to be improperly recovered through a periodic rate adjustment, including any interest on the amounts.

(h) An electric utility may file a request for a periodic rate adjustment under this section on any day on which the commission is open for business, except that if the utility has a base rate proceeding pending, the utility may not file the request before the 185th day after the date the base rate proceeding was initiated. The electric utility may revise a request to reflect the final order issued in the base rate proceeding. The fact that an electric utility has a base rate proceeding pending during a proceeding conducted under this section does not establish grounds for dismissal of either proceeding.

(i) The commission shall enter a final order on a request for a periodic rate adjustment under this section not later than the 60th day after the date the request is filed. The commission may extend the deadline for not more than 15 days for good cause.

SECTION 2. Section 36.210(d-1), Utilities Code, is repealed.

SECTION 3. The changes in law made by this Act apply only to a proceeding before the Public Utility Commission of Texas, or other regulatory authority described by Section 11.003, Utilities Code, that commences on or after the effective date of this Act. A proceeding before the Public Utility Commission of Texas or other regulatory

authority described by Section 11.003, Utilities Code, that commenced before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and that law is continued in effect for that purpose.

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, 2023.

The amendment was read.

Senator King moved to concur in the House amendment to **SB 1015**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1517 WITH HOUSE AMENDMENT**

Senator King called **SB 1517** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1517** (house committee report) on page 1, line 21, following the underlined period, by adding "The boycott may not prevent a student enrolled at the institution from studying or being educated about the country."

The amendment was read.

Senator King moved to concur in the House amendment to **SB 1517**.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, LaMantia, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Whitmire, Zaffirini.

Nays: Gutierrez, Johnson, Menéndez, West.

### **SENATE BILL 1518 WITH HOUSE AMENDMENT**

Senator King called **SB 1518** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1518** (house committee report) as follows:

(1) On page 25, lines 20-21, strike "the person dies if the person has a reportable conviction or adjudication" and substitute "a judge in a court of competent jurisdiction determines that the person no longer represents a threat to public safety".

(2) On page 26, strike lines 17-19 and substitute the following: arises if the department has received notice from a judge in a court of competent jurisdiction that the judge has determined that the person no longer represents a threat to public safety.

The amendment was read.

Senator King moved to concur in the House amendment to **SB 1518**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Whitmire, Zaffirini.

Nays: Eckhardt, LaMantia, West.

### **SENATE BILL 24 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 24** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 24** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the powers and duties of the Health and Human Services Commission and the transfer to the commission of certain powers and duties from the Department of Family and Protective Services.

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

SECTION 1. Title 9, Human Resources Code, is amended by adding Chapter 137, and a heading is added to that chapter to read as follows:

#### **CHAPTER 137. FAMILY SUPPORT SERVICES**

SECTION 2. Subchapters A, B, and C, Chapter 265, Family Code, are transferred to Chapter 137, Human Resources Code, as added by this Act, redesignated as Subchapters A, B, and C, Chapter 137, Human Resources Code, respectively, and amended to read as follows:

#### **SUBCHAPTER A. FAMILY SUPPORT [~~PREVENTION AND EARLY INTERVENTION~~] SERVICES**

Sec. 137.001. APPLICABILITY OF DEFINITIONS. The definitions in Chapter 101, Family Code, apply to terms used in this chapter.

Sec. 137.002 [~~265.001~~]. DEFINITIONS. In this chapter:

(1) "At-risk family" means a family with at least one child or a pregnant woman and at least one of the following:

(A) a child in the family has been the subject of an investigation of abuse, neglect, or exploitation by the Department of Family and Protective Services;

(B) the family or a pregnant woman in the family is experiencing conditions that increase the likelihood of involvement with the child welfare system, the criminal justice system, or the juvenile justice system; or

(C) the family or a pregnant woman in the family is experiencing other conditions that threaten the self-sufficiency or stability of the family or the birth or health of a baby [~~"Department" means the Department of Family and Protective Services~~].

(2) "Commission" means the Health and Human Services Commission [~~"Division" means the prevention and early intervention services division within the department~~].

(3) "Executive commissioner" means the executive commissioner of the commission.

(4) "Family support [~~"Prevention and early intervention"~~] services" means programs intended to provide [~~early~~] intervention and promote safety and stability for children and at-risk families [~~or prevent at risk behaviors that lead to child abuse, delinquency, running away, truancy, and dropping out of school~~].

Sec. 137.003 [~~265.002~~]. FAMILY SUPPORT [~~PREVENTION AND EARLY INTERVENTION~~] SERVICES [~~DIVISION~~]. (a) The commission [~~department~~] shall:

(1) administer grants and contracts [~~operate a division~~] to provide family support services to [~~for~~] children and [~~in~~] at-risk [~~situations and for the~~] families;

(2) [~~of those children and to achieve the consolidation of prevention and early intervention services within the jurisdiction of a single agency in order to avoid fragmentation and duplication of services and to increase the accountability for the delivery and administration of these services. The division shall be called the prevention and early intervention services division and shall have the following duties:~~

[(1) to] plan, develop, and administer an integrated continuum of care system of programs providing family support services to at-risk families [~~a comprehensive and unified delivery system of prevention and early intervention services to children and their families in at risk situations~~];

(3) administer the referral, coordination, and collaboration of family support services under this chapter with similar, existing programs the commission operates;

(4) [(2) to] improve the responsiveness of family support services provided to [~~for at risk~~] children and at-risk [~~their~~] families by facilitating greater coordination and flexibility in the use of funds by state and local service providers;

(5) [(3) to] provide greater accountability for family support [~~prevention and early intervention~~] services in order to demonstrate the impact or public benefit of a program by adopting outcome measures; and

(6) [(4) to] assist local communities in the coordination and development of family support [~~prevention and early intervention~~] services in order to maximize federal, state, and local resources.

(b) Family support services under this chapter are intended to:

(1) promote healthy outcomes and strengthen support systems for children and at-risk families;

(2) assist at-risk families in achieving self-sufficiency and stability;

(3) promote workforce participation; and

(4) prevent or reduce at-risk behaviors in children and at-risk families, including behaviors that may lead to:

(A) child abuse or neglect;

(B) delinquency, running away, truancy, dropping out of school, or substance use; or

(C) involvement with the child welfare system, the juvenile justice system, or the criminal justice system ~~[The department's prevention and early intervention services division must be organizationally separate from the department's divisions performing child protective services and adult protective services functions].~~

Sec. 137.004 ~~[265.003]~~. COORDINATION ~~[CONSOLIDATION]~~ OF PROGRAMS. ~~[(a)]~~ In order to implement the duties provided in Section 137.003 ~~[265.002]~~, the commission ~~[department]~~ shall identify and coordinate with other ~~[consolidate into the division]~~ programs the commission operates with the goal of providing family support services ~~[early intervention or prevention of at risk behavior that leads to child abuse, delinquency, running away, truancy, and dropping out of school].~~

~~[(b) The division may provide additional prevention and early intervention services in accordance with Section 265.002.~~

~~[Sec. 265.004. USE OF EVIDENCE BASED PROGRAMS FOR AT RISK FAMILIES. (a) To the extent that money is appropriated for the purpose, the department shall fund evidence based programs, including parenting education, home visitation, family support services, mentoring, positive youth development programs, and crisis counseling, offered by community based organizations that are designed to prevent or ameliorate child abuse and neglect. The programs funded under this subsection may be offered by a child welfare board established under Section 264.005, a local governmental board granted the powers and duties of a child welfare board under state law, a children's advocacy center established under Section 264.402, or other persons determined appropriate by the department.~~

~~[(a-1) The department shall ensure that not less than 75 percent of the money appropriated for parenting education programs under Subsection (a) funds evidence based programs or practices described by Section 265.151(b) and that the remainder of that money funds promising programs or practices described by Section 265.151(c) or evidence informed programs or practices described by Section 265.151(d).~~

~~[(a-2) The department shall actively seek and apply for any available federal funds to support parenting education programs provided under this section.~~

~~[(b) The department shall place priority on programs that target children whose race or ethnicity is disproportionately represented in the child protective services system.~~

~~[(c) The department shall periodically evaluate the evidence based abuse and neglect prevention programs to determine the continued effectiveness of the programs.~~

~~[Sec. 265.0041. COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION. (a) Subject to the availability of funds, the Health and Human Services Commission, on behalf of the department, shall enter into agreements with institutions of higher education to conduct efficacy reviews of any prevention and early intervention programs that have not previously been evaluated for effectiveness through a scientific research evaluation process.~~

~~[(b) Subject to the availability of funds, the department shall collaborate with an institution of higher education to create and track indicators of child well being to determine the effectiveness of prevention and early intervention services.]~~

Sec. ~~137.005~~ ~~[265.005]~~. STRATEGIC PLAN. (a) The commission ~~[department]~~ shall develop and implement a five-year strategic plan for family support ~~[prevention and early intervention]~~ services. Not later than September 1 of the last fiscal year in each five-year period, the commission ~~[department]~~ shall issue a new strategic plan for the next five fiscal years beginning with the following fiscal year.

(b) A strategic plan required under this section must:

(1) identify methods to leverage other sources of funding or provide support for existing community-based ~~[prevention]~~ efforts to provide family support services;

(2) include a needs assessment that identifies programs to best target family support services to the needs of underserved ~~[the highest risk]~~ populations and geographic areas;

(3) identify ~~[the goals and]~~ priorities and specific commission actions to coordinate and provide family support services to children and at-risk families ~~[for the department's overall prevention efforts];~~

(4) identify and report on specific outcome measurements by obtaining and reporting de-identified aggregate data, as permitted by other law, on the number of program participants who are:

(A) involved in the child welfare system, the juvenile justice system, or the criminal justice system;

(B) recipients of other services the commission offers; or

(C) listed in the central registry of the names of individuals found to have abused or neglected a child maintained under Section 261.002, Family Code ~~[report the results of previous prevention efforts using available information in the plan];~~

(5) identify additional methods of measuring program effectiveness and results or outcomes;

(6) identify methods to collaborate with other state agencies on ~~[prevention]~~ efforts to provide family support services;

(7) identify specific strategies to implement the plan and to develop measures for reporting on the overall progress toward the plan's goals;

(8) ~~[identify strategies and goals for increasing the number of families receiving prevention and early intervention services each year, subject to the availability of funds, to reach targets set by the department for providing services to families that are eligible to receive services through parental education, family support, and community based programs financed with federal, state, local, or private resources; and~~

~~[(9)]~~ identify specific strategies to increase local capacity for the delivery of family support ~~[prevention and early intervention]~~ services through collaboration with communities and stakeholders; and

(9) address methods for coordinating with other commission programs under Section 137.004.

(c) The commission ~~[department]~~ shall coordinate with interested parties and communities in developing the strategic plan under this section.

(d) The commission ~~[department]~~ shall annually review and appropriately update the strategic plan developed under this section.

(e) The commission ~~[department]~~ shall post the strategic plan developed under this section and any update to the plan on its Internet website.

~~[Sec. 265.006. PROHIBITION ON USE OF AGENCY NAME OR LOGO. The department may not allow the use of the department's name or identifying logo or insignia on forms or other materials related to the department's prevention and early intervention services that are:~~

~~[(1) provided by the department's contractors; or~~

~~[(2) distributed by the department's contractors to the department's clients.~~

~~[Sec. 265.007. IMPROVING PROVISION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) To improve the effectiveness and delivery of prevention and early intervention services, the department shall:~~

~~[(1) identify geographic areas that have a high need for prevention and early intervention services but do not have prevention and early intervention services available in the area or have only unevaluated prevention and early intervention services available in the area; and~~

~~[(2) develop strategies for community partners to:~~

~~[(A) improve the early recognition of child abuse or neglect;~~

~~[(B) improve the reporting of child abuse and neglect; and~~

~~[(C) reduce child fatalities.~~

~~[(b) The department may not use data gathered under this section to identify a specific family or individual.~~

~~[Sec. 265.008. EVALUATION OF PREVENTION AND EARLY INTERVENTION SERVICES. (a) The department may enter into agreements with institutions of higher education to conduct efficacy reviews of any prevention and early intervention services provided under this chapter that have not previously been evaluated for effectiveness in a research evaluation. The efficacy review shall include, when possible, a cost-benefit analysis of the program to the state and, when applicable, the return on investment of the program to the state.~~

~~[(b) The department may not enter into an agreement to conduct a program efficacy evaluation under this section unless:~~

~~[(1) the agreement with the institution of higher education is cost neutral; and~~

~~[(2) the department and institution of higher education conducting the evaluation under this section protect the identity of individuals who are receiving services from the department that are being evaluated.]~~

## SUBCHAPTER B. FAMILY SUPPORT SERVICES PROGRAMS FOR CHILD ABUSE AND NEGLECT ~~[PRIMARY]~~ PREVENTION ~~[PROGRAMS]~~

Sec. 137.051 ~~[265.051]~~. DEFINITIONS. In this subchapter:

(1) "Child abuse and neglect prevention" means family support services designed to prevent child abuse and neglect before the abuse or neglect occurs. The term includes child fatality prevention education programs and other activities directed at the general public to stop child abuse and neglect.

(2) "Children's trust fund" means a child abuse and neglect ~~[primary]~~ prevention program.



~~[(2) "Primary prevention" means services and activities available to the community at large or to families to prevent child abuse and neglect before it occurs. The term includes infant mortality prevention education programs.]~~

(3) "Operating fund" means the commission's ~~[Department of Family and Protective Services]~~ child abuse and neglect prevention operating fund account.

(4) "State agency" means a board, commission, department, office, or other state agency that:

(A) is in the executive branch of the state government;

(B) was created by the constitution or a statute of this state; and

(C) has statewide jurisdiction.

(5) "Trust fund" means the commission's child abuse and neglect prevention trust fund account.

Sec. 137.052 ~~[265.052]~~. CHILD ABUSE AND NEGLECT ~~[PRIMARY]~~ PREVENTION PROGRAMS. (a) The commission ~~[department]~~ shall operate the children's trust fund to:

(1) set policy, offer resources for community ~~[primary]~~ prevention programs, and provide information and education on family support services and prevention of child abuse and neglect;

(2) develop a state plan for expending funds for child abuse and neglect ~~[primary]~~ prevention programs that includes an annual schedule of transfers of trust fund money to the operating fund;

(3) develop eligibility criteria for applicants requesting funding for child abuse and neglect ~~[primary]~~ prevention programs; and

(4) establish funding priorities for child abuse and neglect ~~[primary]~~ prevention programs.

(b) The children's trust fund shall accommodate the commission's ~~[department's]~~ existing rules and policies in procuring, awarding, and monitoring contracts and grants.

(c) The commission ~~[department]~~ may:

(1) apply for and receive funds made available by the federal government or another public or private source for administering programs under this subchapter and for funding for child abuse and neglect ~~[primary]~~ prevention programs; and

(2) solicit donations for child abuse and neglect ~~[primary]~~ prevention programs.

Sec. 137.053 ~~[265.053]~~. ADMINISTRATIVE AND OTHER COSTS. (a) Administrative costs under this subchapter during any fiscal year may not exceed an amount equal to 50 percent of the interest credited to the trust fund during the preceding fiscal year.

(b) Funds expended under a special project grant from a governmental source or a nongovernmental source for public education or public awareness may not be counted as administrative costs for the purposes of this section.

Sec. 137.054 ~~[265.054]~~. CHILD ABUSE AND NEGLECT PREVENTION TRUST FUND ACCOUNT. (a) The child abuse and neglect prevention trust fund account is an account in the general revenue fund. Money in the trust fund is dedicated to child abuse and neglect ~~[primary]~~ prevention programs and family support services programs.

(b) The commission ~~[department]~~ may transfer money contained in the trust fund to the operating fund at any time. However, during a fiscal year the commission ~~[department]~~ may not transfer more than the amount appropriated for the operating fund for that fiscal year. Money transferred to the operating fund that was originally deposited to the credit of the trust fund under Section 118.022, Local Government Code, may be used only for child abuse and neglect ~~[primary]~~ prevention programs.

(c) Interest earned on the trust fund shall be credited to the trust fund.

(d) The trust fund is exempt from the application of Section 403.095, Government Code.

(e) All marriage license fees and other fees collected for and deposited in the trust fund and interest earned on the trust fund balance shall be appropriated each biennium only to the operating fund for child abuse and neglect ~~[primary]~~ prevention programs and family support services programs.

Sec. 137.055 ~~[265.055]~~. COMMISSION ~~[DEPARTMENT]~~ OPERATING FUND ACCOUNT. (a) The operating fund is an account in the general revenue fund.

(b) Administrative and other costs allowed in Section 137.053 ~~[265.053]~~ shall be taken from the operating fund. The commission ~~[department]~~ may transfer funds contained in the operating fund to the trust fund at any time.

(c) The legislature may appropriate the money in the operating fund to carry out the provisions of this subchapter.

(d) The operating fund is exempt from the application of Section 403.095, Government Code.

~~[Sec. 265.056. CONTRIBUTIONS. (a) The department may solicit contributions from any appropriate source.~~

~~[(b) Any other contributions for child abuse and neglect primary prevention or other prevention and early intervention programs shall be deposited into a separate designated fund in the state treasury and shall be used for that designated purpose.~~

~~[(c) A person may contribute funds to either the trust fund, the operating fund, or a fund designated by the department for a specific child abuse and neglect primary prevention or other prevention or early intervention purpose.~~

~~[(d) If a person designates that a contribution is intended as a donation to a specific fund, the contribution shall be deposited in the designated fund.]~~

Sec. 137.056 ~~[265.057]~~. COMMUNITY YOUTH DEVELOPMENT GRANTS. (a) Subject to available funding, the commission ~~[department]~~ shall award community youth development grants to communities identified by incidence of crime. The commission ~~[department]~~ shall give priority in awarding grants under this section to areas of the state in which there is a high incidence of juvenile crime.

(b) The purpose of a grant under this section is to assist a community in alleviating conditions in the family and community that lead to juvenile crime.

#### SUBCHAPTER C. NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM

Sec. 137.101 ~~[265.101]~~. DEFINITIONS. In this subchapter:

(1) "Competitive grant program" means the nurse-family partnership competitive grant program established under this subchapter.

(2) "Partnership program" means a nurse-family partnership program.

Sec. 137.102 ~~[265.102]~~. OPERATION OF NURSE-FAMILY PARTNERSHIP COMPETITIVE GRANT PROGRAM. (a) The commission ~~[department]~~ shall operate a nurse-family partnership competitive grant program for ~~[through which]~~ the commission to ~~[department will]~~ award grants for the implementation of nurse-family partnership programs, or the expansion of existing programs, and for the operation of those programs for a period of not less than two years.

(b) The commission ~~[department]~~ shall award grants under the program to applicants, including applicants operating existing programs, in a manner that ensures that the partnership programs collectively:

~~[(+)]~~ operate in multiple communities that are geographically distributed throughout this state; ~~and~~

~~[(2) provide program services to approximately 2,000 families].~~

Sec. 137.103 ~~[265.103]~~. PARTNERSHIP PROGRAM REQUIREMENTS. A partnership program funded through a grant awarded under this subchapter must:

(1) strictly adhere to the program model developed by the Nurse-Family Partnership National Service Office, including any clinical, programmatic, and data collection requirements of that model;

(2) require that registered nurses regularly visit the homes of low-income, first-time mothers participating in the program to provide services designed to:

(A) improve pregnancy outcomes;

(B) improve child health and development;

(C) improve family economic self-sufficiency and stability; ~~[and]~~

(D) reduce the incidence of child abuse and neglect; and

(E) increase workforce participation;

(3) require that nurses who provide services through the program:

(A) receive training from the office of the attorney general at least once each year on procedures by which a person may voluntarily acknowledge the paternity of a child and on the availability of child support services from the office;

(B) provide a mother with information about the rights, responsibilities, and benefits of establishing the paternity of her child, if appropriate;

(C) provide assistance to a mother and the alleged father of her child if the mother and alleged father seek to voluntarily acknowledge paternity of the child, if appropriate; and

(D) provide information to a mother about the availability of child support services from the office of the attorney general; and

(4) require that the regular nurse visits described by Subdivision (2) begin not later than a mother's 28th week of gestation and end when her child reaches two years of age.

Sec. 137.104 ~~[265.104]~~. APPLICATION. (a) A public or private entity, including a county, municipality, or other political subdivision of this state, may apply for a grant under this subchapter.

(b) To apply for a grant, an applicant must submit a written application to the commission ~~[department]~~ on a form prescribed by the commission ~~[department]~~ in consultation with the Nurse-Family Partnership National Service Office.

(c) The application ~~[prescribed by the department]~~ must:

(1) require the applicant to provide data on the number of low-income, first-time mothers residing in the community in which the applicant proposes to operate or expand a partnership program and provide a description of existing services available to those mothers;

(2) describe the ongoing monitoring and evaluation process to which a grant recipient is subject under Section 137.107 ~~[265.109]~~, including the recipient's obligation to collect and provide information requested by the commission ~~[department]~~ under Section 137.107(c) ~~[265.109(e)]~~; and

(3) require the applicant to provide other relevant information as determined by the commission ~~[department]~~.

~~[Sec. 265.105. ADDITIONAL CONSIDERATIONS IN AWARDING GRANTS. In addition to the factors described by Sections 265.102(b) and 265.103, in determining whether to award a grant to an applicant under this subchapter, the department shall consider:~~

~~[(1) the demonstrated need for a partnership program in the community in which the applicant proposes to operate or expand the program, which may be determined by considering:~~

~~[(A) the poverty rate, the crime rate, the number of births to Medicaid recipients, the rate of poor birth outcomes, and the incidence of child abuse and neglect during a prescribed period in the community; and~~

~~[(B) the need to enhance school readiness in the community;~~

~~[(2) the applicant's ability to participate in ongoing monitoring and performance evaluations under Section 265.109, including the applicant's ability to collect and provide information requested by the department under Section 265.109(e);~~

~~[(3) the applicant's ability to adhere to the partnership program standards adopted under Section 265.106;~~

~~[(4) the applicant's ability to develop broad-based community support for implementing or expanding a partnership program, as applicable; and~~

~~[(5) the applicant's history of developing and sustaining innovative, high-quality programs that meet the needs of families and communities.]~~

Sec. 137.105 ~~[265.106]~~. PARTNERSHIP PROGRAM STANDARDS. The executive commissioner ~~[, with the assistance of the Nurse Family Partnership National Service Office,]~~ shall adopt standards for the partnership programs funded under this subchapter. The standards must be consistent with [adhere to] the Nurse-Family Partnership National Service Office program model standards and guidelines that were developed in multiple, randomized clinical trials and have been tested and replicated in multiple communities.

Sec. 137.106 ~~[265.107]~~. USE OF AWARDED GRANT FUNDS. The grant funds awarded under this subchapter may be used only to cover costs related to implementing or expanding and operating a partnership program, including costs related to:

- (1) administering the program;
- (2) training and managing registered nurses who participate in the program;
- (3) paying the salaries and expenses of registered nurses who participate in the program;

(4) paying for facilities and equipment for the program; and

(5) paying for services provided by the Nurse-Family Partnership National Service Office to ensure a grant recipient adheres to the organization's program model.

~~[Sec. 265.108. STATE NURSE CONSULTANT. Using money appropriated for the competitive grant program, the department shall hire or contract with a state nurse consultant to assist grant recipients with implementing or expanding and operating the partnership programs in the applicable communities.]~~

Sec. 137.107 ~~[265.109]~~. PROGRAM MONITORING AND EVALUATION; ANNUAL COMMITTEE REPORTS. (a) The commission ~~[department, with the assistance of the Nurse-Family Partnership National Service Office,]~~ shall:

(1) adopt performance indicators that are designed to measure a grant recipient's performance with respect to the partnership program standards adopted by the executive commissioner under Section 137.105 ~~[265.106]~~;

(2) use the performance indicators to continuously monitor and formally evaluate on an annual basis the performance of each grant recipient; and

(3) prepare and submit an annual report, not later than December 1 of each year, to the Senate Health and Human Services Committee, or its successor, and the House Human Services Committee, or its successor, regarding the performance of each grant recipient during the preceding state fiscal year with respect to providing partnership program services.

(b) The report required under Subsection (a)(3) must include:

(1) the number of:

(A) low-income, first-time mothers to whom each grant recipient provided partnership program services and, of that number, the number of mothers who established the paternity of an alleged father as a result of services provided under the program;

(B) mothers who married the father or reside in the same household with the father;

(C) mothers who have previous involvement with the child welfare system, the criminal justice system, or the juvenile justice system; and

(D) mothers who receive other services from the commission;

(2) the extent to which each grant recipient made regular visits to mothers during the period described by Section 137.103(4) ~~[265.103(4)]~~; and

(3) the extent to which each grant recipient adhered to the Nurse-Family Partnership National Service Office's program model, including the extent to which registered nurses:

(A) conducted home visitations comparable in frequency, duration, and content to those delivered in Nurse-Family Partnership National Service Office clinical trials; and

(B) assessed the health and well-being of mothers and children participating in the partnership programs in accordance with indicators of maternal, child, and family health defined by the ~~[department in consultation with the]~~ Nurse-Family Partnership National Service Office and required by the commission.

(c) On request, each grant recipient shall timely collect and provide data and any other information required by the commission ~~[department]~~ to monitor and evaluate the recipient or to prepare the report required by this section.

Sec. 137.108 ~~[265.110]~~. COMPETITIVE GRANT PROGRAM FUNDING. (a) The commission ~~[department]~~ shall actively seek and apply for any available federal funds, including federal Medicaid and Temporary Assistance for Needy Families (TANF) funds, to assist in financing the competitive grant program established under this subchapter.

(b) The commission ~~[department]~~ may use appropriated funds from the state government and may accept gifts, donations, and grants of money from the federal government, local governments, private corporations, or other persons to assist in financing the competitive grant program.

SECTION 3. Sections 265.152, 265.153, 265.154, and 265.155, Family Code, are transferred to Subchapter B, Chapter 137, Human Resources Code, as redesignated by this Act, redesignated as Sections 137.057, 137.058, 137.059, and 137.060, Human Resources Code, respectively, and amended to read as follows:

Sec. 137.057 ~~[265.152]~~. OUTCOMES OF FAMILY SUPPORT SERVICES ~~[EVIDENCE BASED PREVENTION AND EARLY INTERVENTION]~~ PROGRAMS AND PRACTICES. The commission ~~[department]~~ shall ensure that a family support services ~~[prevention and early intervention]~~ program or practice provided under this subchapter achieves favorable behavioral outcomes in at least two of the following areas:

- (1) improved cognitive development of children;
  - (2) increased readiness for and participation and performance in school;
  - (3) reduced child abuse, neglect, and injury;
  - (4) improved child safety;
  - (5) improved social-emotional development of children and youth;
  - (6) increased protective factors, including nurturing, bonding, and other parenting skills;
  - (7) improved family economic self-sufficiency;
  - (8) reduced parental or youth involvement with the criminal justice system;
- and
- (9) increased paternal involvement and support.

Sec. 137.058 ~~[265.153]~~. EVALUATION OF FAMILY SUPPORT SERVICES ~~[PREVENTION AND EARLY INTERVENTION]~~ PROGRAMS AND PRACTICES. (a) The commission ~~[department]~~ shall adopt outcome indicators to measure the effectiveness of family support services ~~[prevention and early intervention]~~ programs and practices provided under this subchapter in achieving desired outcomes.

(b) The commission ~~[department]~~ may work directly with the model developer of a family support services ~~[prevention and early intervention]~~ program or practice to identify appropriate outcome indicators for the program or practice and to ensure that the program or practice substantially complies with the model.

(c) The commission ~~[department]~~ shall develop internal processes to share information with family support services ~~[prevention and early intervention service]~~ providers to assist the commission ~~[department]~~ in analyzing the performance of the programs or practices.

(d) The commission ~~[department]~~ shall use information obtained under this section to:

(1) monitor family support services ~~[prevention and early intervention]~~ programs and practices;

(2) continually improve the quality of the programs and practices; and

(3) evaluate the effectiveness of the programs and practices.

Sec. 137.059 ~~[265.154]~~. REPORTS TO LEGISLATURE. (a) Not later than December 1 of each even-numbered year, the commission ~~[department]~~ shall prepare and submit a report on state-funded prevention and early intervention programs and practices to the standing committees of the senate and house of representatives with jurisdiction over child protective services.

(b) A report submitted under this section must meet any requirements set by the commission under this subchapter ~~[include:~~

~~[(1) a description of the prevention and early intervention programs and practices implemented and of the models associated with the programs and practices;~~

~~[(2) information on the families served by the programs and practices, including the number of families served and their demographic information;~~

~~[(3) the goals and achieved outcomes of the implemented programs and practices;~~

~~[(4) information on the cost for each family served, including any available third party return on investment analysis; and~~

~~[(5) information explaining the percentage of money spent on evidence-based programs and practices, on promising programs and practices, and on evidence-informed programs and practices].~~

Sec. 137.060 ~~[265.155]~~. RULES. The executive commissioner ~~[of the department]~~ may adopt rules as necessary to implement this subchapter.

SECTION 4. Subchapter D, Chapter 264, Family Code, is transferred to Chapter 137, Human Resources Code, as added by this Act, redesignated as Subchapter D, Chapter 137, Human Resources Code, and amended to read as follows:

#### SUBCHAPTER D. SERVICES FOR ~~[70]~~ AT-RISK YOUTH

Sec. 137.151 ~~[264.301]~~. SERVICES FOR AT-RISK YOUTH. (a) The commission ~~[department]~~ shall operate a program to provide family support services for children in at-risk situations and for the families of those children.

(b) The services under this section may include:

(1) crisis family intervention;

(2) emergency short-term residential care;

(3) family counseling;

(4) parenting skills training;

(5) youth coping skills training;

(6) mentoring; and

(7) advocacy training.

Sec. 137.152 ~~[264.302]~~. EARLY YOUTH INTERVENTION SERVICES. (a) This section applies to a child who:

(1) is seven years of age or older and under 17 years of age; and

(2) has not had the disabilities of minority for general purposes removed under Chapter 31, Family Code.

(b) The commission ~~[department]~~ shall operate a program under this section to provide family support services for children in at-risk situations and for the families of those children.

(c) The commission ~~[department]~~ may not provide services under this section to a child who has:

(1) at any time been referred to juvenile court for engaging in conduct that violates a penal law of this state of the grade of felony other than a state jail felony; or

(2) been found to have engaged in delinquent conduct under Title 3, Family Code.

(d) The commission ~~[department]~~ may provide services under this section to a child who engages in conduct for which the child may be found by a court to be an at-risk child, without regard to whether the conduct violates a penal law of this state of the grade of felony other than a state jail felony, if the child was younger than 10 years of age at the time the child engaged in the conduct.

(e) The commission ~~[department]~~ shall provide services for a child and the child's family if a contract to provide services under this section is available in the county and the child is referred to the commission ~~[department]~~ as an at-risk child by:

(1) a juvenile court or probation department as part of a progressive sanctions program under Chapter 59, Family Code;

(2) a law enforcement officer or agency under Section 52.03, Family Code;

or

(3) a justice or municipal court under Article 45.057, Code of Criminal Procedure.

(f) The services under this section may include:

(1) crisis family intervention;

(2) emergency short-term residential care for children 10 years of age or older;

(3) family counseling;

(4) parenting skills training;

(5) youth coping skills training;

(6) advocacy training; and

(7) mentoring.

SECTION 5. Chapter 53, Human Resources Code, is transferred to Chapter 137, Human Resources Code, as added by this Act, redesignated as Subchapter E, Chapter 137, Human Resources Code, and amended to read as follows:

SUBCHAPTER E ~~[CHAPTER 53]~~. PREVENTIVE SERVICES FOR VETERANS  
AND MILITARY FAMILIES

Sec. 137.201 ~~[53.001]~~. DEFINITIONS. In this subchapter, "veteran" ~~[chapter:~~

~~(1) "Department" means the Department of Family and Protective Services.~~

~~(2) "Veteran"~~ means a person who has served in:

~~(1) [(A)]~~ the army, navy, air force, coast guard, or marine corps of the United States;

~~(2) [(B)]~~ the state military forces as defined by Section 431.001, Government Code; or

~~(3) [(C)]~~ an auxiliary service of one of those branches of the armed forces.



Sec. 137.202 [~~53.002~~]. VETERANS AND MILITARY FAMILIES PREVENTIVE SERVICES PROGRAM. (a) The commission [~~department~~] shall develop and implement a preventive services program to serve veterans and military families who have committed or experienced or who are at a high risk of:

- (1) family violence; or
- (2) abuse or neglect.

(b) The program must:

- (1) be designed to coordinate with community-based organizations to provide prevention services;
- (2) include a prevention component and an early intervention component;
- (3) include collaboration with services for child welfare, services for early childhood education, and other child and family services programs; and
- (4) coordinate with the community collaboration initiative developed under Subchapter I, Chapter 434, Government Code, and committees formed by local communities as part of that initiative.

~~[(c) The program must be established initially as a pilot program in areas of the state in which the department considers the implementation practicable. The department shall evaluate the outcomes of the pilot program and ensure that the program is producing positive results before implementing the program throughout the state.]~~

~~[(d) The department shall evaluate the program and prepare an annual report on the outcomes of the program. The department shall publish the report on the department's Internet website.]~~

SECTION 6. Subchapter X, Chapter 531, Government Code, is transferred to Chapter 137, Human Resources Code, as added by this Act, and redesignated as Subchapter F, Chapter 137, Human Resources Code, to read as follows:

#### SUBCHAPTER F [~~X~~]. TEXAS HOME VISITING PROGRAM

Sec. 137.251 [~~531.981~~]. DEFINITIONS. In this subchapter:

(1) "Home visiting program" means a voluntary-enrollment program in which early childhood and health professionals such as nurses, social workers, or trained and supervised paraprofessionals repeatedly visit over a period of at least six months the homes of pregnant women or families with children under the age of six who are born with or exposed to one or more risk factors.

(2) "Risk factors" means factors that make a child more likely to experience adverse experiences leading to negative consequences, including preterm birth, poverty, low parental education, having a teenaged mother or father, poor maternal health, and parental underemployment or unemployment.

Sec. 137.252 [~~531.982~~]. IMPLEMENTATION OF TEXAS HOME VISITING PROGRAM. (a) The commission shall maintain a strategic plan to serve at-risk pregnant women and families with children under the age of six through home visiting programs that improve outcomes for parents and families.

(b) A pregnant woman or family is considered at-risk for purposes of this section and may be eligible for voluntary enrollment in a home visiting program if the woman or family is exposed to one or more risk factors.

(c) The commission may determine if a risk factor or combination of risk factors experienced by an at-risk pregnant woman or family qualifies the woman or family for enrollment in a home visiting program.

Sec. 137.253 [~~§31.983~~]. TYPES OF HOME VISITING PROGRAMS. (a) A home visiting program is classified as either an evidence-based program or a promising practice program.

(b) An evidence-based program is a home visiting program that:

(1) is research-based and grounded in relevant, empirically based knowledge and program-determined outcomes;

(2) is associated with a national organization, institution of higher education, or national or state public health institute;

(3) has comprehensive standards that ensure high-quality service delivery and continuously improving quality;

(4) has demonstrated significant positive short-term and long-term outcomes;

(5) has been evaluated by at least one rigorous randomized controlled research trial across heterogeneous populations or communities, the results of at least one of which has been published in a peer-reviewed journal;

(6) follows with fidelity a program manual or design that specifies the purpose, outcomes, duration, and frequency of the services that constitute the program;

(7) employs well-trained and competent staff and provides continual relevant professional development opportunities;

(8) demonstrates strong links to other community-based services; and

(9) ensures compliance with home visiting standards.

(c) A promising practice program is a home visiting program that:

(1) has an active impact evaluation program or can demonstrate a timeline for implementing an active impact evaluation program;

(2) has been evaluated by at least one outcome-based study demonstrating effectiveness or a randomized controlled trial in a homogeneous sample;

(3) follows with fidelity a program manual or design that specifies the purpose, outcomes, duration, and frequency of the services that constitute the program;

(4) employs well-trained and competent staff and provides continual relevant professional development opportunities;

(5) demonstrates strong links to other community-based services; and

(6) ensures compliance with home visiting standards.

Sec. 137.254 [~~§31.984~~]. FUNDING. (a) The commission shall ensure that at least 75 percent of funds appropriated for home visiting programs are used in evidence-based programs, with any remaining funds dedicated to promising practice programs.

(b) The commission shall actively seek and apply for any available federal funds to support home visiting programs, including federal funds from the Temporary Assistance for Needy Families program.

(c) The commission may accept gifts, donations, and grants to support home visiting programs.

Sec. 137.255 [~~531.985~~]. OUTCOMES. The commission shall ensure that a home visiting program achieves favorable outcomes in at least two of the following areas:

- (1) improved maternal or child health outcomes;
- (2) improved cognitive development of children;
- (3) increased school readiness of children;
- (4) reduced child abuse, neglect, and injury;
- (5) improved child safety;
- (6) improved social-emotional development of children;
- (7) improved parenting skills, including nurturing and bonding;
- (8) improved family economic self-sufficiency;
- (9) reduced parental involvement with the criminal justice system; and
- (10) increased father involvement and support.

Sec. 137.256 [~~531.986~~]. EVALUATION OF HOME VISITING PROGRAM.

(a) The commission shall adopt outcome indicators to measure the effectiveness of a home visiting program in achieving desired outcomes.

(b) The commission may work directly with the model developer of a home visiting program to identify appropriate outcome indicators for the program and to ensure that the program demonstrates fidelity to its research model.

(c) The commission shall develop internal processes to work with home visiting programs to share data and information to aid in making relevant analysis of the performance of a home visiting program.

(d) The commission shall use data gathered under this section to monitor, conduct ongoing quality improvement on, and evaluate the effectiveness of home visiting programs.

Sec. 137.257 [~~531.987~~]. REPORTS TO LEGISLATURE. (a) Not later than December 1 of each even-numbered year, the commission shall prepare and submit a report on state-funded home visiting programs to the Senate Committee on Health and Human Services and the House Human Services Committee or their successors.

(b) A report submitted under this section must include:

- (1) a description of home visiting programs being implemented and the associated models;
- (2) data on the number of families being served and their demographic information;
- (3) the goals and achieved outcomes of home visiting programs;
- (4) data on cost per family served, including third-party return-on-investment analysis, if available; and
- (5) data explaining what percentage of funding has been used on evidence-based programs and what percentage of funding has been used on promising practice programs.

Sec. 137.258 [~~531.988~~]. RULES. The executive commissioner may adopt rules as necessary to implement this subchapter.

SECTION 7. Article 45.057(b), Code of Criminal Procedure, is amended to read as follows:

(b) On a finding by a justice or municipal court that a child committed an offense that the court has jurisdiction of under Article 4.11 or 4.14, the court has jurisdiction to enter an order:

(1) referring the child or the child's parent for services under Section 137.152, Human Resources Code ~~[264.302, Family Code]~~;

(2) requiring that the child attend a special program that the court determines to be in the best interest of the child and, if the program involves the expenditure of municipal or county funds, that is approved by the governing body of the municipality or county commissioners court, as applicable, including a rehabilitation, counseling, self-esteem and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy, or mentoring program; or

(3) requiring that the child's parent do any act or refrain from doing any act that the court determines will increase the likelihood that the child will comply with the orders of the court and that is reasonable and necessary for the welfare of the child, including:

(A) attend a parenting class or parental responsibility program; and

(B) attend the child's school classes or functions.

SECTION 8. Section 52.03(c), Family Code, is amended to read as follows:

(c) A disposition authorized by this section may involve:

(1) referral of the child to an agency other than the juvenile court;

(2) a brief conference with the child and his parent, guardian, or custodian;

or

(3) referral of the child and the child's parent, guardian, or custodian for services under Section 137.152, Human Resources Code ~~[264.302]~~.

SECTION 9. Section 59.004(a), Family Code, is amended to read as follows:

(a) For a child at sanction level one, the juvenile court or probation department may:

(1) require counseling for the child regarding the child's conduct;

(2) inform the child of the progressive sanctions that may be imposed on the child if the child continues to engage in delinquent conduct or conduct indicating a need for supervision;

(3) inform the child's parents or guardians of the parents' or guardians' responsibility to impose reasonable restrictions on the child to prevent the conduct from recurring;

(4) provide information or other assistance to the child or the child's parents or guardians in securing needed social services;

(5) require the child or the child's parents or guardians to participate in a program for services under Section 137.152, Human Resources Code ~~[264.302]~~, if a program under Section 137.152 ~~[264.302]~~ is available to the child or the child's parents or guardians;

(6) refer the child to a community-based citizen intervention program approved by the juvenile court;

(7) release the child to the child's parents or guardians; and

(8) require the child to attend and successfully complete an educational program described by Section 37.218, Education Code, or another equivalent educational program.

SECTION 10. Section 59.005(a), Family Code, is amended to read as follows:

(a) For a child at sanction level two, the juvenile court, the prosecuting attorney, or the probation department may, as provided by Section 53.03:

(1) place the child on deferred prosecution for not less than three months or more than six months;

(2) require the child to make restitution to the victim of the child's conduct or perform community service restitution appropriate to the nature and degree of harm caused and according to the child's ability;

(3) require the child's parents or guardians to identify restrictions the parents or guardians will impose on the child's activities and requirements the parents or guardians will set for the child's behavior;

(4) provide the information required under Sections 59.004(a)(2) and (4);

(5) require the child or the child's parents or guardians to participate in a program for services under Section 137.152, Human Resources Code ~~[264.302]~~, if a program under Section 137.152 ~~[264.302]~~ is available to the child or the child's parents or guardians;

(6) refer the child to a community-based citizen intervention program approved by the juvenile court; and

(7) if appropriate, impose additional conditions of probation.

SECTION 11. Section 261.002, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall provide the Health and Human Services Commission with access to the central registry as necessary for the commission to perform its duties under Section 137.005, Human Resources Code.

SECTION 12. Section 40.0025(b), Human Resources Code, is amended to read as follows:

(b) In accordance with Subchapter A-1, Chapter 531, Government Code, and notwithstanding any other law, the department performs only functions, including the statewide intake of reports and other information, related to the following services:

(1) child protective services, including services that are required by federal law to be provided by this state's child welfare agency;

(2) adult protective services, other than investigations of the alleged abuse, neglect, or exploitation of an elderly person or person with a disability:

(A) in a facility operated, or in a facility or by a person licensed, certified, or registered, by a state agency; or

(B) by a provider that has contracted to provide home and community-based services; and

(3) family support ~~[prevention and early intervention]~~ services functions, including:

(A) family support ~~[prevention and early intervention]~~ services as defined under Section 137.002 ~~[265.001, Family Code]~~; and

(B) programs that:

(i) provide parent education;

- (ii) promote healthier parent-child relationships; or
- (iii) prevent family violence.

SECTION 13. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 54 to read as follows:

CHAPTER 54. THRIVING TEXAS FAMILIES PROGRAM

Sec. 54.001. DEFINITIONS. In this chapter:

(1) "Abortion" has the meaning assigned by Section 245.002.

(2) "Network contractor" means a person who contracts with the commission to provide or coordinate the provision of services under this chapter.

Sec. 54.002. ESTABLISHMENT. (a) The commission shall establish the Thriving Texas Families Program as a continuation of the alternatives to abortion program to facilitate the operation of a statewide support network that provides community outreach, consultation, and care coordination for women with an unexpected pregnancy.

(b) The Thriving Texas Families Program shall:

(1) promote healthy pregnancy and childbirth;

(2) promote childbirth as an alternative to abortion;

(3) increase access to resources that promote family and child development;

(4) encourage family formation;

(5) help parents establish and implement successful parenting techniques;

(6) increase the number of families who achieve economic self-sufficiency;

and

(7) provide a local approach and personalized support to pregnant women to promote childbirth in all instances of pregnancy.

(c) The commission shall contract with network contractors to establish a statewide network of service providers, including pregnancy support centers, adoption assistance providers, and maternity homes, to provide the services described by Section 54.003. The commission may contract with the service providers to provide the services in accordance with this chapter.

(d) In developing the statewide network of service providers, the commission shall, to the extent practicable, contract with providers who have a history of working with the commission in programs similar to the program created by this chapter.

Sec. 54.003. SERVICES. (a) Using the network contractors described under Section 54.002, the commission shall ensure that services described by this chapter are available throughout this state.

(b) Services provided through the program include:

(1) counseling and mentoring on pregnancy, education, parenting skills, adoption services, life skills, and employment readiness topics;

(2) care coordination for prenatal, perinatal, and postnatal services, including connecting participants to health services;

(3) educational materials and information about pregnancy, parenting, and adoption services;

(4) referrals to governmental and social service programs, including child care, transportation, housing, and state and federal benefit programs;

(5) classes on life skills, personal finance, parenthood, stress management, job training, job readiness, job placement, and educational attainment;

(6) provision of supplies for infant care and pregnancy, including car seats, cribs, maternity clothes, infant diapers, and formula; and

(7) housing services.

(c) A service provider participating in the program may not be required to provide all services listed under Subsection (b).

(d) A network contractor may provide housing services under Subsection (b)(7) through a maternity home.

(e) The commission or network contractors may not provide family planning services through the network.

Sec. 54.004. ELIGIBILITY. Program services are available to a resident of this state who is:

(1) a pregnant woman;

(2) the biological father of an unborn child;

(3) the biological parent of a child who is 36 months of age or younger;

(4) an adoptive parent of a child who is 36 months of age or younger;

(5) an approved adoptive parent of an unborn child;

(6) a former participant who has experienced the loss of a child;

(7) a parent or legal guardian of a pregnant minor who is a program client;

(8) the parent, legal guardian, or adult caregiver of a child who is 36 months of age or younger; and

(9) a parent who experienced a miscarriage or loss of a child not more than 90 days before the parent begins participation in the services offered through the program.

Sec. 54.005. PROVISION OF SERVICES. (a) The commission and its network contractors shall contract with service providers to assess the needs of the participants and implement a plan to provide services to address the participants' most critical needs.

(b) A service provider participating in the program may refer a program client to a service provider not participating in the program for medical services otherwise covered by the program. Services received through a referral under this subsection may not be paid for using program funds.

Sec. 54.006. PERFORMANCE OUTCOMES. (a) The commission and its network contractors may contract only with service providers whose performance outcomes include:

(1) improving healthy pregnancy and childbirth outcomes;

(2) improving child health and development;

(3) assisting families in achieving economic self-sufficiency and stability;

(4) increasing workforce participation; or

(5) promoting marriage and family formation for participating parents.

(b) The commission shall identify indicators to measure the performance outcomes under Subsection (a) and require periodic reporting on the outcomes by network contractors and participating service providers.

Sec. 54.007. IMPACT EVALUATION. (a) The commission shall periodically conduct impact evaluations to measure the effects of services on participants receiving services through the program and to report on measured performance outcomes.

(b) The commission shall contract with an external third party to perform impact evaluations under this chapter.

(c) The commission shall select the impact evaluator through a competitive bidding process. The evaluator must have a demonstrated history in evaluating social services programs using an integrated holistic impact approach and data modeling.

(d) The commission may not enter into an interagency agreement to conduct an evaluation under this section.

Sec. 54.008. REPORTS; AUDITS. (a) The commission shall compile reports provided by network contractors and service providers under Section 54.006 and audit a sampling of the reports to ensure validity.

(b) The commission shall annually issue a report that includes:

(1) the total number of network contractors and service providers, sorted by geographical region served;

(2) the total number of individuals served by each provider, sorted by age and sex;

(3) the total amount of expenditures, sorted by method of finance;

(4) the value of the contracts with each network contractor and service provider;

(5) any outcome measures reported to the commission by network contractors and service providers;

(6) any performance outcomes reported to the commission under Section 54.006; and

(7) the results of any impact evaluation conducted under Section 54.007.

Sec. 54.009. RULES. (a) The executive commissioner may adopt rules to implement this chapter.

(b) The executive commissioner may not adopt a rule that violates Chapter 110, Civil Practice and Remedies Code, or Chapter 45, Human Resources Code.

Sec. 54.010. PROHIBITED CONTRACT TERMS. A contract under this chapter may not include a provision that violates Chapter 110, Civil Practice and Remedies Code, or Chapter 45, Human Resources Code.

Sec. 54.011. FUNDING. (a) The commission shall, to the greatest extent possible, seek private funding to supplement and match funding provided through the program.

(b) The commission or a service provider may not:

(1) use funding provided through the program to perform, induce, assist, or refer an abortion; or

(2) grant funds to an abortion provider or an affiliate of an abortion provider.

(c) The commission may not use more than three percent of funding allocated to the program to:

(1) administer the program; and

(2) procure evaluator services under Section 54.007.

SECTION 14. Section 118.022(b), Local Government Code, is amended to read as follows:



(b) The comptroller shall deposit the money received under Subsection (a)(1) to the credit of the child abuse and neglect prevention trust fund account established under Section 137.054 ~~[40.105]~~, Human Resources Code.

SECTION 15. (a) On September 1, 2024, all powers, duties, functions, programs, employees, administrative support services, contracts, property, records, and other resources necessary to comply with this Act are transferred from the Department of Family and Protective Services to the Health and Human Services Commission, including the operating fund and trust fund under Subchapter B, Chapter 137, Human Resources Code, as amended by this Act.

(b) The Health and Human Services Commission shall, not later than September 1, 2025, develop and implement its initial five-year strategic plan under Section 137.005, Human Resources Code, as amended by this Act. The initial plan must additionally include plans to develop and implement the system of family support programs under Section 137.003(a)(2), Human Resources Code, as amended by this Act.

SECTION 16. The following provisions of the Family Code are repealed:

- (1) the heading to Chapter 265;
- (2) the heading to Subchapter D, Chapter 265; and
- (3) Section 265.151.

SECTION 17. This Act takes effect September 1, 2023.

### **Floor Amendment No. 1**

Amend **CSSB 24** (house committee report) as follows:

- (1) On page 8, line 10, strike "and".
- (2) On page 8, at the end of line 12, strike the period and substitute "; and".
- (3) On page 8, between lines 12 and 13, insert the following:  
(10) identify strategies to minimize the disruption of the provision of family support services to children and families.

- (4) On page 44, between lines 18 and 19, insert the following:

(c) The Department of Family and Protective Services and the Health and Human Services Commission shall ensure that children and families receiving services under Chapter 265, Family Code, on the effective date of this Act continue to receive services with minimal disruption as the programs are transferred to the commission.

### **Floor Amendment No. 2**

Amend **CSSB 24** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0045 to read as follows:

Sec. 531.0045. LIMIT ON SUNSET REVIEW. The Sunset Advisory Commission's review of the Health and Human Services Commission under Chapter 325 (Texas Sunset Act) during the period in which state agencies abolished in 2027 are reviewed may not include a review of the family support services programs

transferred to the commission under Chapter 137, Human Resources Code, or the Thriving Texas Families Program established under Chapter 54, Health and Safety Code. This section expires September 1, 2027.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendment to **SB 24**.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, King, Kolkhorst, Menéndez, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Zaffirini.

Nays: Alvarado, Eckhardt, Gutierrez, Johnson, LaMantia, Miles, Whitmire.

### **SENATE BILL 25 WITH HOUSE AMENDMENTS**

Senator Kolkhorst called **SB 25** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 25** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to support for nursing-related postsecondary education, including scholarships to nursing students, loan repayment assistance to nurses and nursing faculty, and grants to nursing education programs.

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

**SECTION 1.** Section 61.651(1), Education Code, is amended to read as follows:

(1) "Professional nursing student" means a student enrolled in:

(A) an institution of higher education; or

(B) a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor ~~a private or independent institution of higher education~~ in a course of study leading to an initial or an advanced degree in professional nursing.

**SECTION 2.** Section 61.655, Education Code, is amended to read as follows:

**Sec. 61.655. PURPOSE; ELIGIBILITY.** (a) A scholarship program~~[- matching fund program,]~~ or loan repayment program established under this subchapter shall be established and administered in a manner that the board determines best promotes the health care and educational needs of this state.

(b) The board may establish multiple categories of persons to receive scholarships~~[- matching funds,]~~ and loan repayments. The board may include faculty from professional nursing programs with master's degrees or doctorates among the categories of persons authorized to receive loan repayments.

(c) Each year funds are available, the board shall establish the categories of persons eligible to receive scholarships~~[- matching funds,]~~ and loan repayments and the criteria for selecting persons to be assisted under each category. The criteria:

(1) must include that the person be enrolled in, or have outstanding student loans for education received at, as applicable to the program:

(A) an institution of higher education; or

(B) a nonprofit college or university described by Section 61.651(1)(B);

and

(2) may include:

(A) [(1)] scholastic ability and performance;

(B) [(2)] financial need;

(C) [(3)] the geographical area in which the person is likely to practice;

(D) [(4)] whether the person receives Temporary Assistance for Needy

Families [Aid to Families with Dependent Children] or participates in another public welfare program;

(E) [(5)] employment by a state agency;

(F) [(6)] employment on a nursing school faculty or a person's intention to seek employment on a nursing school faculty;

(G) [(7)] whether the person is practicing in a geographical area, a practice setting, or an area of practice with an acute nursing shortage or is likely to practice in such an area;

(H) [(8)] the type of certificate or academic degree held or pursued; or

(I) [(9)] any additional factors the board considers relevant to promoting the health care and educational needs of the state.

SECTION 3. Section 61.656, Education Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The board shall distribute information about the scholarship program[; ~~matching fund program;~~] and loan repayment program established under this subchapter to:

(1) employers of registered nurses or licensed vocational nurses;

(2) associations of employers;

(3) schools and educational programs for registered nurses or licensed vocational nurses; and

(4) professional associations of registered nurses or licensed vocational nurses.

(e) The rules adopted under this section must provide that not more than 10 percent of the total amount of scholarships or repayment assistance awarded under a program established under this subchapter in a year may be awarded to persons enrolled in, or for the repayment of student loans for education received at, as applicable to the program, a nonprofit college or university described by Section 61.651(1)(B).

SECTION 4. Section 61.658(b), Education Code, is amended to read as follows:

(b) The board may structure the scholarship program[; ~~the matching fund program;~~] and the loan repayment program established under this subchapter to secure funds available under federal matching programs.

SECTION 5. Chapter 61, Education Code, is amended by adding Subchapter Z-1 to read as follows:

SUBCHAPTER Z-1. GRANT PROGRAMS SUPPORTING NURSING  
EDUCATION AND TRAINING

Sec. 61.9641. DEFINITIONS. In this subchapter:

(1) "Clinical site" means an acute care or rehabilitation facility, a primary care setting, a long-term care facility, a nursing home, a residential care setting, or any other site identified by the board as providing clinical learning experiences for nursing students.

(2) "Nursing advisory committee" means the nursing advisory committee established under Section 104.0155, Health and Safety Code.

Sec. 61.9642. CLINICAL SITE NURSE PRECEPTOR GRANT PROGRAM.

(a) The board, in consultation with the nursing advisory committee, shall establish and administer a program to award grants to eligible clinical sites to support the use of nurse preceptors in providing clinical training to nursing students.

(b) To be eligible for a grant under this section, a clinical site must:

(1) provide clinical training to nursing students through the use of one or more nurse preceptors;

(2) comply with any clinical site requirements established by the board; and

(3) comply with any other requirements adopted by board rule.

Sec. 61.9643. CLINICAL SITE INNOVATION AND COORDINATION PROGRAM. The board shall establish and administer a program to award grants to eligible clinical sites that create and operate innovative pilot programs that will support nursing performed at clinical sites in this state by increasing the number of nurses, improving the working environment for nurses, improving the retention of nurses, addressing workplace safety, and coordinating with other clinical sites any solutions found to address common nursing concerns.

Sec. 61.9644. NURSING FACULTY GRANT PROGRAM: PART-TIME POSITIONS. (a) The board shall award grants under a nursing faculty grant program to eligible institutions of higher education to provide funding for qualified nursing staff working at clinical sites who serve as part-time nursing faculty at those institutions.

(b) The amount of a grant and the number of grants to be awarded must be based on the total number of nursing staff serving as part-time faculty in institutions of higher education throughout the state in the year for which the grant is awarded.

(c) A grant received under this section must be expended to support the applicable nursing faculty positions, including the faculty stipend.

(d) An institution of higher education must certify in the grant application the number of unfilled faculty positions to which the application applies and, after a grant is awarded, must certify which of those positions have been filled before receipt of the grant funds.

(e) The board shall prescribe the dates for the submission of applications and the award of grants under this section to ensure that a grant recipient has sufficient time to prepare for receipt and effective use of the grant funds before the academic period for which the grant is awarded.

(f) Grant amounts are awarded under this section for two consecutive state fiscal years. The board may distribute a grant amount for nursing faculty only on receiving the certification from the institution of higher education that the applicable nurse

faculty position has been filled. For each first-year nursing faculty position for which a clinical site receives an initial grant amount in a state fiscal year, the board shall make available an equal grant amount for the subsequent state fiscal year contingent on filling the part-time nursing faculty positions funded by the grant in that second year.

Sec. 61.9645. NURSING FACULTY GRANT PROGRAM: CLINICAL TRAINING. (a) The board shall award grants under a nursing faculty grant program to eligible clinical sites to provide funding for qualified nursing faculty of institutions of higher education who seek to obtain additional clinical training by working part-time at a clinical site.

(b) The amount of a grant and the number of grants to be awarded must be based on the total number of nursing faculty in institutions of higher education throughout the state in the year for which the grant is awarded.

Sec. 61.9646. FUNDS. (a) In consultation with the nursing advisory committee, the board shall allocate funds appropriated for purposes of this subchapter and any other funds received as described by Subsection (b) as the board considers appropriate to further the purposes of this subchapter.

(b) In addition to money appropriated by the legislature, the board may solicit, accept, and spend gifts, grants, and donations from any public or private source for the purposes of the grant programs established under this subchapter.

Sec. 61.9647. RULES. In consultation with the nursing advisory committee, the board shall adopt rules for the administration of the grant programs established under this subchapter. The rules must include:

(1) administrative provisions relating to the awarding of grants under this subchapter, such as:

(A) eligibility criteria for clinical sites or institutions of higher education, as applicable;

(B) grant application procedures;

(C) guidelines relating to grant amounts;

(D) procedures for evaluating grant applications; and

(E) procedures for monitoring the use of grants; and

(2) methods for tracking the effectiveness of grants that:

(A) use data reasonably available to the board or the Texas Center for Nursing Workforce Studies; and

(B) evaluate transferability and scalability of innovation programs.

SECTION 6. Section 61.9822, Education Code, is amended to read as follows:

Sec. 61.9822. ELIGIBILITY. To be eligible to receive loan repayment assistance under this subchapter, a nurse must:

(1) apply to the board;

(2) at the time of application for repayment assistance have been employed part-time or full-time for at least one year as, and be currently employed part-time or full-time as, a faculty member of a nursing degree program at an institution of higher education or a private or independent institution of higher education; and

(3) comply with any additional requirements adopted by board rule.

SECTION 7. Sections 61.9823(a) and (b), Education Code, are amended to read as follows:

(a) On qualifying for loan repayment assistance under this subchapter, a nurse may receive repayment assistance for each year of part-time or full-time employment as a faculty member of a nursing degree program at an institution of higher education or private or independent institution of higher education, not to exceed five years.

(b) The board by rule shall determine the maximum amount of loan repayment assistance received by a nurse under this subchapter ~~[may not exceed \$7,000]~~ in any one year. The board shall base the amount of loan repayment assistance received by a nurse for part-time employment on the proportion of the number of hours worked by the nurse to the number of hours worked by a full-time nurse.

SECTION 8. Sections 63.202(f) and (g), Education Code, are amended to read as follows:

(f) Notwithstanding the limitation provided by Subsection (b), grants awarded under Subsection (c) for the state fiscal biennium ending on August 31, 2025 [~~2024~~], and the fiscal biennium ending on August 31, 2027 [~~2023~~], by the Texas Higher Education Coordinating Board shall be awarded to programs preparing students for initial licensure as registered nurses or programs preparing qualified faculty members with a master's or doctoral degree for the program, including programs at two-year institutions of higher education, four-year general academic teaching institutions, health science centers, and independent or private institutions of higher education, or to the nursing resource section established under Section 105.002(b), Health and Safety Code. In awarding grants under this subsection, the coordinating board may:

(1) give priority to institutions proposing to address the shortage of registered nurses by promoting innovation in education, recruitment, and retention of nursing students and qualified faculty;

(2) award grants on a competitive basis;

(3) consider the availability of matching funds; and

(4) fund a study by the nursing resource section to evaluate the competencies of clinical judgment and behaviors that professional nursing students should possess at the time of graduation.

(g) Subsection (f) and this subsection expire September 1, 2027 [~~2023~~].

SECTION 9. The following provisions of the Education Code are repealed:

(1) Sections 61.653 and 61.657; and

(2) Section 61.656(c).

SECTION 10. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules necessary to administer the changes in law made by this Act.

(b) Section 61.655, Education Code, as amended by this Act, applies beginning with scholarships and loan repayment assistance awarded under a program established under Subchapter L, Chapter 61, Education Code, for the 2024-2025 academic year. Scholarships and loan repayment assistance awarded under a program established under Subchapter L, Chapter 61, Education Code, for an academic year before the 2024-2025 academic year are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(c) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the grant programs required by Subchapter Z-1, Chapter 61, Education Code, as added by this Act. The board may adopt the initial rules in the manner provided by law for emergency rules.

(d) Not later than September 1, 2023, the Texas Higher Education Coordinating Board shall establish the grant programs required by Subchapter Z-1, Chapter 61, Education Code, as added by this Act, and shall begin to award grants under those programs not later than January 1, 2024.

(e) The changes in law made by this Act to Subchapter JJ, Chapter 61, Education Code, apply beginning with loan repayment assistance awarded under that subchapter for the 2024-2025 academic year. Loan repayment assistance awarded under Subchapter JJ, Chapter 61, Education Code, for an academic year before the 2024-2025 academic year is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 11. 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, 2023.

### Floor Amendment No. 1

Amend **CSSB 25** (house committee report) as follows:

(1) On page 1, strike lines 9 through 17 and substitute the following:

(1) "Professional nursing student" means a student enrolled in ~~[an institution of higher education or a private or independent institution of higher education in]~~ a course of study leading to an initial or an advanced degree in professional nursing at:

(A) an institution of higher education;

(B) a private or independent institution of higher education; or

(C) a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor.

(2) On page 2, strike lines 13 through 15 and substitute the following:

(A) an institution of higher education;

(B) a private or independent institution of higher education; or

(C) a nonprofit college or university described by Section 61.651(1)(C);  
and

(3) On page 4, line 1, strike "Section 61.651(1)(B)" and substitute "Section 61.651(1)(C)".

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 25**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### SENATE BILL 401 WITH HOUSE AMENDMENT

Senator Kolkhorst called **SB 401** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### **Amendment**

Amend **SB 401** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to prices charged by a medical staffing services agency during certain designated public health disaster periods; providing a civil penalty.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

#### **CHAPTER 81B. PRICE GOUGING OF MEDICAL STAFFING SERVICES DURING DESIGNATED PUBLIC HEALTH DISASTER PERIOD**

Sec. 81B.001. DEFINITION. In this chapter, "designated public health disaster period" means a period:

- (1) based on a threat to the public health, including a threat from:
  - (A) a chemical, biological, explosive, nuclear, or radiological attack or incident; or
  - (B) a communicable disease, epidemic, or pandemic;
- (2) beginning on the earlier of the date:
  - (A) the governor issues a proclamation or executive order declaring a state of disaster under Chapter 418, Government Code, for any area of this state;
  - (B) the president of the United States declares a state of disaster that includes an area of this state as part of the federally declared disaster area; or
  - (C) a disaster described by Paragraph (A) or (B) occurs; and
- (3) ending on the 30th day after the date the disaster declaration expires or is terminated.

Sec. 81B.002. APPLICABILITY. This chapter applies only to a medical staffing services agency that provides the following health care professionals to fill vacancies or address temporary staffing needs during a designated public health disaster period:

- (1) physician assistants licensed under Chapter 204, Occupations Code;
- (2) surgical assistants licensed under Chapter 206, Occupations Code;
- (3) nurses licensed under Chapter 301, Occupations Code; or
- (4) nurse aides listed in the nurse aide registry under Chapter 250.

Sec. 81B.003. PROHIBITED PRICE GOUGING DURING DESIGNATED PUBLIC HEALTH DISASTER PERIOD. During a designated public health disaster period, a medical staffing services agency to which this chapter applies may not, in an area subject to the declared state of disaster:

- (1) provide medical staffing services to a health care organization or other entity in this state at an exorbitant or excessive price; or
- (2) demand or charge an exorbitant or excessive price to provide medical staffing services to a health care organization or other entity in this state.

Sec. 81B.004. CIVIL PENALTY; INJUNCTION. (a) A medical staffing services agency that violates this chapter is subject to a civil penalty in an amount not to exceed \$10,000 for each violation.



(b) The consumer protection division of the office of the attorney general may bring an action in the name of the state to:

(1) recover a civil penalty under this section; or

(2) temporarily or permanently restrain or enjoin the person from violating this chapter.

(c) The consumer protection division of the office of the attorney general may recover reasonable expenses incurred in obtaining a civil penalty under this section, including court costs, reasonable attorney's fees, expert witness fees, deposition expenses, and investigatory costs.

(d) An action under this section may be brought:

(1) in a district court of the county in which:

(A) the defendant resides;

(B) the defendant's principal place of business is located;

(C) the defendant conducts business; or

(D) the transaction giving rise to the claim occurred; or

(2) on the consent of the parties, in a district court of Travis County.

SECTION 2. The changes in law made by this Act apply only to an act that occurs on or after the effective date of this Act. An act that occurs before the effective date of this Act is governed by the law in effect on the date the act occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2023.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 401**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1040 WITH HOUSE AMENDMENT**

Senator Kolkhorst called **SB 1040** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1040** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. It is the intent of the legislature that this Act:

(1) combat the practice of forcibly harvesting organs from living persons for transplant without free, voluntary consent;

(2) bring awareness to China's state-sanctioned practice of forced organ harvesting of prisoners of conscience and other vulnerable persons, including Falun Gong practitioners, Uyghur Muslims, Tibetan Buddhists, and House Church Christians; and

(3) curb illicit transplant tourism and prevent residents of this state from unknowingly involving themselves in forced organ harvesting.

The amendment was read.

Senator Kolkhorst moved to concur in the House amendment to **SB 1040**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 409 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 409**. The Conference Committee Report was filed with the Senate on Tuesday, May 23, 2023.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1001 WITH HOUSE AMENDMENTS**

Senator Schwertner called **SB 1001** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1001** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED  
AN ACT**

relating to the regulation of electric vehicle supply equipment; requiring an occupational registration; authorizing fees; authorizing an administrative penalty.

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

SECTION 1. Subtitle A, Title 14, Occupations Code, is amended by adding Chapter 2311 to read as follows:

CHAPTER 2311. ELECTRIC VEHICLE SUPPLY EQUIPMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2311.0101. DEFINITIONS. In this chapter:

(1) "Commercial transaction" means any sale or exchange for compensation of electrical energy through a digital network.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Department" means the Texas Department of Licensing and Regulation.

(4) "Digital network" means an online-enabled application, website, or system offered or used by an electric vehicle supply provider that allows a user to initiate a commercial transaction to dispense electrical energy from electric vehicle supply equipment to an electric vehicle.

(5) "Electric vehicle supply equipment" means a device or equipment used to dispense electrical energy to an electric vehicle.

(6) "Electric vehicle supply provider" means an owner or operator of electric vehicle supply equipment that is available and accessible to the public to provide electrical energy through a commercial transaction.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 2311.0201. RULES. The commission shall adopt rules as necessary to implement this chapter.

Sec. 2311.0202. FEES. The commission by rule shall set fees in amounts sufficient to cover the costs of administering this chapter.

Sec. 2311.0203. CONTRACT. The department may contract to perform the department's duties related to electric vehicle supply equipment, including inspections. A reference in this chapter to the commission or department in the context of a contracted service means the contractor.

Sec. 2311.0204. INSPECTION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT. The department may periodically, or in response to a complaint, conduct an inspection of electric vehicle supply equipment in order to verify compliance with registration requirements and standards established in this chapter and commission rules, unless electric vehicle supply equipment is exempt from the application of this chapter by commission rule.

Sec. 2311.0205. COMPLAINTS REGARDING ELECTRIC VEHICLE SUPPLY EQUIPMENT. In accordance with Chapter 51, the executive director of the department shall establish methods by which consumers are notified of the name, Internet website address, mailing address, and telephone number of the department for the purpose of directing complaints to the department.

Sec. 2311.0206. EXEMPTIONS. (a) The commission by rule may exempt electric vehicle supply equipment from a requirement established by this chapter if the commission determines that imposing or enforcing the requirement:

- (1) is not cost-effective for the department;
- (2) is not feasible with current resources or standards; or
- (3) will not substantially benefit or protect consumers.

(b) Electric vehicle supply equipment is exempt from the requirements of this chapter if, in accordance with commission rule, the electric vehicle supply equipment is:

- (1) installed in or adjacent to a private residence for noncommercial use;
- (2) provided for the exclusive use of an individual, or a group of individuals, including employees, tenants, visitors, or residents of a multiunit housing or office development; or
- (3) provided by a business for use at no charge.

Sec. 2311.0207. REGULATION OF LEGACY CHARGERS. The commission may adopt rules to regulate electric vehicle supply equipment in operation before January 1, 2024, that:

- (1) has never had a metering system in place capable of measuring electricity transferred from the charging station to the vehicle; or
- (2) is not capable of measuring the time elapsed while actively charging a vehicle and calculating a fee for the charging session.

#### SUBCHAPTER C. OPERATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

Sec. 2311.0301. DUTIES OF ELECTRIC VEHICLE SUPPLY PROVIDER. Unless electric vehicle supply equipment is exempt from the application of this chapter or has been removed from service, an electric vehicle supply provider shall:

- (1) have electric vehicle supply equipment inspected as prescribed by commission rule; and

(2) maintain electric vehicle supply equipment in compliance with maintenance specifications, this chapter, and commission rule.

Sec. 2311.0302. REQUIRED REGISTRATION. (a) Unless electric vehicle supply equipment is exempt from the application of this chapter by commission rule, an electric vehicle supply provider shall register each charging unit of electric vehicle supply equipment operated by the provider with the department before the electric vehicle supply equipment is made available for use on a digital network for a commercial transaction.

(b) The department shall issue a registration to each applicant that meets the requirements of this chapter and submits an application that meets the requirements of this section. An application for electric vehicle supply equipment registration must:

(1) be submitted to the department in a manner prescribed by the department;

(2) be accompanied by any other document or form required by the department;

(3) include any fee required under Section 2311.0202; and

(4) include documentation of compliance with Section 2311.0303, as prescribed by commission rule.

Sec. 2311.0303. SPECIFICATIONS. (a) Specifications and tolerances for electric vehicle supply equipment shall be the same as those recommended by the National Institute of Standards and Technology.

(b) Electric vehicle supply equipment must be installed and operated in accordance with Chapter 1305.

(c) The commission may adopt rules as necessary to establish standards under this chapter.

(d) This subsection applies only to electric vehicle supply equipment installed after December 1, 2024, that is made available to the public and not intended primarily for private use. The commission, in consultation with the Texas Department of Transportation, shall adopt standards that require electric vehicle supply equipment to be equipped with a standard electric vehicle charging connector or plug type that is widely compatible with as many types of electric vehicles as practicable.

Sec. 2311.0304. FEES; DISCLOSURES. (a) An electric vehicle supply provider shall disclose on the display of the electric vehicle supply equipment or on the electric vehicle supply provider's digital network:

(1) the fee calculation method or methods; and

(2) applicable surcharges.

(b) Before the user begins charging, the electric vehicle supply provider shall disclose:

(1) the rate the user will be charged at the time of the transaction based on the available fee calculation method or methods; and

(2) a list of applicable surcharges.

(c) In accordance with commission rule, an electric vehicle supply provider shall show on the display of the provider's electric vehicle supply equipment or on the provider's digital network a notice to consumers that:

(1) states that the department regulates electric vehicle supply equipment;

and

(2) provides information on filing a complaint with the department about electric vehicle supply equipment.

Sec. 2311.0305. RECEIPT. After a reasonable period following the completion of a commercial transaction for electric vehicle charging, on request of a user, the electric vehicle supply provider shall transmit a summary that includes:

- (1) the date and time of the transaction;
- (2) the physical location of the electric vehicle supply equipment;
- (3) the duration of and kilowatt hours provided during the transaction; and
- (4) an itemization of the total fees paid, including surcharges, if applicable.

Sec. 2311.0306. REPAIR OF DAMAGED ELECTRIC VEHICLE SUPPLY EQUIPMENT. (a) An electric vehicle supply provider shall:

(1) remove from operation in a manner that prevents use and access by the public, in accordance with commission rules, electric vehicle supply equipment that poses a safety risk; and

(2) remove electric vehicle supply equipment that poses a safety risk from the electric vehicle supply provider's digital network listing of available charging units.

(b) If the department determines that electric vehicle supply equipment poses a safety risk, the department shall place a tag or other mark with the words "Out of Order" on the electric vehicle supply equipment.

(c) An electric vehicle supply provider may not return electric vehicle supply equipment to operation until the equipment has been repaired in accordance with manufacturer specifications and commission rule.

#### SUBCHAPTER D. ENFORCEMENT

Sec. 2311.0401. DISCIPLINARY ACTION. A person is subject to the denial of an application, imposition of an administrative penalty under Subchapter F, Chapter 51, or disciplinary action under Section 51.353 if the person engages in a commercial transaction in violation of this chapter or a rule adopted under this chapter.

Sec. 2311.0402. ADMINISTRATIVE PROCEDURES. A proceeding for the denial of a registration or a disciplinary action or an appeal from that proceeding is governed by Chapter 2001, Government Code.

SECTION 2. The Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act not later than December 1, 2024.

SECTION 3. (a) The Texas Department of Licensing and Regulation may establish and lead a stakeholder work group to provide input, advice, and recommendations on the activities under this Act. The Texas Department of Licensing and Regulation shall establish the size, composition, and scope of the stakeholder work group.

(b) This section expires on December 1, 2024.

SECTION 4. (a) An electric vehicle supply provider shall register all of the provider's electric vehicle supply equipment in operation in this state not later than March 1, 2025.

(b) Except as provided by Subsection (c) of this section, electric vehicle supply equipment installed in this state must be operated in compliance with manufacturer specifications, Chapter 2311, Occupations Code, as added by this Act, and Texas Commission of Licensing and Regulation rules:

(1) not later than March 1, 2028, if the equipment is installed before the effective date of this Act;

(2) not later than March 1, 2025, if the equipment is installed on or after the effective date of this Act and before March 1, 2025; and

(3) when the equipment begins operating, if the equipment is installed on or after March 1, 2025.

(c) Electric vehicle supply equipment installed in this state that is subject to Section 2311.0303(d), Occupations Code, as added by this Act, is not required to comply with that subsection or rules adopted under that subsection until January 1, 2030.

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, 2023.

#### **Floor Amendment No. 1**

Amend **CSSB 1001** (house committee report) on page 5, line 16, as follows:

(1) Strike "and" and substitute ", is".

(2) Between "use" and the underlined period, insert ", and is funded by a public grant or a rebate program".

The amendments were read.

Senator Schwertner moved to concur in the House amendments to **SB 1001**.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Middleton.

#### **SENATE BILL 2011 WITH HOUSE AMENDMENT**

Senator Schwertner called **SB 2011** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 2011** (house committee printing) on page 2, line 4, by striking "may" and substituting "must".

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 2011**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 2013 WITH HOUSE AMENDMENT**

Senator Schwertner called **SB 2013** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 2013** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED****AN ACT**

relating to access to and the security of certain critical infrastructure.

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

SECTION 1. Section 113.001, Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021, is amended by adding Subdivision (5) to read as follows:

(5) "Affiliate," with respect to a company entering into an agreement in which the critical infrastructure is electric grid equipment, has the meaning assigned by the protocols of the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region.

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1183 to read as follows:

Sec. 411.1183. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: INDEPENDENT ORGANIZATION CERTIFIED UNDER UTILITIES CODE. (a) An independent organization certified under Section 39.151, Utilities Code, for security reasons is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who has or is seeking employment at or access to the independent organization's systems that affect the security of the electric grid or any other background information maintained by the department that relates to the person that is considered necessary by the independent organization or required by the Public Utility Commission.

(b) Information obtained from the department under this section may not be released or disclosed except:

(1) as needed in protecting the security of the electric grid;

(2) as authorized by a court order or a federal or state law or order; or

(3) with the consent of the person who is the subject of the criminal history record information.

SECTION 3. Section 2274.0101, Government Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021, is amended by amending Subdivision (5) and adding Subdivision (6) to read as follows:

(5) "Governmental entity" means a state agency, a ~~or~~ political subdivision, or an independent organization certified under Section 39.151, Utilities Code, to perform a function described by Section 39.151(a), Utilities Code ~~[of this state].~~

(6) "Affiliate," with respect to a company entering into an agreement in which the critical infrastructure is electric grid equipment, has the meaning assigned by the protocols of the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region.

SECTION 4. Section 39.151, Utilities Code, is amended by adding Subsection (g-7) to read as follows:

(g-7) To maintain certification as an independent organization under this section, the organization must:

(1) identify all employee positions in the organization that are critical to the security of the electric grid; and

(2) before hiring a person for a position described by Subdivision (1), obtain from the Department of Public Safety or a private vendor criminal history record information relating to the prospective employee and any other background information considered necessary by the independent organization or required by the commission.

SECTION 5. Subchapter H, Chapter 39, Utilities Code, is amended by adding Section 39.360 to read as follows:

Sec. 39.360. TRANSACTIONS WITH CERTAIN FOREIGN-OWNED COMPANIES IN CONNECTION WITH CRITICAL INFRASTRUCTURE. (a) In this section, "company" and "critical infrastructure" have the meanings assigned by Section 113.001, Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021.

(b) An independent organization certified under Section 39.151 may not register a business entity or maintain the registration of a business entity to operate in the power region for which the independent organization is certified unless the business entity attests that the entity complies with Chapter 113, Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021.

(c) An independent organization certified under Section 39.151 shall require as a condition of operating in the power region for which the independent organization is certified that a business entity report to the independent organization the purchase of any critical electric grid equipment or service from a company described by Section 113.002(a)(2), Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021.

(d) For each purchase reported by a business entity under Subsection (c), the business entity shall submit an attestation to the independent organization that the purchase will not result in access to or control of its critical electric grid equipment by a company described by Section 113.002(a)(2), Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021, excluding access specifically allowed by the business entity for product warranty and support purposes.

(e) Notwithstanding any other law, an independent organization certified under Section 39.151 may immediately suspend or terminate a company's registration or access to any of the independent organization's systems if the independent organization has a reasonable suspicion that the company meets any of the criteria described by Section 2274.0102(a)(2), Government Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021.

(f) A contractual provision that limits or contradicts Subsection (e) is contrary to public policy and is unenforceable and void.



(g) An independent organization certified under Section 39.151 may adopt guidelines or procedures relating to the requirements in this section, including the qualification of electric grid equipment or services as critical.

(h) The commission shall adopt any rules necessary to administer this section or authorize an independent organization to carry out a duty imposed by this section.

(i) The attorney general may conduct periodic audits of the attestations required by Subsection (d) and may prioritize the audits as necessary to protect critical infrastructure.

SECTION 6. The changes made by this Act to Chapter 113, Business & Commerce Code, and Chapter 2274, Government Code, apply only to a contract or agreement entered into on or after the effective date of this Act.

SECTION 7. (a) For the purposes of Section 39.360(c), Utilities Code, as added by this Act, a business entity operating in a power region on the effective date of this Act shall report to the independent organization certified for that power region under Section 39.151, Utilities Code, any purchase made within the five years preceding the effective date of this Act.

(b) For any past purchase reported by a business entity as described by Subsection (a) of this section, the business entity shall take reasonable and necessary actions to mitigate access to or control of its critical electric grid equipment by a company described by Section 113.002(a)(2), Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021, excluding access specifically allowed by the business entity for product warranty and support purposes, and report those actions to the independent organization.

SECTION 8. It is the intent of the 88th Legislature, Regular Session, 2023, that the amendments made by this Act be harmonized with another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 2013**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 317 WITH HOUSE AMENDMENT**

Senator Hall called **SB 317** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 317** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to appellate jurisdiction of the Public Utility Commission regarding certain water or sewer service fees.

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

SECTION 1. Section 13.043, Water Code, is amended by amending Subsection (g) and adding Subsection (g-1) to read as follows:

(g) An applicant for service from an affected county or a water supply or sewer service corporation may appeal to the utility commission a decision of the county or water supply or sewer service corporation relating to any fee or  ~~affecting the~~ amount to be paid to obtain service, other than the regular membership or tap fees or a groundwater conservation district or other governmental fee. In addition to the factors specified under Subsection (j), in an appeal brought under this subsection the utility commission shall determine whether the amount paid by the applicant is consistent with the tariff of the water supply or sewer service corporation and is reasonably related to the cost of installing on-site and off-site facilities to provide service to that applicant. If the utility commission finds the amount charged to be clearly unreasonable, it shall establish the fee to be paid for that applicant. An appeal under this subsection must be initiated within 90 days after the date written notice is provided to the applicant or member of the decision of an affected county or water supply or sewer service corporation relating to the applicant's initial request for that service. A determination made by the utility commission on an appeal under this subsection is binding on all similarly situated applicants for service, and the utility commission may not consider other appeals on the same issue until the applicable provisions of the tariff of the water supply or sewer service corporation are amended.

(g-1) An applicant for service from a water supply or sewer service corporation may appeal to the utility commission for a determination of whether the regular membership fee or tap fee required to be paid to obtain service is consistent with the tariff of the water supply or sewer service corporation. If the utility commission finds that the fee is inconsistent with the tariff of the water supply or sewer service corporation, the utility commission shall issue an order requiring the water supply or sewer service corporation to charge the applicant an amount consistent with the tariff. An appeal under this subsection must be initiated not later than the 30th day after the date the water supply or sewer service corporation provides the applicant with the cost of obtaining service.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment was read.

Senator Hall moved to concur in the House amendment to **SB 317**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 386 WITH HOUSE AMENDMENT**

Senator Hall called **SB 386** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 386** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the prosecution of a capital murder committed against a peace officer or fireman.

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

SECTION 1. This Act may be cited as the Richard Houston II Act.

SECTION 2. Section 19.03, Penal Code, is amended by adding Subsection (d) to read as follows:

(d) For purposes of Subsection (a)(1), the actor is presumed to have known the person murdered was a peace officer or fireman if the person was wearing a distinctive uniform or badge indicating the person's employment as a peace officer or fireman.

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.

SECTION 4. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hall moved to concur in the House amendment to **SB 386**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Eckhardt.

**SENATE BILL 796 WITH HOUSE AMENDMENTS**

Senator Middleton called **SB 796** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 796** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to arbitration provisions in surplus lines insurance contracts.

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

SECTION 1. Section 981.101, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) An arbitration under a surplus lines insurance contract that is related to a risk located entirely in this state must be conducted in this state, and the insurance contract, including the arbitration agreement, must be interpreted in accordance with the laws of this state. This subsection applies to an arbitration under a surplus lines insurance contract entered into in or outside of this state.

SECTION 2. Section 981.101(d), Insurance Code, as added by this Act, applies only to a surplus lines insurance contract delivered, issued for delivery, or renewed on or after January 1, 2024.

SECTION 3. This Act takes effect September 1, 2023.

### Floor Amendment No. 1

Amend **CSSB 796** (house committee printing) as follows:

(1) On page 1, strike lines 11 through 13, and substitute the following:  
laws of this state. This subsection may not be construed as a defense to the enforcement of:

(1) an arbitration agreement that complies with or has been reformed to comply with this subsection; or

(2) an award made under an agreement described by Subdivision (1).

(2) On page 1, lines 15 through 17, strike "a surplus lines insurance contract delivered, issued for delivery, or renewed on or after January 1, 2024." and substitute "an arbitration commenced on or after the effective date of this Act."

The amendments were read.

Senator Middleton moved to concur in the House amendments to **SB 796**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### SENATE BILL 1051 WITH HOUSE AMENDMENT

Senator Hughes called **SB 1051** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### Amendment

Amend **SB 1051** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to a uniform coordination of benefits questionnaire for health benefit plans.

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

SECTION 1. Chapter 1203, Insurance Code, is amended by adding Subchapter C to read as follows:

#### SUBCHAPTER C. COORDINATION OF BENEFITS QUESTIONNAIRE

Sec. 1203.101. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is issued by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a health maintenance organization operating under Chapter 843;
- (4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;
- (5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;
- (6) a stipulated premium company operating under Chapter 884;
- (7) a Lloyd's plan operating under Chapter 941; or
- (8) an exchange operating under Chapter 942.
- (b) Notwithstanding any other law, this subchapter applies to:
  - (1) a small employer health benefit plan subject to Chapter 1501, including coverage provided through a health group cooperative under Subchapter B of that chapter;
  - (2) a standard health benefit plan issued under Chapter 1507;
  - (3) a basic coverage plan under Chapter 1551;
  - (4) a basic plan under Chapter 1575;
  - (5) a primary care coverage plan under Chapter 1579;
  - (6) a plan providing basic coverage under Chapter 1601;
  - (7) alternative health benefit coverage offered by a subsidiary of the Texas Mutual Insurance Company under Subchapter M, Chapter 2054;
  - (8) group health coverage made available by a school district in accordance with Section 22.004, Education Code;
  - (9) the state Medicaid program, including the Medicaid managed care program operated under Chapter 533, Government Code;
  - (10) the child health plan program under Chapter 62, Health and Safety Code;
  - (11) a regional or local health care program operated under Section 75.104, Health and Safety Code; and
  - (12) a self-funded health benefit plan sponsored by a professional employer organization under Chapter 91, Labor Code.

Sec. 1203.102. CREATION OF UNIFORM COORDINATION OF BENEFITS QUESTIONNAIRE. In collaboration with appropriate stakeholders, the commissioner shall adopt rules establishing a uniform coordination of benefits questionnaire to be used by all health benefit plan issuers in this state.

Sec. 1203.103. UNIFORM COORDINATION OF BENEFITS QUESTIONNAIRE REQUIRED. Each health benefit plan issuer that issues a health benefit plan that includes a coordination of benefits provision shall use the uniform coordination of benefits questionnaire established under Section 1203.102 and make the questionnaire available to health care providers as appropriate.

SECTION 2. (a) Not later than January 1, 2024, the commissioner of insurance shall adopt rules establishing the uniform coordination of benefits questionnaire under Section 1203.102, Insurance Code, as added by this Act.

(b) The changes in law made by this Act apply only to the use of a coordination of benefits questionnaire on or after February 1, 2024.

SECTION 3. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 1051**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

### **SENATE BILL 1668 WITH HOUSE AMENDMENT**

Senator Hughes called **SB 1668** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 1668** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to property owners' associations, including condominium owners' associations.

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

SECTION 1. Section 82.003(a), Property Code, is amended by adding Subdivision (17-a) to read as follows:

(17-a) "Management company" means a person or entity established or contracted to provide management or administrative services on behalf of a unit owners' association organized under Section 82.101.

SECTION 2. Subchapter C, Chapter 82, Property Code, is amended by adding Section 82.1142 to read as follows:

Sec. 82.1142. ONLINE ASSOCIATION INFORMATION REQUIRED. (a) This section only applies to:

(1) the association of a condominium composed of at least 60 units; or

(2) an association that has contracted with a management company.

(b) An association to which this section applies shall make the current version of the association's dedicatory instruments relating to the association and filed in the county deed records available on an Internet website that is:

(1) maintained by the association or a management company on behalf of the association; and

(2) accessible to association members.

SECTION 3. Section 82.116, Property Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (d) to read as follows:

(a) An association shall record in each county in which any portion of the condominium is located a management certificate, signed and acknowledged by an officer of the association, stating:

(1) the name of the condominium;

(2) the name of the association;

(3) the location of the condominium;

(4) the recording data for the declaration and any amendments to the declaration;

(5) the mailing address of the association; ~~[-or-]~~

(6) the name, ~~and~~ mailing address, telephone number, and e-mail address of any management company ~~[the person or entity managing the association];~~

(7) the website address of any Internet website on which the association's dedicatory instruments are available in accordance with Section 82.1142;

(8) the amount and description of a fee or fees charged to a unit seller or buyer relating to a transfer of a property interest in a unit of the condominium; and

(9) ~~(6)~~ other information the association considers appropriate.

(b) The association shall record an amended ~~[a]~~ management certificate not later than the 30th day after the date the association has notice of a change in any information in a recorded certificate required by Subsection (a) ~~[Subdivisions (a)(1)-(5)].~~

(b-1) Not later than the seventh day after the date an association files a management certificate for recording under Subsection (a) or files an amended management certificate for recording under Subsection (b), the association shall electronically file the management certificate or amended management certificate with the Texas Real Estate Commission. The Texas Real Estate Commission shall only collect the management certificate and amended management certificate for the purpose of making the data accessible to the public through an Internet website.

(c) Except as provided by Subsection (d), the ~~[The]~~ association and its officers, directors, employees, and agents are not subject to liability to any person for delay or failure to record a management certificate with a county clerk's office or to electronically file the management certificate with the Texas Real Estate Commission, unless the delay or failure is wilful or caused by gross negligence.

(d) A unit owner is not liable for attorney's fees incurred by an association relating to the collection of a delinquent assessment against the unit owner, or interest on the delinquent assessment, if the attorney's fees are incurred by the association or the interest accrues during the period a management certificate is not recorded with a county clerk or electronically filed with the Texas Real Estate Commission, as required by this section.

SECTION 4. Section 82.157, Property Code, is amended by adding Subsection (f) to read as follows:

(f) An association may charge a reasonable and necessary fee, not to exceed \$375, to furnish a resale certificate under Subsection (a).

SECTION 5. Section 202.023, Property Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) This section does not prohibit a property owners' association from:

(1) prohibiting the installation of a security camera by a property owner in a place other than the property owner's private property; ~~[or]~~

(2) regulating the type of fencing that a property owner may install;

(3) prohibiting the placement of fencing that obstructs:

(A) a license area, as defined by a written license agreement or plat;

(B) a sidewalk in the public right-of-way or otherwise installed for public or community use; or

(C) a drainage easement or drainage area;

(4) requiring a driveway gate to be set back at least 10 feet from the right-of-way if the driveway intersects with a laned roadway, as defined by Section 541.302, Transportation Code; or

(5) if provided by a restrictive covenant, prohibiting the installation of fencing in front of the front-most building line of a dwelling.

(d) Notwithstanding Subsection (c), a property owner may maintain any perimeter fencing or fencing in front of a dwelling's front-most building line installed or constructed before September 1, 2023.

(e) Notwithstanding Subsection (c)(5), an association may not prohibit a property owner from installing perimeter fencing or fencing in front of the front-most building line of a dwelling if:

(1) the property owner's residential address is exempt from public disclosure under state or federal law; or

(2) the property owner provides to the association documentation from a law enforcement agency of the property owner's need for enhanced security measures.

SECTION 6. Section 209.00505(c), Property Code, is redesignated as Section 209.00506, Property Code, and amended to read as follows:

Sec. 209.00506. ELIGIBILITY TO SERVE ON ARCHITECTURAL REVIEW AUTHORITY. (a) This section applies only to an architectural review authority to which Section 209.00505 applies.

(b) Except as provided by Subsection (d), a person may not be appointed or elected to serve on an architectural review authority unless the person timely notifies the association of the person's interest in serving on the authority in accordance with Section 209.00507.

(c) Except as provided by Subsection (d), a [A] person may not be appointed or elected to serve on an architectural review authority if the person is:

(1) a current board member;

(2) a current board member's spouse; or

(3) a person residing in a current board member's household.

(d) If a vacancy remains on the architectural review authority after each person eligible under Subsection (c) who timely notifies the association in accordance with Section 209.00507 is appointed or elected to the authority, the association may appoint any person to fill the vacancy, including a person not otherwise eligible under Subsection (c).

SECTION 7. Chapter 209, Property Code, is amended by adding Section 209.00507 to read as follows:

Sec. 209.00507. SOLICITATION OF CANDIDATES FOR ARCHITECTURAL REVIEW AUTHORITY. (a) This section applies only to an architectural review authority to which Section 209.00505 applies.

(b) Not later than the 10th day before the date a property owners' association or board takes action to elect or appoint or meets to elect or appoint a person to serve on the architectural review authority, the association must provide notice to the association members soliciting persons interested in serving on the architectural review authority.

(c) The notice required under Subsection (b) must:

(1) be provided:



(A) by mail to each owner; or

(B) by:

(i) posting the notice in a conspicuous manner reasonably designed to provide notice to association members:

(a) in a place located on the association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; or

(b) on any Internet website maintained by the association or other Internet media; and

(ii) sending the notice by e-mail to each owner who has registered an e-mail address with the association; and

(2) contain instructions for a person to notify the association of the person's interest in serving on the architectural review authority, including the date by which the person's notification must be received by the association.

(d) The date established by an association under Subsection (c)(2) by which notification of a person's interest in serving on the architectural review authority must be received by the association may not be a date earlier than the 10th day after the date the association provides the notice described by Subsection (c).

SECTION 8. A condominium unit owners' association that has recorded a management certificate or amended management certificate with a county clerk under Section 82.116, Property Code, before the effective date of this Act shall electronically file the most recently recorded management certificate or amended management certificate with the Texas Real Estate Commission as required by Section 82.116(b-1), Property Code, as added by this Act, not later than March 1, 2024.

SECTION 9. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 1668**.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Springer.

### **SENATE BILL 1979 WITH HOUSE AMENDMENT**

Senator Hughes called **SB 1979** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1979** (house committee report) as follows:

(1) On page 2, line 21, strike "and".

(2) On page 2, line 26, between "criteria" and the underlined period, insert the following:  
; and

(3) an analysis of:

(A) the impact of institutional buyers on the cost of housing;

(B) the advantages, if any, that institutional buyers have over individual buyers in the real estate market.

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 1979**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Parker, Paxton, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Nichols, Perry.

### **SENATE BILL 627 WITH HOUSE AMENDMENT**

Senator Menéndez called **SB 627** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 627** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to the entitlement of certain municipalities to certain tax revenue related to a hotel and convention center project.

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

SECTION 1. Section 351.153(a), Tax Code, is amended to read as follows:

(a) This section applies only to a municipality described by Section 351.152(5), (6), ~~351.152(6)~~ or (29).

SECTION 2. Sections 351.157(a), (b), and (c), Tax Code, are amended to read as follows:

(a) In this section, "qualified establishment" means an establishment:

(1) that is located on land:

(A) owned by a municipality; or

(B) owned by:

(i) any person if the establishment is located in a municipality described by Section 351.152(3); ~~or~~

(ii) ~~owned by~~ the federal government if the establishment is located in a municipality described by Section 351.152(6); or

(iii) a nonprofit corporation, including a public facility corporation, that is acting as or on behalf of, or that is controlled by, a municipality, if the establishment is located in a municipality described by Section 351.152(5);

(2) the nearest exterior wall of which is located not more than 1,000 feet from the nearest exterior wall of a qualified hotel or qualified convention center facility;

(3) that is constructed:

(A) on or after the date the municipality commences a qualified project under this subchapter; or

(B) at any time if the establishment is located in a municipality described by Section 351.152(3);

(4) that is not a sports stadium; and

(5) that is the type of establishment described by Subsection (c) from which the municipality is entitled to receive revenue under Subsection (d).

(b) This section applies only to:

(1) a municipality described by Section 351.152(3);

(1-a) a municipality described by Section 351.152(5);

(2) a municipality described by Section 351.152(6);

(3) a municipality described by Section 351.152(7);

(4) a municipality described by Section 351.152(10);

(4-a) a municipality described by Section 351.152(14);

(5) a municipality described by Section 351.152(16);

(6) a municipality described by Section 351.152(22);

(7) a municipality described by Section 351.152(25);

(8) a municipality described by Section 351.152(34);

(9) a municipality described by Section 351.152(35);

(10) a municipality described by Section 351.152(36);

(11) a municipality described by Section 351.152(38); and

(12) a municipality described by Section 351.152(43).

(c) A municipality is entitled to receive revenue under Subsection (d) derived from the following types of establishments that meet the requirements of Subsections (a)(1), (2), (3), and (4):

(1) for a municipality described by Subsection (b)(1):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(1-a) for a municipality described by Subsection (b)(1-a):

(A) restaurants, bars, spas, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(2) for a municipality described by Subsection (b)(2), swimming pools and swimming facilities, restaurants, bars, and retail establishments;

(3) for a municipality described by Subsection (b)(3), restaurants, bars, and retail establishments;

(4) for a municipality described by Subsection (b)(4):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(4-a) for a municipality described by Subsection (b)(4-a):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(5) for a municipality described by Subsection (b)(5), restaurants, bars, and retail establishments;

(6) for a municipality described by Subsection (b)(6), restaurants, bars, and retail establishments;

(7) for a municipality described by Subsection (b)(7), restaurants, bars, and retail establishments;

(8) for a municipality described by Subsection (b)(8), restaurants, bars, and retail establishments;

(9) for a municipality described by Subsection (b)(9), restaurants, bars, and retail establishments;

(10) for a municipality described by Subsection (b)(10):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel;

(11) for a municipality described by Subsection (b)(11):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel; and

(12) for a municipality described by Subsection (b)(12):

(A) restaurants, bars, and retail establishments; and

(B) swimming pools and swimming facilities owned or operated by the related qualified hotel.

SECTION 3. Subchapter C, Chapter 351, Tax Code, is amended by adding Section 351.161 to read as follows:

Sec. 351.161. RECAPTURE OF LOST STATE TAX REVENUE FROM CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality described by Section 351.152(5).

(b) On the 20th anniversary of the date a hotel designated as a qualified hotel by a municipality to which this section applies is open for initial occupancy, the comptroller shall determine:

(1) the total amount of state tax revenue received under Sections 351.156 and 351.157 by the municipality from the qualified project of which the qualified hotel was a part during the period for which the municipality was entitled to receive that revenue; and

(2) the total amount of state tax revenue described by Sections 351.156 and 351.157 received by the state during the period beginning on the 10th anniversary of the date the qualified hotel opened for initial occupancy and ending on the 20th anniversary of that date from the same sources from which the municipality received revenue under Section 351.156 or 351.157.

(c) If the amount determined under Subsection (b)(1) exceeds the amount determined under Subsection (b)(2), the comptroller shall promptly provide written notice to the municipality stating that the municipality must remit to the comptroller the difference between those two amounts in the manner provided by this subsection. The municipality shall, using money lawfully available to the municipality for the purpose, remit monthly payments to the comptroller in an amount equal to the total amount of municipal hotel occupancy tax revenue received by the municipality from

the qualified hotel in the preceding month until the amount remitted to the comptroller equals the total amount due as stated in the notice. The first payment required under this subsection must be made not later than the 30th day after the date the municipality receives the notice from the comptroller. Subsequent payments are due on the 20th day of each month until the total amount stated in the notice is paid. The comptroller shall prescribe the procedure a municipality must use to remit a payment required by this subsection to the comptroller.

(d) The comptroller shall deposit revenue received under this section in the manner prescribed by Section 156.251.

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, 2023.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 627**.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, LaMantia, Menéndez, Miles, Nichols, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hall, Hughes, Kolkhorst, Middleton, Parker, Springer.

### **SENATE BILL 629 WITH HOUSE AMENDMENT**

Senator Menéndez called **SB 629** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 629** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED**

#### **AN ACT**

relating to the maintenance, administration, and disposal of opioid antagonists on public and private school campuses and to the permissible uses of money appropriated to a state agency from the opioid abatement account.

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

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter E-1 to read as follows:

#### **SUBCHAPTER E-1. MAINTENANCE, ADMINISTRATION, AND DISPOSAL OF OPIOID ANTAGONISTS**

Sec. 38.221. DEFINITIONS. In this subchapter:

(1) "Opioid antagonist" and "opioid-related drug overdose" have the meanings assigned by Section 483.101, Health and Safety Code.

(2) "Physician" means a person who holds a license to practice medicine in this state.

Sec. 38.222. MAINTENANCE, ADMINISTRATION, AND DISPOSAL OF OPIOID ANTAGONISTS. (a) Each school district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

(b) An open-enrollment charter school or private school may adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists. If a school adopts a policy under this subsection, the school may apply the policy:

(1) only at campuses of the school serving students in grades 6 through 12;  
or

(2) at each campus of the school, including campuses serving students in a grade level below grade 6.

(c) A policy adopted under this section must:

(1) provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;

(2) require that each school campus subject to a policy adopted under this section have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;

(3) establish the number of opioid antagonists that must be available at each campus at any given time; and

(4) require that the supply of opioid antagonists at each school campus subject to a policy adopted under this section must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

(d) The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner of education, shall adopt rules regarding the maintenance, administration, and disposal of opioid antagonists at a school campus subject to a policy adopted under this section. The rules must establish:

(1) the process for checking the inventory of opioid antagonists at regular intervals for expiration and replacement; and

(2) the amount of training required for school personnel and school volunteers to administer an opioid antagonist.

Sec. 38.223. REPORT ON ADMINISTERING OPIOID ANTAGONIST. (a) Not later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with a policy adopted under Section 38.222(a) or (b), the school shall report the information required under Subsection (b) of this section to:

(1) the school district, the charter holder if the school is an open-enrollment charter school, or the governing body of the school if the school is a private school;

(2) the physician or other person who prescribed the opioid antagonist; and

(3) the commissioner of state health services.

(b) The report required under this section must include the following information:

- (1) the age of the person who received the administration of the opioid antagonist;
- (2) whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
- (3) the physical location where the opioid antagonist was administered;
- (4) the number of doses of opioid antagonist administered;
- (5) the title of the person who administered the opioid antagonist; and
- (6) any other information required by the commissioner of education.

Sec. 38.224. TRAINING. (a) Each school district, open-enrollment charter school, and private school that adopts a policy under Section 38.222(a) or (b) is responsible for training school personnel and school volunteers in the administration of an opioid antagonist.

(b) Training required under this section must:

- (1) include information on:
    - (A) recognizing the signs and symptoms of an opioid-related drug overdose;
    - (B) administering an opioid antagonist;
    - (C) implementing emergency procedures, if necessary, after administering an opioid antagonist; and
    - (D) properly disposing of used or expired opioid antagonists;
  - (2) be provided in a formal training session or through online education;
- and
- (3) be provided in accordance with the policy adopted under Section 21.4515.

(c) Each school district, open-enrollment charter school, or private school that adopts a policy under Section 38.222(a) or (b) must maintain records on the training required under this section.

Sec. 38.225. PRESCRIPTION OF OPIOID ANTAGONISTS. (a) A physician or person who has been delegated prescriptive authority under Chapter 157, Occupations Code, may prescribe opioid antagonists in the name of a school district, open-enrollment charter school, or private school.

(b) A physician or other person who prescribes opioid antagonists under Subsection (a) shall provide the school district, open-enrollment charter school, or private school with a standing order for the administration of an opioid antagonist to a person reasonably believed to be experiencing an opioid-related drug overdose.

(c) The standing order under Subsection (b) is not required to be patient-specific, and the opioid antagonist may be administered to a person without a previously established physician-patient relationship.

(d) Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician:

- (1) periodically reviews the order; and
- (2) is available through direct telecommunication as needed for consultation, assistance, and direction.

(e) An order issued under this section must contain:

- (1) the name and signature of the prescribing physician or other person;
- (2) the name of the school district, open-enrollment charter school, or private school to which the order is issued;
- (3) the quantity of opioid antagonists to be obtained and maintained under the order; and
- (4) the date of issue.

(f) A pharmacist may dispense an opioid antagonist to a school district, open-enrollment charter school, or private school without requiring the name or any other identifying information relating to the user.

Sec. 38.226. GIFTS, GRANTS, AND DONATIONS. A school district, open-enrollment charter school, or private school may accept gifts, grants, donations, and federal and local funds to implement this subchapter.

Sec. 38.227. IMMUNITY FROM LIABILITY. (a) A person who in good faith takes, or fails to take, any action under this subchapter is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

- (1) issuing an order for opioid antagonists;
  - (2) supervising or delegating the administration of an opioid antagonist;
  - (3) possessing, maintaining, storing, or disposing of an opioid antagonist;
  - (4) prescribing an opioid antagonist;
  - (5) dispensing an opioid antagonist;
  - (6) administering, or assisting in administering, an opioid antagonist;
  - (7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans;
- or

- (8) undertaking any other act permitted or required under this subchapter.

(b) The immunities and protections provided by this subchapter are in addition to other immunities or limitations of liability provided by law.

(c) Notwithstanding any other law, this subchapter does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action for an act or omission under this subchapter.

(d) A cause of action does not arise from an act or omission described by this section.

(e) A school district, open-enrollment charter school, or private school and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under this subchapter, including an act or failure to act under related policies and procedures.

(f) An act or failure to act by school personnel or a school volunteer under this subchapter, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district, open-enrollment charter school, or private school.

Sec. 38.228. RULES. Except as otherwise provided by this subchapter, the commissioner of education and the executive commissioner of the Health and Human Services Commission shall jointly adopt rules necessary to implement this subchapter.



SECTION 2. Section 403.505(d), Government Code, is amended to read as follows:

(d) A state agency may use money appropriated from the account only to:

(1) prevent opioid use disorder through evidence-based education and prevention, such as school-based prevention, early intervention, or health care services or programs intended to reduce the risk of opioid use by school-age children;

(2) support efforts to prevent or reduce deaths from opioid overdoses or other opioid-related harms, including through increasing the availability or distribution of naloxone or other opioid antagonists for use by:

(A) health care providers;

(B) [ ] first responders;

(C) [ ] persons experiencing an opioid overdose;

(D) [ ] families;

(E) [ ] schools, including under a policy adopted under Subchapter E-1, Chapter 38, Education Code, regarding the maintenance, administration, and disposal of opioid antagonists;

(F) community-based service providers;

(G) [ ] social workers; [ ] or

(H) other members of the public;

(3) create and provide training on the treatment of opioid addiction, including the treatment of opioid dependence with each medication approved for that purpose by the United States Food and Drug Administration, medical detoxification, relapse prevention, patient assessment, individual treatment planning, counseling, recovery supports, diversion control, and other best practices;

(4) provide opioid use disorder treatment for youths and adults, with an emphasis on programs that provide a continuum of care that includes screening and assessment for opioid use disorder and co-occurring behavioral health disorders, early intervention, contingency management, cognitive behavioral therapy, case management, relapse management, counseling services, and medication-assisted treatments;

(5) provide patients suffering from opioid dependence with access to all medications approved by the United States Food and Drug Administration for the treatment of opioid dependence and relapse prevention following opioid detoxification, including opioid agonists, partial agonists, and antagonists;

(6) support efforts to reduce the abuse or misuse of addictive prescription medications, including tools used to give health care providers information needed to protect the public from the harm caused by improper use of those medications;

(7) support treatment alternatives that provide both psychosocial support and medication-assisted treatments in areas with geographical or transportation-related challenges, including providing access to mobile health services and telemedicine, particularly in rural areas;

(8) address:

(A) the needs of persons involved with criminal justice; and

(B) rural county unattended deaths; or

(9) further any other purpose related to opioid abatement authorized by appropriation.

SECTION 3. Not later than November 1, 2023:

(1) the executive commissioner of the Health and Human Services Commission shall, in consultation with the commissioner of education, adopt rules required under Section 38.222, Education Code, as added by this Act; and

(2) the commissioner of education and the executive commissioner of the Health and Human Services Commission shall jointly adopt rules necessary to implement Subchapter E-1, Chapter 38, Education Code, as added by this Act.

SECTION 4. Notwithstanding the effective date of this Act, a school district is not required to comply with Section 38.222, Education Code, as added by this Act, before January 1, 2024.

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, 2023.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 629**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 2220 WITH HOUSE AMENDMENT**

Senator Menéndez called **SB 2220** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 2220** (house committee printing) as follows:

(1) On page 1, line 23, strike "Subsection (j)" and substitute "Subsections (j) and (k)".

(2) On page 2, between lines 11 and 12, insert the following:

(k) For a municipality described by Subsection (b)(2), the term "qualified project" means only a convention center facility or a venue described by Section 334.001(4)(A), Local Government Code, and any related infrastructure.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 2220**.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hall, Hughes, Kolkhorst, Middleton.

#### **SENATE JOINT RESOLUTION 3 WITH HOUSE AMENDMENT (Motion In Writing)**

Senator Bettencourt called **SJR 3** from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

### Amendment

Amend **SJR 3** by substituting in lieu thereof the following:

#### A JOINT RESOLUTION

proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of real property for ad valorem tax purposes, to increase the amount of an exemption from ad valorem taxation by a school district applicable to residence homesteads, to adjust the amount of the limitation on school district ad valorem taxes imposed on the residence homesteads of the elderly or disabled to reflect increases in certain exemption amounts, and to except certain appropriations to pay for ad valorem tax relief from the constitutional limitation on the rate of growth of appropriations.

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

SECTION 1. Section 1, Article VIII, Texas Constitution, is amended by amending Subsection (i) and adding Subsection (i-1) to read as follows:

(i) Notwithstanding Subsections (a) and (b) of this section, the Legislature by general law may limit the maximum appraised value of real property ~~[a residence homestead]~~ for ad valorem tax purposes in a tax year to the lesser of the most recent market value of the property ~~[residence homestead]~~ as determined by the appraisal entity or 105 ~~[110]~~ percent, or a greater percentage, of the appraised value of the property ~~[residence homestead]~~ for the preceding tax year. A limitation on appraised values authorized by this subsection:

(1) takes effect in the tax year following the first tax year in which the owner owns the property on January 1 ~~[as to a residence homestead on the later of the effective date of the law imposing the limitation or January 1 of the tax year following the first tax year the owner qualifies the property for an exemption under Section 1-b of this article];~~ and

(2) expires on January 1 of the ~~[first]~~ tax year following the tax year in which ~~[that neither]~~ the owner of the property when the limitation took effect ceases to own the property, except that the Legislature by general law may provide for the limitation applicable to a residence homestead to continue during ownership of the property by ~~[nor]~~ the owner's spouse or surviving spouse ~~[qualifies for an exemption under Section 1-b of this article].~~

(i-1) For purposes of Subsection (i) of this section, the Legislature by general law may define real property, which may include a manufactured or mobile home used as a dwelling.

SECTION 2. Sections 1-b(c) and (d), Article VIII, Texas Constitution, are amended to read as follows:

(c) The amount of \$100,000 ~~[\$40,000]~~ of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the principal school district providing general

elementary and secondary public education throughout its territory. In addition to this exemption, the legislature by general law may exempt an amount not to exceed \$10,000 of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section and of a person 65 years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons and for persons 65 years of age or older on economic need. An eligible disabled person who is 65 years of age or older may not receive both exemptions from a school district but may choose either. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall provide by general law whether an eligible disabled or elderly person may receive both the additional exemption for the elderly and disabled authorized by this subsection and any exemption for the elderly or disabled adopted pursuant to Subsection (b) of this section. Where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of this subsection, Subsection (d) of this section, and Section 1-d-1 of this article. The legislature by general law may define residence homestead for purposes of this section.

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are 65 years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person who is 65 years of age or older or who is disabled dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is 55 years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 1997 tax rate for general

elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2021 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 2023 tax year and subsequent tax years in an amount equal to \$15,000 multiplied by the 2022 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. Beginning with the 2023 tax year, for any tax year in which the amount of the exemption provided by Subsection (c) of this section applicable to the residence homestead of a married or unmarried adult, including one living alone, or the amount of the exemption provided by Subsection (c) of this section applicable to the residence homestead of a person who is disabled as defined by Subsection (b) of this section and of a person 65 years of age or older is increased, the legislature shall provide for a reduction for that tax year and subsequent tax years in the amount of the limitation provided by this subsection applicable to a residence homestead that was subject to the limitation in the tax year preceding the tax year in which the amount of the exemption is increased in an amount equal to the amount by which the amount of the exemption is increased multiplied by the tax rate for general elementary and secondary public school purposes applicable to the residence homestead for the tax year in which the amount of the exemption is increased.

SECTION 3. Section 22, Article VIII, Texas Constitution, is amended by adding Subsection (a-1) to read as follows:

(a-1) Appropriations from state tax revenues not dedicated by this constitution that are made for the purpose of paying for ad valorem tax relief as identified by the legislature by general law are not included as appropriations for purposes of determining whether the rate of growth of appropriations exceeds the limitation prescribed by Subsection (a) of this section.

SECTION 4. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023.

(b) The amendments to Sections 1 and 1-b, Article VIII, of this constitution take effect for the tax year beginning January 1, 2023.

(c) The amendment to Section 22, Article VIII, of this constitution applies to appropriations made for the state fiscal biennium beginning September 1, 2023, and subsequent state fiscal bienniums.

(d) This temporary provision expires January 1, 2025.

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to authorize the legislature to limit the maximum appraised value of real property for ad

valorem tax purposes; to increase the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$40,000 to \$100,000; to adjust the amount of the limitation on ad valorem taxes for public school purposes imposed on the residence homestead of a person who is disabled or is 65 years of age or older to reflect increases in certain exemption amounts; and to except certain appropriations to pay for ad valorem tax relief from the constitutional limitation on the rate of growth of appropriations."

The amendment was read.

Senator Bettencourt submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SJR 3** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Hinojosa, Springer, Flores, and Hughes.

### **SENATE BILL 3 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Bettencourt called **SB 3** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 3** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to providing property tax relief through the public school finance system, exemptions, limitations on appraisals and taxes, and property tax administration.

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

#### **ARTICLE 1. SHORT TITLE**

SECTION 1.01. This Act may be cited as the Property Tax Relief Act.

#### **ARTICLE 2. SCHOOL DISTRICT TAX RATE COMPRESSION**

SECTION 2.01. Subchapter F, Chapter 48, Education Code, is amended by adding Sections 48.2555 and 48.283 to read as follows:

Sec. 48.2555. MAXIMUM COMPRESSED TAX RATE FOR 2023-2024 SCHOOL YEAR. (a) Notwithstanding any other provision of this title or Chapter 26, Tax Code, for the 2023-2024 school year, the commissioner shall calculate the value of a school district's maximum compressed tax rate by determining the district's maximum compressed rate under Section 48.2551 or 48.2552(b), if applicable, and reducing the tax rate determined under the applicable section by \$0.15.

(b) If a school district's maximum compressed tax rate as calculated under Subsection (a) would be less than 90 percent of another school district's maximum compressed tax rate under Subsection (a), the district's maximum compressed tax rate is the value at which the district's maximum compressed tax rate would be equal to 90 percent of the other district's maximum compressed tax rate.

(c) Notwithstanding any other provision of this title or Chapter 26, Tax Code, for purposes of determining funding for school districts for the 2023-2024 school year, a reference in any of the following provisions of law to a school district's maximum compressed tax rate or maximum compressed rate as determined under Section 48.2551 means the maximum compressed tax rate determined for the district under this section:

- (1) Section 13.054(f);
- (2) Section 45.003(d);
- (3) Section 45.0032(a);
- (4) Section 48.051(a);
- (5) Sections 48.2553(a) and (e); and
- (6) Section 26.08(n), Tax Code.

(d) For purposes of Section 30.003(f-1), a reference in that section to Section 48.2551 includes this section.

(e) Notwithstanding any other provision of this title, for purposes of determining a school district's maximum compressed tax rate under Section 48.2551 for the 2024-2025 school year, the value of the district's "PYMCR" is the maximum compressed tax rate determined for the district under this section for the preceding school year.

(f) This section expires September 1, 2025.

Sec. 48.283. ADDITIONAL STATE AID FOR CERTAIN DISTRICTS IMPACTED BY COMPRESSION. A school district that received an adjustment under Section 48.257(b) for the 2022-2023 school year is entitled to additional state aid for each school year in an amount equal to the amount of that adjustment for the 2022-2023 school year less the difference, if the difference is greater than zero, between:

(1) the amount to which the district is entitled under this chapter for the current school year; and

(2) the amount to which the district would be entitled under this chapter for the current school year if the district's maximum compressed tax rate had not been reduced under Section 48.2555, as added by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023.

### ARTICLE 3. SCHOOL DISTRICT RESIDENCE HOMESTEAD EXEMPTION

SECTION 3.01. Section 11.13(b), Tax Code, is amended to read as follows:

(b) An adult is entitled to exemption from taxation by a school district of \$100,000 [~~\$40,000~~] of the appraised value of the adult's residence homestead, except that only \$5,000 of the exemption applies to an entity operating under former Chapter 17, 18, 25, 26, 27, or 28, Education Code, as those chapters existed on May 1, 1995, as permitted by Section 11.301, Education Code.

SECTION 3.02. Section 11.26, Tax Code, is amended by amending Subsections (a), (a-10), and (o) and adding Subsections (a-11) and (a-12) to read as follows:

(a) The tax officials shall appraise the property to which this section applies and calculate taxes as on other property, but if the tax so calculated exceeds the limitation imposed by this section, the tax imposed is the amount of the tax as limited by this section, except as otherwise provided by this section. A school district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older or on the residence homestead of an individual who is disabled, as defined by Section 11.13, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for the applicable exemption provided by Section 11.13(c) for an individual who is 65 years of age or older or is disabled. If the individual qualified that residence homestead for the exemption after the beginning of that first year and the residence homestead remains eligible for the same exemption for the next year, and if the school district taxes imposed on the residence homestead in the next year are less than the amount of taxes imposed in that first year, a school district may not subsequently increase the total annual amount of ad valorem taxes it imposes on the residence homestead above the amount it imposed in the year immediately following the first year for which the individual qualified that residence homestead for the same exemption, except as provided by Subsection (b). ~~[If the first tax year the individual qualified the residence homestead for the exemption provided by Section 11.13(c) for individuals 65 years of age or older or disabled was a tax year before the 2015 tax year, the amount of the limitation provided by this section is the amount of tax the school district imposed for the 2014 tax year less an amount equal to the amount determined by multiplying \$10,000 times the tax rate of the school district for the 2015 tax year, plus any 2015 tax attributable to improvements made in 2014, other than improvements made to comply with governmental regulations or repairs.]~~

(a-10) Notwithstanding the other provisions of this section, if in the 2024 or a subsequent tax year an individual qualifies for a limitation on tax increases provided by this section on the individual's residence homestead, the amount of the limitation provided by this section on the homestead is equal to the amount computed by:

(1) multiplying the taxable value of the homestead in the preceding tax year by a tax rate equal to the difference between the school district's maximum compressed rate for the preceding tax year and the district's maximum compressed rate for the current tax year;

(2) subtracting the amount computed under Subdivision (1) from the amount of tax the district imposed on the homestead in the preceding tax year; ~~and~~

(3) adding any tax imposed in the current tax year attributable to improvements made in the preceding tax year as provided by Subsection (b) to the amount computed under Subdivision (2);

(4) multiplying the amount of any increase in the current tax year as compared to the preceding tax year in the aggregate amount of the exemptions to which the individual is entitled under Sections 11.13(b) and (c) by the school district's tax rate for the current tax year; and

(5) subtracting the amount computed under Subdivision (4) from the amount computed under Subdivision (3).



(a-11) This subsection applies only to an individual who in the 2023 tax year qualifies for a limitation under this section and for whom the 2022 tax year or an earlier tax year was the first tax year the individual or the individual's spouse qualified for an exemption under Section 11.13(c). The amount of the limitation provided by this section on the residence homestead of an individual to which this subsection applies for the 2023 tax year is the amount of the limitation as computed under Subsection (a-5), (a-6), (a-7), (a-8), or (a-9) of this section, as applicable, less an amount equal to the product of \$60,000 and the tax rate of the school district for the 2023 tax year. This subsection expires January 1, 2025.

(a-12) This subsection applies only to an individual who in the 2023 tax year qualifies for a limitation under this section and for whom the 2021 tax year or an earlier tax year was the first tax year the individual or the individual's spouse qualified for an exemption under Section 11.13(c). The amount of the limitation provided by this section on the residence homestead of an individual to which this subsection applies for the 2023 tax year is the amount of the limitation as computed under Subsection (a-11) of this section less an amount equal to the product of \$15,000 and the tax rate of the school district for the 2022 tax year. This subsection expires January 1, 2025.

(o) Notwithstanding Subsections (a)[, ~~(a-3)~~], and (b), an improvement to property that would otherwise constitute an improvement under Subsection (b) is not treated as an improvement under that subsection if the improvement is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement under Subsection (b), the replacement structure is considered to be an improvement under that subsection only if:

- (1) the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred; or
- (2) the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure.

SECTION 3.03. Section 46.071, Education Code, is amended by amending Subsections (a-1) and (b-1) and adding Subsections (a-2), (b-2), and (c-2) to read as follows:

(a-1) For [Beginning with] the 2022-2023 school year, a school district is entitled to additional state aid under this subchapter to the extent that state and local revenue used to service debt eligible under this chapter is less than the state and local revenue that would have been available to the district under this chapter as it existed on September 1, 2021, if any increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, as proposed by the 87th Legislature, 3rd Called Session, 2021, had not occurred.

(a-2) Beginning with the 2023-2024 school year, a school district is entitled to additional state aid under this subchapter to the extent that state and local revenue used to service debt eligible under this chapter is less than the state and local revenue that would have been available to the district under this chapter as it existed on September 1, 2022, if any increase in a residence homestead exemption under Section

1-b(c), Article VIII, Texas Constitution, and any additional limitation on tax increases under Section 1-b(d) of that article as proposed by the 88th Legislature, Regular Session, 2023, had not occurred.

(b-1) Subject to Subsections (c-1), (d), and (e), additional state aid under this section for [beginning with] the 2022-2023 school year is equal to the amount by which the loss of local interest and sinking revenue for debt service attributable to any increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, as proposed by the 87th Legislature, 3rd Called Session, 2021, is not offset by a gain in state aid under this chapter.

(b-2) Subject to Subsections (c-2), (d), and (e), additional state aid under this section beginning with the 2023-2024 school year is equal to the amount by which the loss of local interest and sinking revenue for debt service attributable to any increase in a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and any additional limitation on tax increases under Section 1-b(d) of that article as proposed by the 88th Legislature, Regular Session, 2023, is not offset by a gain in state aid under this chapter.

(c-2) For the purpose of determining state aid under Subsections (a-2) and (b-2), local interest and sinking revenue for debt service is limited to revenue required to service debt eligible under this chapter as of September 1, 2022, including refunding of that debt, subject to Section 46.061. The limitation imposed by Section 46.034(a) does not apply for the purpose of determining state aid under this section.

SECTION 3.04. Section 48.2542, Education Code, is amended to read as follows:

Sec. 48.2542. ADDITIONAL STATE AID FOR ADJUSTMENT OF LIMITATION ON TAX INCREASES ON HOMESTEAD OF ELDERLY OR DISABLED. Notwithstanding any other provision of this chapter, if a school district is not fully compensated through state aid or the calculation of excess local revenue under this chapter based on the determination of the district's taxable value of property under Subchapter M, Chapter 403, Government Code, the district is entitled to additional state aid in the amount necessary to fully compensate the district for the amount of ad valorem tax revenue lost due to a reduction of the amount of the limitation on tax increases provided by Sections 11.26(a-4), (a-5), (a-6), (a-7), (a-8), (a-9), ~~[and]~~ (a-10), (a-11), and (a-12), Tax Code, as applicable.

SECTION 3.05. Effective January 1, 2025, Section 48.2542, Education Code, is amended to read as follows:

Sec. 48.2542. ADDITIONAL STATE AID FOR ADJUSTMENT OF LIMITATION ON TAX INCREASES ON HOMESTEAD OF ELDERLY OR DISABLED. Notwithstanding any other provision of this chapter, if a school district is not fully compensated through state aid or the calculation of excess local revenue under this chapter based on the determination of the district's taxable value of property under Subchapter M, Chapter 403, Government Code, the district is entitled to additional state aid in the amount necessary to fully compensate the district for the amount of ad valorem tax revenue lost due to a reduction of the amount of the limitation on tax increases provided by Section 11.26(a-10) ~~[Sections 11.26(a-4), (a-5), (a-6), (a-7), (a-8), (a-9), and (a-10)]~~, Tax Code~~[- as applicable]~~.

SECTION 3.06. Section 48.2543, Education Code, is amended to read as follows:

Sec. 48.2543. ADDITIONAL STATE AID FOR HOMESTEAD EXEMPTION.

(a) For ~~[Beginning with]~~ the 2022-2023 school year, a school district is entitled to additional state aid to the extent that state and local revenue under this chapter and Chapter 49 is less than the state and local revenue that would have been available to the district under this chapter and Chapter 49 as those chapters existed on September 1, 2021, if any increase in the residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, as proposed by the 87th Legislature, 3rd Called Session, 2021, had not occurred.

(a-1) Beginning with the 2023-2024 school year, a school district is entitled to additional state aid to the extent that state and local revenue under this chapter and Chapter 49 is less than the state and local revenue that would have been available to the district under this chapter and Chapter 49 as those chapters existed on September 1, 2022, if any increase in a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, and any additional limitation on tax increases under Section 1-b(d) of that article as proposed by the 88th Legislature, Regular Session, 2023, had not occurred.

(b) The lesser of the school district's currently adopted maintenance and operations tax rate or the adopted maintenance and operations tax rate for:

(1) the 2021 tax year is used for the purpose of determining additional state aid under Subsection (a); and

(2) the 2022 tax year is used for the purpose of determining additional state aid under Subsection (a-1).

SECTION 3.07. Section 48.2556(a), Education Code, is amended to read as follows:

(a) The agency shall post the following information on the agency's Internet website for purposes of allowing the chief appraiser of each appraisal district and the assessor for each school district to make the calculations required by Sections 11.26(a-5), (a-6), (a-7), (a-8), (a-9), ~~[and]~~ (a-10), (a-11), and (a-12), Tax Code:

(1) each school district's maximum compressed rate, as determined under Section 48.2551, for each tax year beginning with the 2019 tax year; and

(2) each school district's tier one maintenance and operations tax rate, as provided by Section 45.0032(a), for the 2018 tax year.

SECTION 3.08. Effective January 1, 2025, Section 48.2556(a), Education Code, is amended to read as follows:

(a) For purposes of allowing the chief appraiser of each appraisal district and the assessor for each school district to make the calculations required by Section 11.26(a-10), Tax Code, the [The] agency shall post [the following information] on the agency's Internet website [for purposes of allowing the chief appraiser of each appraisal district and the assessor for each school district to make the calculations required by Sections 11.26(a-5), (a-6), (a-7), (a-8), (a-9), and (a-10), Tax Code:

[(+)] each school district's maximum compressed rate, as determined under Section 48.2551, for the current [each] tax year and the preceding [beginning with the 2019] tax year[; and

~~[(2) each school district's tier one maintenance and operations tax rate, as provided by Section 45.0032(a), for the 2018 tax year].~~

SECTION 3.09. Section 49.004, Education Code, is amended by adding Subsections (a-1), (b-1), and (c-1) to read as follows:

(a-1) This subsection applies only if the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023, is approved by the voters in an election held for that purpose. As soon as practicable after receiving revised property values that reflect adoption of the constitutional amendment, the commissioner shall review the local revenue level of districts in the state and revise as necessary the notifications provided under Subsection (a) for the 2023-2024 school year. This subsection expires September 1, 2024.

(b-1) This subsection applies only to a district that has not previously held an election under this chapter. Notwithstanding Subsection (b), a district that enters into an agreement to exercise an option to reduce the district's local revenue level in excess of entitlement under Section 49.002(3), (4), or (5) for the 2023-2024 school year may request and, as provided by Section 49.0042(a), receive approval from the commissioner to delay the date of the election otherwise required to be ordered before September 1. This subsection expires September 1, 2024.

(c-1) Notwithstanding Subsection (c), a district that receives approval from the commissioner to delay an election as provided by Subsection (b-1) may adopt a tax rate for the 2023 tax year before the commissioner certifies that the district has reduced its local revenue level to the level established by Section 48.257. This subsection expires September 1, 2024.

SECTION 3.10. Subchapter A, Chapter 49, Education Code, is amended by adding Section 49.0042 to read as follows:

Sec. 49.0042. TRANSITIONAL PROVISIONS: INCREASED HOMESTEAD EXEMPTIONS AND LIMITATION ON TAX INCREASES. (a) The commissioner shall approve a district's request under Section 49.004(b-1) to delay the date of an election required under this chapter if the commissioner determines that the district would not have a local revenue level in excess of entitlement if the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023, were approved by the voters.

(b) The commissioner shall set a date by which each district that receives approval under this section must order the election.

(c) Not later than the 2024-2025 school year, the commissioner shall order detachment and annexation of property under Subchapter G or consolidation under Subchapter H as necessary to reduce the district's local revenue level to the level established by Section 48.257 for a district that receives approval under this section and subsequently:

- (1) fails to hold the election; or
- (2) does not receive voter approval at the election.

(d) This section expires September 1, 2025.

SECTION 3.11. Subchapter A, Chapter 49, Education Code, is amended by adding Section 49.0121 to read as follows:

Sec. 49.0121. TRANSITIONAL ELECTION DATES. (a) This section applies only to an election under this chapter that occurs during the 2023-2024 school year.

(b) Section 49.012 does not apply to a district that receives approval of a request under Section 49.0042. The district shall hold the election on a Tuesday or Saturday on or before a date specified by the commissioner. Section 41.001, Election Code, does not apply to the election.

(c) This section expires September 1, 2024.

SECTION 3.12. Section 49.154, Education Code, is amended by adding Subsections (a-2) and (a-3) to read as follows:

(a-2) Notwithstanding Subsections (a) and (a-1), a district that receives approval of a request under Section 49.0042 shall pay for credit purchased:

(1) in equal monthly payments as determined by the commissioner beginning March 15, 2024, and ending August 15, 2024; or

(2) in the manner provided by Subsection (a)(2), provided that the district notifies the commissioner of the district's election to pay in that manner not later than March 15, 2024.

(a-3) Subsection (a-2) and this subsection expire September 1, 2024.

SECTION 3.13. Section 49.308, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), for the 2023-2024 school year, the commissioner shall order any detachments and annexations of property under this subchapter as soon as practicable after the canvass of the votes on the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023. This subsection expires September 1, 2024.

SECTION 3.14. Section 403.302, Government Code, is amended by amending Subsection (j-1) and adding Subsection (j-2) to read as follows:

(j-1) In the final certification of the study under Subsection (j), the comptroller shall separately identify the final taxable value for each school district as adjusted to account for the reduction of the amount of the limitation on tax increases provided by Section 11.26(a-10) [Sections 11.26(a-4), (a-5), (a-6), (a-7), (a-8), (a-9), and (a-10)], Tax Code, as applicable.

(j-2) In the final certification of the study under Subsection (j), the comptroller shall separately identify the final taxable value for each school district as adjusted to account for the reduction of the amount of the limitation on tax increases provided by Sections 11.26(a-5), (a-6), (a-7), (a-8), (a-9), (a-10), (a-11), and (a-12), Tax Code. This subsection expires January 1, 2025.

SECTION 3.15. (a) Sections 11.26(a-1), (a-2), and (a-3), Tax Code, are repealed.

(b) Effective January 1, 2025, Sections 11.26(a-5), (a-6), (a-7), (a-8), and (a-9), Tax Code, are repealed.

SECTION 3.16. The changes in law made by this article to Sections 11.13 and 11.26, Tax Code, apply beginning with the ad valorem tax year that begins January 1, 2023.

#### ARTICLE 4. LIMITATION ON INCREASES IN VALUE OF REAL PROPERTY

SECTION 4.01. Section 1.12(d), Tax Code, is amended to read as follows:

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

SECTION 4.02. The heading to Section 23.23, Tax Code, is amended to read as follows:

Sec. 23.23. LIMITATION ON APPRAISED VALUE OF REAL PROPERTY [~~RESIDENCE HOMESTEAD~~].

SECTION 4.03. Section 23.23, Tax Code, is amended by amending Subsections (a), (b), (c), and (e) and adding Subsections (c-2), (c-3), (c-4), and (h) to read as follows:

(a) Notwithstanding the requirements of Section 25.18 and regardless of whether the appraisal office has appraised the property and determined the market value of the property for the tax year, an appraisal office may increase the appraised value of real property [~~a residence homestead~~] for a tax year to an amount not to exceed the lesser of:

(1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or

(2) the sum of:

(A) five [~~10~~] percent of the appraised value of the property for the preceding tax year;

(B) the appraised value of the property for the preceding tax year; and

(C) the market value of all new improvements to the property.

(b) When appraising real property [~~a residence homestead~~], the chief appraiser shall:

(1) appraise the property at its market value; and

(2) include in the appraisal records both the market value of the property and the amount computed under Subsection (a)(2).

(c) The limitation provided by Subsection (a) takes effect on January 1 of the tax year following the first tax year in which the owner owns the property on January 1 [~~as to a residence homestead on January 1 of the tax year following the first tax year the owner qualifies the property for an exemption under Section 11.13~~]. Except as provided by Subsection (c-2) or (c-3), the [~~The~~] limitation expires on January 1 of the first tax year following the year in which [~~that neither~~] the owner of the property ceases to own the property.

(c-2) If property subject to a limitation under this section qualifies for an exemption under Section 11.13 when the ownership of the property is transferred to the owner's spouse or surviving spouse, the limitation expires on January 1 of the first tax year following the year in which [~~when the limitation took effect nor~~] the owner's spouse or surviving spouse ceases to own the property, unless the limitation is further continued under this subsection on the subsequent transfer to a spouse or surviving spouse [~~qualifies for an exemption under Section 11.13~~].

(c-3) If property subject to a limitation under Subsection (a), other than a residence homestead, is owned by two or more persons, the limitation expires on January 1 of the first tax year following the year in which the ownership of at least a 50 percent interest in the property is sold or otherwise transferred.

(c-4) For purposes of applying the limitation provided by this section, a person who acquired real property in a tax year before the 2023 tax year, other than property that qualified as the residence homestead of the person under Section 11.13 in the 2023 tax year, is considered to have acquired the property on January 1, 2023.

(e) In this section, "new improvement" means an improvement to real property ~~[a residence homestead]~~ made after the most recent appraisal of the property that increases the market value of the property and the value of which is not included in the appraised value of the property for the preceding tax year. The term does not include repairs to or ordinary maintenance of an existing structure or the grounds or another feature of the property.

(h) In this section, "real property" includes a manufactured home as that term is defined by Section 1201.003, Occupations Code, that qualifies as a residence homestead under Section 11.13 of this code, regardless of whether the owner of the manufactured home elects to treat the manufactured home as real property under Section 1201.2055, Occupations Code.

SECTION 4.04. Section 42.26(d), Tax Code, is amended to read as follows:

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

SECTION 4.05. Sections 403.302(d) and (i), Government Code, are amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;

(3) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(4) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by former Section 311.003(e), Tax Code,

before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(5) the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone:

(i) created on or before December 31, 2008, by a municipality with a population of less than 18,000; and

(ii) the project plan for which includes the alteration, remodeling, repair, or reconstruction of a structure that is included on the National Register of Historic Places and requires that a portion of the tax increment of the zone be used for the improvement or construction of related facilities or for affordable housing;

(B) generates school district taxes that are paid into a tax increment fund created under Chapter 311, Tax Code; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(6) the total dollar amount of any exemptions granted under Section 11.251 or 11.253, Tax Code;

(7) the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(8) the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(9) a portion of the market value of property not otherwise fully taxable by the district at market value because of action required by statute or the constitution of this state, other than Section 11.311, Tax Code, that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted;

(10) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(11) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(12) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code;



(13) the amount by which the market value of property ~~[a residence homestead]~~ to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section; and

(14) the total dollar amount of any exemptions granted under Section 11.35, Tax Code.

(i) If the comptroller determines in the study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(13) subtract from the market value as determined by the appraisal district of properties ~~[residence homesteads]~~ to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code. If the comptroller determines in the study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is not valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(13) subtract from the market value as estimated by the comptroller of properties ~~[residence homesteads]~~ to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code.

SECTION 4.06. Section 23.23(c-1), Tax Code, is repealed.

SECTION 4.07. This article applies only to the appraisal for ad valorem tax purposes of property for a tax year that begins on or after the effective date of this article.

## ARTICLE 5. ESCROW ACCOUNTS

SECTION 5.01. Section 31.072(a), Tax Code, is amended to read as follows:

(a) At the request of a property owner, the ~~[The]~~ collector for a taxing unit shall ~~[may]~~ enter a contract with the ~~[a]~~ property owner under which the property owner deposits money in an escrow account maintained by the collector to provide for the payment of property taxes collected by the collector on any property the person owns.

SECTION 5.02. Sections 31.072(h) and (i), Tax Code, are repealed.

SECTION 5.03. This article applies only to a tax year that begins on or after the effective date of this article.

## ARTICLE 6. TRANSITIONAL TAX YEAR PROVISIONS

SECTION 6.01. Section 25.23, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This subsection applies only to the appraisal records for the 2023 tax year. The chief appraiser shall prepare supplemental appraisal records to account for the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023. This subsection expires December 31, 2024.

SECTION 6.02. Section 26.04, Tax Code, is amended by adding Subsections (a-1) and (c-1) to read as follows:

(a-1) On receipt of the appraisal roll for the 2023 tax year, the assessor for a taxing unit shall determine the total taxable value of property taxable by the taxing unit and the taxable value of new property as if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were in effect for that tax year. This subsection expires December 31, 2024.

(c-1) An officer or employee designated by the governing body of a taxing unit shall calculate the no-new-revenue tax rate and the voter-approval tax rate of the taxing unit for the 2023 tax year as if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were in effect for that tax year. This subsection expires December 31, 2024.

SECTION 6.03. Chapter 26, Tax Code, is amended by adding Section 26.0401 to read as follows:

Sec. 26.0401. CALCULATION OF CERTAIN TAX RATES FOR 2023 TAX YEAR. (a) For the purposes of calculating the no-new-revenue tax rate, the voter-approval tax rate, and any related tax rate for the 2023 tax year, a taxing unit that calculates those rates under a provision of law other than Section 26.04 or 26.08 shall calculate those rates as if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were in effect for that tax year.

(b) This section expires December 31, 2024.

SECTION 6.04. Section 26.08, Tax Code, is amended by adding Subsection (q) to read as follows:

(q) For purposes of this section, the voter-approval tax rate of a school district for the 2023 tax year shall be calculated as if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were in effect for that tax year. This subsection expires December 31, 2024.

SECTION 6.05. Section 26.09, Tax Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The assessor for a taxing unit shall calculate the amount of tax imposed by the taxing unit on real property for the 2023 tax year as if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were in effect for that tax year and also as if the changes in law made by that Act were not in effect for that tax year. This subsection expires December 31, 2024.

SECTION 6.06. Section 26.15, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) The assessor for a taxing unit shall correct the tax roll for the taxing unit for the 2023 tax year to reflect the results of the election to approve the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023. This subsection expires December 31, 2024.

SECTION 6.07. Section 31.01, Tax Code, is amended by adding Subsections (d-2), (d-3), (d-4), and (d-5) to read as follows:

(d-2) This subsection and Subsections (d-3) and (d-4) apply only to taxes imposed by a taxing unit on real property for the 2023 tax year and only if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, would lower the taxes imposed by the taxing unit on the property for that tax year. The assessor for the taxing unit shall compute the amount of taxes imposed and the other information required by this section as if the changes in law made by S.B. 3, Acts of

the 88th Legislature, Regular Session, 2023, were in effect for that tax year. The tax bill or the separate statement must indicate that the bill is a provisional tax bill and include a statement in substantially the following form:

"If the Texas Legislature had not enacted property tax relief legislation during the 2023 legislative session, your tax bill would have been \$ \_\_\_\_\_ (insert amount of tax bill if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were not in effect for that tax year). Because of action by the Texas Legislature, your tax bill has been lowered by \$ \_\_\_\_\_ (insert difference between amount of tax bill if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were not in effect for that tax year and amount of tax bill if that Act were in effect for that tax year), resulting in a lower tax bill of \$ \_\_\_\_\_ (insert amount of tax bill if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were in effect for that tax year), contingent on the approval by the voters at an election to be held November 7, 2023, of the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023. If that constitutional amendment is not approved by the voters at the election, a supplemental tax bill in the amount of \$ \_\_\_\_\_ (insert difference between amount of tax bill if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were not in effect for that tax year and amount of tax bill if that Act were in effect for that tax year) will be mailed to you."

(d-3) A tax bill prepared by the assessor for a taxing unit as provided by Subsection (d-2) and mailed as provided by Subsection (a) is considered to be a provisional tax bill until the canvass of the votes on the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023. If the constitutional amendment is approved by the voters, the tax bill is considered to be a final tax bill for the taxes imposed on the property for the 2023 tax year, and no additional tax bill is required to be mailed unless another provision of this title requires the mailing of a corrected tax bill. If the constitutional amendment is not approved by the voters:

(1) a tax bill prepared by the assessor as provided by Subsection (d-2) is considered to be a final tax bill but only as to the portion of the taxes imposed on the property for the 2023 tax year that are included in the bill;

(2) the amount of taxes imposed by each taxing unit on real property for the 2023 tax year is calculated as if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were not in effect for that tax year; and

(3) except as provided by Subsections (f), (i-1), and (k), the assessor for each taxing unit shall prepare and mail a supplemental tax bill, by December 1 or as soon thereafter as practicable, in an amount equal to the difference between the amount of the tax bill if the changes in law made by S.B. 3, Acts of the 88th Legislature, Regular Session, 2023, were not in effect for that tax year and the amount of the tax bill if that Act were in effect for that tax year.

(d-4) Except as otherwise provided by Subsection (d-3), the provisions of this section other than Subsection (d-2) apply to a supplemental tax bill mailed under Subsection (d-3).

(d-5) This subsection and Subsections (d-2), (d-3), and (d-4) expire December 31, 2024.

SECTION 6.08. Section 31.02, Tax Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Except as provided by Subsection (b) of this section and Sections 31.03 and 31.04, taxes for which a supplemental tax bill is mailed under Section 31.01(d-3) are due on receipt of the tax bill and are delinquent if not paid before March 1 of the year following the year in which imposed. This subsection expires December 31, 2024.

#### ARTICLE 7. EFFECTIVE DATES

SECTION 7.01. Except as otherwise provided by this article, this Act takes effect September 1, 2023.

SECTION 7.02. (a) Except as provided by Subsection (b) of this section or as otherwise provided by Article 3 of this Act:

(1) Article 3 of this Act takes effect on the date on which the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023, takes effect; and

(2) if that amendment is not approved by the voters, Article 3 of this Act has no effect.

(b) Sections 49.004(a-1), (b-1), and (c-1), 49.0042, 49.0121, 49.154(a-2) and (a-3), and 49.308(a-1), Education Code, as added by Article 3 of 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 those sections to have immediate effect, those sections take effect on the 91st day after the last day of the legislative session.

SECTION 7.03. Article 4 of this Act takes effect on the date on which the constitutional amendment proposed by S.J.R. 3, 88th Legislature, Regular Session, 2023, is approved by the voters. If that amendment is not approved by the voters, Article 4 of this Act has no effect.

SECTION 7.04. Article 5 of this Act takes effect January 1, 2024.

SECTION 7.05. Article 6 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for that article to have immediate effect, Article 6 of this Act takes effect on the 91st day after the last day of the legislative session.

#### Floor Amendment No. 1

Amend **CSSB 3** (house committee report) on page 8, line 27, by striking "2022" and substituting "2023".

The amendments were read.

Senator Bettencourt submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 3** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Huffman, Birdwell, Creighton, and Parker.

**SENATE BILL 29 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Bettencourt called **SB 29** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 29** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

Sec. 81B.001. DEFINITIONS. In this chapter:

(1) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(2) "Governmental entity" means this state, a local government entity as defined by Section 418.004, Government Code, an open-enrollment charter school, or an agency of this state or a local government entity.

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to wear a face mask or other face covering to prevent the spread of COVID-19.

(b) The limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

(1) a state supported living center, as defined by Section 531.002, subject to any applicable rule or guidance prescribed by the commission that conflicts with that limitation;

(2) a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail, subject to any applicable rule or guidance prescribed by the Commission on Jail Standards that conflicts with that limitation; or

(3) a hospital or other health care facility owned by a governmental entity, including a hospital or other health care clinic operated by or associated with an institution of higher education, as that term is defined by Section 61.003, Education Code, subject to any applicable order, ordinance, or guidance prescribed by that governmental entity that conflicts with that limitation.

Sec. 81B.003. PROHIBITED VACCINE MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to be vaccinated against COVID-19.

(b) The prohibition under Subsection (a) applies only to the extent the prohibition does not conflict with the final rule adopted by the Centers for Medicare and Medicaid Services and published at 86 Fed. Reg. 61555 (November 5, 2021).

Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE BUSINESSES AND SCHOOLS. A governmental entity may not implement, order, or otherwise impose a mandate requiring the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

### **Floor Amendment No. 1**

Amend **CSSB 29** (house committee printing) on page 2 of the bill, between lines 13 and 14, by inserting the following appropriately lettered subsection:

(\_\_\_\_) Any Assisted living facility regulated under Health and Safety Code, Chapter 247 and Texas Administrative Code (TAC), Title 26, Part I, Chapter 553.

### **Floor Amendment No. 2**

Amend **CSSB 29** (house committee printing) on page 2 of the bill, between lines 13 and 14, by inserting the following appropriately lettered subsection:

(\_\_\_\_) A public hospital as defined by Section 241.003 of the Health and Safety Code.

The amendments were read.

Senator Birdwell submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 29** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Blanco, Bettencourt, Paxton, and Hughes.

## **SENATE BILL 1933 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Bettencourt called **SB 1933** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1933** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to certain oversight procedures of the state over county elections.

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

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, and 31.022 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. (a) The secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state;

(2) the secretary of state has provided notice to the county election official with authority over election administration or voter registration under Section 31.018; and

(3) the secretary of state, after conducting an investigation under Section 31.019, has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county, including any recurring:

(A) malfunction of voting system equipment that prevents a voter from casting a vote;

(B) carelessness or official misconduct in the distribution of election supplies;

(C) errors in the tabulation of results that would have affected the outcome of an election;

(D) violations of Section 66.053;

(E) discovery of properly executed voted ballots after the canvass of an election that were not counted; or

(F) failure to conduct maintenance activities on the lists of registered voters as required under this code.

(b) The secretary of state shall make a determination on whether to implement administrative oversight under Subsection (a) not later than the 30th day after the earliest of:

(1) the day a response by the county election official with authority over election administration or voter registration is received by the secretary of state under Section 31.018;

(2) the last day the county election official with authority over election administration or voter registration could provide a response to the secretary of state under Section 31.018; or

(3) the day the report on the findings of an investigation is provided to the county election official with authority over election administration or voter registration under Section 31.019.

Sec. 31.018. NOTICE OF COMPLAINT. (a) Not later than the 30th day after receiving an administrative election complaint under Section 31.017(a)(1), the secretary of state shall provide notice of the complaint to the applicable county election official with authority over election administration or voter registration, including the specific allegations against the election official in the complaint.

(b) Subject to Subsection (c), not later than the 30th day after receiving notice of the administrative election complaint under Subsection (a), the county election official with authority over election administration or voter registration may provide a response with any supporting documentation relating to the complaint or the allegations in the complaint to the secretary of state.

(c) If the administrative election complaint filed under Section 31.017(a)(1) concerns an election for which voting by personal appearance has begun and the final canvass has not been completed, the county election official with authority over election administration or voter registration must provide a response under Subsection (b) not later than 72 hours after receiving notice of the complaint under Subsection (a).

Sec. 31.019. INVESTIGATION OF COMPLAINT. (a) The secretary of state may direct personnel in the secretary of state's office to conduct an investigation on an administrative election complaint received under Section 31.017(a)(1) and must consider any response or supporting documentation provided by the county election official with authority over election administration or voter registration under Section 31.018, if applicable.

(b) If the secretary of state decides to conduct an investigation under Subsection (a), the secretary must provide the county election official with authority over election administration or voter registration notice of the determination to conduct the investigation.

(c) After completing an investigation under this section, the secretary of state must provide a report on the findings of the investigation to:

(1) the county election official with authority over election administration or voter registration; and

(2) the individual who filed the administrative election complaint under Section 31.017(a)(1).

Sec. 31.020. COUNTY ELECTION OFFICE OVERSIGHT BY SECRETARY. (a) If the secretary of state implements administrative oversight under Section 31.017, the secretary shall provide written notice to the county election official with authority over election administration or voter registration and the county judge of the determination by the secretary to implement administrative oversight in the county.

(b) The authority of administrative oversight over a county granted to the secretary of state under this subchapter must include:

(1) requiring the approval and review by the secretary of state of any policies or procedures regarding the administration of elections issued by the county; and

(2) authorizing all appropriate personnel in the secretary of state's office to conduct in-person observations of the county election office's activities, including any activities related to election preparation, early voting, election day, and post-election day procedures.



(c) The county election office being overseen by the secretary of state shall provide sufficient access to the appropriate personnel in the secretary of state's office to perform their duties under Subsection (b).

(d) Once each quarter during the period when the secretary of state is overseeing elections in a county under Subsection (a), the secretary shall submit a report regarding the activities of the oversight personnel to the members of the county election commission and the county attorney.

(e) The secretary of state shall deliver the report required by Subsection (d) in person to the county commissioners court if requested by the commissioners court.

(f) The secretary of state shall conduct the administrative oversight of a county until the earlier of:

(1) December 31 of the even-numbered year following the first anniversary of the date the complaint was received under Section 31.017(a)(1); or

(2) the date on which the secretary of state determines that the recurring pattern of problems with election administration or voter registration is rectified.

Sec. 31.021. REMOVAL OR TERMINATION OF COUNTY ELECTION OFFICIAL AFTER ADMINISTRATIVE OVERSIGHT. (a) At the conclusion of administrative oversight under this subchapter, if the recurring pattern of problems with election administration or voter registration is not rectified or continues to impede the free exercise of a citizen's voting rights in the county, the secretary of state may file a petition for the removal under Section 87.015, Local Government Code, of the applicable county officer with authority over election administration or voter registration.

(b) At the conclusion of administrative oversight under this subchapter, the secretary of state may enter a written order to terminate the employment of a county elections administrator, in a county that has the position, under Section 31.037(b).

Sec. 31.022. RULES. The secretary of state may adopt rules necessary to implement the administrative oversight of a county as provided under this subchapter.

SECTION 2. Section 31.037, Election Code, is amended to read as follows:

Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a) The employment of the county elections administrator may be suspended, with or without pay, or terminated at any time for good and sufficient cause on the four-fifths vote of the county election commission and approval of that action by a majority vote of the commissioners court.

(b) The secretary of state may enter a written order to terminate the employment of a county elections administrator at the conclusion of administrative oversight of the county elections administrator's office under Subchapter A if the recurring pattern of problems with election administration or voter registration is not rectified or continues to impede the free exercise of a citizen's voting rights in the county.

SECTION 3. Section 127.351, Election Code, is amended by amending Subsections (a) and (d) and adding Subsections (e) and (f) to read as follows:

(a) Immediately after the uniform election date in November of an even-numbered year, the secretary of state shall conduct an audit of the elections held on the uniform election date in four counties during the previous two years.

(d) If the secretary of state completes the audit of a county under Subsection (b)(1) before the end of a two-year period, the secretary may randomly select another county with a total population of less than 300,000 to be audited.

(e) If not later than July 31 of the first odd-numbered year following the commencement of an audit under this section, the audit findings demonstrate to the secretary of state that a recurring pattern of problems with election administration or voter registration, as described under Section 31.017(a)(3), exists in an audited county and the problems impede the free exercise of a citizen's voting rights, the secretary:

(1) shall:

(A) publicly release the preliminary findings of the audit; and

(B) recommend the county for administrative oversight under Subchapter A, Chapter 31; and

(2) may conduct an audit of other elections held in the county in the previous two years, as determined necessary by the secretary.

(f) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 4. This Act takes effect September 1, 2023.

#### **Floor Amendment No. 1**

Amend **CSSB 1933** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act may be cited as the Alan Vera Election Accountability Act of 2023.

#### **Floor Amendment No. 2**

Amend **CSSB 1933** (house committee report) on page 1, line 13, between "state" and the underlined semicolon, by inserting the following:  
by a person who participated in the relevant election as:

(A) a candidate;

(B) a county chair or state chair of a political party;

(C) a presiding judge;

(D) an alternate presiding judge; or

(E) the head of a specific-purpose political committee that supports or opposes a measure

#### **Floor Amendment No. 3**

Amend **CSSB 1933** (house committee report), as follows:

(1) On page 1, line 20, strike "including" and substitute "due to".

(2) On page 4, strike lines 15 through 17, and substitute the following:

(b) Under this subchapter, the secretary of state is granted the following authority of administrative oversight over a county:

**Floor Amendment No. 4**

Amend **CSSB 1933** (house committee report) on page 4, line 14, following the underlined period, by adding "The notice must include the specific recurring pattern of problems with election administration or voter registration identified by the secretary under Section 31.017(a)(3).".

**Floor Amendment No. 8**

Amend **CSSB 1933** (house committee report) as follows:

(1) Strike "The" and substitute "In a county with a population of more than 4 million, the" in each of the following places it appears:

- (A) page 1, line 9;
- (B) page 3, line 16; and
- (C) page 6, line 16.

(2) On page 2, line 22, strike "Not" and substitute "In a county with a population of more than 4 million and not".

The amendments were read.

Senator Bettencourt submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1933** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Hughes, Middleton, Creighton, and Kolkhorst.

**SENATE BILL 12 WITH HOUSE AMENDMENT  
(Motion In Writing)**

Senator Hughes called **SB 12** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 12** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to restricting certain sexually oriented performances on public property, on the premises of a commercial enterprise, or in the presence of a child; authorizing a civil penalty; creating a criminal offense.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. SEXUALLY ORIENTED PERFORMANCES

Sec. 769.001. DEFINITIONS. In this chapter:

(1) "Premises" has the meaning assigned by Section 46.03, Penal Code.

(2) "Sexually oriented performance" has the meaning assigned by Section 43.28, Penal Code.

Sec. 769.002. CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED ON PREMISES OF COMMERCIAL ENTERPRISE; CIVIL PENALTY; INJUNCTION. (a) A person who controls the premises of a commercial enterprise may not allow a sexually oriented performance to be presented on the premises in the presence of an individual younger than 18 years of age.

(b) A person who violates this section is liable to this state for a civil penalty of not more than \$10,000 for each violation.

(c) The attorney general may bring an action to:

(1) recover the civil penalty imposed under this section; or

(2) obtain a temporary or permanent injunction to restrain the violation.

(d) An action under this section may be brought in a district court in:

(1) Travis County; or

(2) a county in which any part of the violation occurs.

(e) The attorney general shall deposit a civil penalty collected under this section in the state treasury to the credit of the general revenue fund.

(f) The attorney general may recover reasonable expenses incurred in bringing an action under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

SECTION 2. Chapter 243, Local Government Code, is amended by adding Section 243.0031 to read as follows:

Sec. 243.0031. AUTHORITY TO REGULATE CERTAIN SEXUALLY ORIENTED PERFORMANCES. (a) In this section, "sexually oriented performance" has the meaning assigned by Section 43.28, Penal Code.

(b) Subject to Subsection (c), a municipality or county may regulate sexually oriented performances as the municipality or county considers necessary to promote the public health, safety, or welfare.

(c) A municipality or county may not authorize a sexually oriented performance:

(1) on public property; or

(2) in the presence of an individual younger than 18 years of age.

(d) Except as provided by Subsection (c), this section does not limit the authority of a municipality to license, tax, suppress, prevent, or otherwise regulate theatrical or other exhibitions, shows, or amusements under Section 215.032.

SECTION 3. Subchapter B, Chapter 43, Penal Code, is amended by adding Section 43.28 to read as follows:

Sec. 43.28. CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED. (a) In this section:

(1) "Premises" has the meaning assigned by Section 46.03.

(2) "Sexual conduct" means:

(A) the exhibition or representation, actual or simulated, of sexual acts, including vaginal sex, anal sex, and masturbation;

(B) the exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;

(C) the exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals; or

(D) actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person.

(3) "Sexually oriented performance" means a visual performance that:

(A) features:

(i) a performer who is nude, as defined by Section 102.051, Business & Commerce Code; or

(ii) any other performer who engages in sexual conduct; and

(B) appeals to the prurient interest in sex.

(b) A person commits an offense if, regardless of whether compensation for the performance is expected or received, the person engages in a sexually oriented performance:

(1) on public property at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child; or

(2) on the premises of a commercial enterprise in the presence of an individual younger than 18 years of age.

(c) An offense under this section is a Class A misdemeanor.

SECTION 4. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

SECTION 5. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hughes submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 12** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Paxton, Springer, West, and Creighton.

### **SENATE BILL 1057 WITH HOUSE AMENDMENTS**

Senator Whitmire called **SB 1057** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1057** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the authority of certain municipalities and local government corporations to use certain tax revenue for certain qualified projects.

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

SECTION 1. Section 351.1015, Tax Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

(b) This section applies only to a qualified project located in:

(1) a municipality with a population of at least 650,000 but less than 750,000 according to the most recent federal decennial census; or

(2) a municipality with a population of at least two million.

(j) A local government corporation to which this subsection applies may act as a municipality under this section and is considered to be a municipality for purposes of this section. With respect to a local government corporation to which this subsection applies, the term "qualified project" includes a convention center facility, a venue, and any related infrastructure. This subsection applies only to a local government corporation that:

(1) is authorized to collect a municipal hotel occupancy tax; and

(2) is located in a county with a population of 3.3 million or more.

SECTION 2. This Act takes effect September 1, 2023.

**Floor Amendment No. 1**

Amend **CSSB 1057** (house committee printing) on page 1, lines 20 and 21, by striking "a convention center facility, a venue, and" and substituting "a venue and".

The amendments were read.

Senator Whitmire moved to concur in the House amendments to **SB 1057**.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Birdwell, Blanco, Campbell, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Hall, Hughes, Middleton, Springer.

**SENATE BILL 1418 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator LaMantia called **SB 1418** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 1418** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 623.212, Transportation Code, is amended to read as follows:

Sec. 623.212. PERMITS BY PORT AUTHORITY. Subject to Section 623.213, the [The] commission may authorize a port authority to issue permits for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties:

(1) contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and:

(A) adjacent to at least two counties with a population of 550,000 or more; or

(B) bordering the United Mexican States; or

(2) contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf with a population of not more than 200,000 and adjacent to a county described by Subdivision (1)(A).

SECTION \_\_\_\_\_. Subchapter K, Chapter 623, Transportation Code, is amended by adding Section 623.213 to read as follows:

Sec. 623.213. REQUIREMENTS OF PORT AUTHORITIES. (a) In this section, "permitting and routing optimization system" means the department's Internet-based system that allows a person to apply for a permit for an oversize or overweight vehicle online and provides customized route maps for permitted vehicles.

(b) A port authority may only issue permits for the movement of oversize or overweight vehicles in accordance with this subchapter if the port authority complies with the requirements of this section.

(c) A port authority that issues a permit under this subchapter shall ensure that appropriate safety personnel are on site at each terminal of the authority at all times the terminal is in operation to ensure the movement of oversize or overweight vehicles to or from the terminal complies with applicable state and federal laws.

(d) Each time an oversize or overweight vehicle enters or exits a terminal of a port authority that issues a permit under this subchapter, the port authority shall:

(1) weigh the vehicle using a scale that complies with the standards of the National Type Evaluation Program; and

(2) certify on the permitting and routing optimization system:

(A) the vehicle's weight at the time the vehicle enters and exits a terminal of the authority; and

(B) that the vehicle has the appropriate permit issued under this subchapter.

(e) A port authority may delegate the performance of the duties prescribed by Subsections (c) and (d) to a terminal operator that operates within the jurisdiction of the port authority.

### **Floor Amendment No. 1 on Third Reading**

Amend **SB 1418** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3797 to read as follows:

CHAPTER 3797. PRESIDIO INTERNATIONAL PORT AUTHORITY DISTRICT  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3797.0101. DEFINITIONS. In this chapter:

- (1) "Board" means the authority's board of directors.
- (2) "City" means the city of Presidio.
- (3) "County" means Presidio County.
- (4) "Director" means a board member.
- (5) "District" means the Presidio International Port Authority District.
- (6) "School district" means Presidio Independent School District.

Sec. 3797.0102. NATURE OF DISTRICT. The Presidio International Port Authority District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3797.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the county, the city, the school district, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) The district is created to serve the interests of the residents of the district and the general public by improving the Presidio port of entry and encouraging international trade.

(e) This chapter and the creation of the district may not be interpreted to relieve the county or the city from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant county or city services provided in the district.

Sec. 3797.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment;
- (3) developing or expanding transportation and commerce; and
- (4) developing and expanding international trade.

(d) The district will:



(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center, including by developing, constructing, owning, operating, and improving industrial parks;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty;

(4) provide for water, wastewater, drainage, rail, and road facilities for the district; and

(5) provide for international border facilities, industrial parks, air transportation facilities, intermodal facilities, and foreign trade zones in the district.

(e) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3797.0105. INITIAL DISTRICT TERRITORY. The district is initially composed of the territory in Presidio County.

Sec. 3797.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code; or

(3) a foreign trade zone.

Sec. 3797.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3797.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3797.0201. GOVERNING BODY; TERMS. The district is governed by a board of seven voting directors who serve staggered terms of four years with three or four directors' terms expiring June 1 of each odd-numbered year.

Sec. 3797.0202. QUALIFICATIONS AND APPOINTMENT OF VOTING DIRECTORS. (a) Section 375.063, Local Government Code, does not apply to the district.

(b) To be qualified to serve as a director, a person must be at least 18 years of age.

(c) From persons recommended by the board in the manner provided by Section 375.064, Local Government Code, the governing body of the county shall appoint three directors and the governing body of the city shall appoint two directors. Each of the appointed directors must be:

(1) an owner of property in the district;

(2) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district;

(3) an agent, employee, or tenant of a person described by Subdivision (1) or (2); or

(4) a person involved in international trade activities in the district.

(d) In addition to the directors appointed under Subsection (c), notwithstanding the common law doctrine of incompatibility, the mayor of the city and the county judge of the county serve as directors of the district, except as provided by Subsection (e). Notwithstanding Section 3797.0201, the term of a director who is also the mayor of the city or the county judge of the county expires when the member's term as mayor or county judge, as applicable, expires.

(e) The mayor of the city or the county judge of the county may decline to serve as a director. If the mayor of the city declines to serve, the governing body of the city shall appoint an alternate director in the manner provided by Subsection (c). If the county judge of the county declines to serve, the county shall appoint an alternate director in the manner provided by Subsection (c).

(f) A director described by Subsection (d) may not participate in a discussion of or vote on a matter regarding a contract with the political subdivision for which the person serves as an officer.

Sec. 3797.0203. NONVOTING DIRECTORS. The board may appoint representatives of taxing entities in the district to serve as nonvoting directors.

Sec. 3797.0204. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>John Ferguson</u>
<u>2</u>	<u>Tom Davis</u>
<u>3</u>	<u>Scott Beasley</u>
<u>4</u>	<u>Cesar Baeza</u>
<u>5</u>	<u>Joe Portillo</u>
<u>6</u>	<u>Isela Nunez</u>
<u>7</u>	<u>Sergio Mendoza Vidal</u>

(b) Of the initial directors, the terms of directors appointed for positions one through four expire June 1, 2025, and the terms of directors appointed for positions five through seven expire June 1, 2027.

(c) Section 3797.0202 does not apply to initial directors appointed by this section.

(d) This section expires September 1, 2027.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 3797.0301. GENERAL POWERS AND DUTIES. (a) The district has the powers and duties necessary to accomplish the purposes for which the district is created.

(b) Section 375.092(e), Local Government Code, applies to real property located inside or outside the district.

Sec. 3797.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

(d) The county, the school district, the Big Bend Regional Hospital District, and any other local government or political subdivision may contract with the district to provide for financing, construction, maintenance, and operation of public infrastructure or to carry out a district purpose.

(e) The district may not undertake a project on land owned by the city unless the city consents to the project.

Sec. 3797.0303. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3797.0304. AUTHORITY TO CONTRACT FOR PUBLIC SAFETY SERVICES. To protect the public interest, the district may contract with a qualified party, including a municipality, the county, or any other governmental entity to provide law enforcement, public safety, fire protection, ambulance, emergency, or code enforcement services in the district for a fee.

Sec. 3797.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3797.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3797.0307. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3797.0308. INTERNATIONAL BORDER FACILITIES. (a) The district may operate and maintain a port of entry in the district.

(b) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain bridge facilities, a system of international border crossing points, or other structures or accommodations facilitating international trade and related appurtenances.

(c) The facilities described by this section serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(d) The district's bridge facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(e) The development and operation of the facilities described by this section may be considered an economic development program.

Sec. 3797.0309. RAIL FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain rail facilities, and related appurtenances, to facilitate international trade.

(b) The district's rail facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The development and operation of the district's rail facilities may be considered an economic development program.

Sec. 3797.0310. TRANSPORTATION FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain facilities related to air transportation and intermodal facilities.

(b) The district's air transportation and intermodal facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The development and operation of the district's air transportation and intermodal facilities may be considered an economic development program.

Sec. 3797.0311. REGIONAL MOBILITY AUTHORITY POWERS. The district may exercise the transportation project powers of a regional mobility authority under Chapter 370, Transportation Code, for a transportation project, as defined by Section 370.003, Transportation Code.

Sec. 3797.0312. FEES. The district may establish and maintain reasonable and nondiscriminatory rates, fares, charges, rents, or other fees or compensation for the use of facilities constructed, operated, or maintained by the district.

Sec. 3797.0313. FOREIGN TRADE ZONE. (a) In this section, "foreign trade zone" has the meaning assigned by Section 681.001, Business & Commerce Code.

(b) The district may apply for, accept a grant of authority to, and establish, operate, and maintain a foreign trade zone, including the selection and description of the foreign trade zone and subzones.

(c) An authorization under this section is subject to the requirements of federal law and regulations established to carry out the provisions of the Foreign Trade Zones Act (19 U.S.C. Section 81a et seq.).

Sec. 3797.0314. ADDING OR EXCLUDING LAND. The district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 3797.0315. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3797.0316. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3797.0317. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

#### SUBCHAPTER D. ASSESSMENTS

Sec. 3797.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3797.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

- (1) are a first and prior lien against the property assessed;
- (2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and
- (3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

#### SUBCHAPTER E. TAXES AND BONDS

Sec. 3797.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3797.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3797.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3797.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

Sec. 3797.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

- (1) revenue other than ad valorem taxes, including contract revenues; or
- (2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3797.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3797.0501, the district may issue bonds payable from ad valorem taxes.

(b) Section 375.243, Local Government Code, does not apply to the district.

(c) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3797.0506. CONSENT OF CITY REQUIRED. (a) The board may not issue bonds until the city has consented by ordinance or resolution to the creation of the district and to the inclusion of municipal territory in the district.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

SUBCHAPTER F. DEFINED AREAS

Sec. 3797.0601. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

Sec. 3797.0602. PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax applicable only to the defined area or designated property or issue bonds payable from ad valorem taxes of the defined area or designated property, the board shall hold an election in the defined area or designated property only.

(b) The board may submit the proposition to the voters on the same ballot to be used in another election.

Sec. 3797.0603. DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at an election held under Section 3797.0602 approve the proposition or propositions, the board shall declare the results and, by order, shall establish the defined area or designated property and describe it by metes and bounds or designate the specific area or property.

(b) A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Sec. 3797.0604. TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and adoption of an order described by Section 3797.0603, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area or designated property.

Sec. 3797.0605. ISSUANCE OF BONDS FOR DEFINED AREA OR DESIGNATED PROPERTY. After an order under Section 3797.0603 is adopted, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area or designated property.

SUBCHAPTER I. DISSOLUTION

Sec. 3797.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) 66 percent or more of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls;  
or

(2) 66 percent or more of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION \_\_\_\_ . (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

The amendments were read.

Senator LaMantia submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1418** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators LaMantia, Chair; Nichols, Parker, Alvarado, and Hancock.

### **SENATE BILL 17 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Creighton called **SB 17** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Floor Amendment No. 4**

Amend **CSSB 17** (house committee report) as follows:

(1) On page 2, strike lines 1 through 21 and substitute the following:



(1) influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;

(2) promoting differential treatment of or providing special benefits to individuals on the basis of race, sex, color, or ethnicity;

(3) promoting policies or procedures designed or implemented in reference to race, sex, color, or ethnicity, other than policies or procedures approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or

(4) conducting trainings, programs, or activities designed or implemented in reference to race, sex, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

(2) On page 2, lines 24 and 25, strike "or as provided by Subsection (c)".

(3) On page 4, strike lines 1 through 12 and substitute the following:

(c) Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

(1) highlights the institution's work in supporting:

(A) first-generation college students;

(B) low-income students; or

(C) underserved student populations; or

(2) certifies compliance with state and federal antidiscrimination laws.

(4) On page 5, between lines 11 and 12, insert the following:

(g) The state auditor shall periodically conduct a compliance audit of each institution of higher education to determine whether the institution has spent state money in violation of this section. The state auditor shall adopt a schedule by which the state auditor will conduct compliance audits under this subsection. The schedule must ensure that each institution of higher education is audited at least once every four years.

(h) If the state auditor determines pursuant to a compliance audit conducted under Subsection (g) that an institution of higher education has spent state money in violation of this section, the institution:

(1) must cure the violation not later than the 180th day after the date on which the determination is made; and

(2) if the institution fails to cure the violation during the period described by Subdivision (1), is ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

(i) A student or employee of an institution of higher education who is required to participate in training in violation of Subsection (b)(1)(E) may bring an action against the institution for injunctive or declaratory relief.

### **Floor Amendment No. 23**

Amend **CSSB 17** (house committee report) as follows:

(1) On page 5, between lines 11 and 12, insert the following appropriately lettered subsection:

( ) The Texas Higher Education Coordinating Board, in coordination with institutions of higher education, shall conduct an annual study to identify the impact of the implementation of this section on the recruitment rate, acceptance rate, matriculation rate, retention rate, grade point average, and graduation rate of students at institutions of higher education, disaggregated by race, sex, color, ethnicity, gender identity, or sexual orientation. Not later than December 1 of each year, the coordinating board shall submit to the legislature a report on the results of the study and any recommendations for legislative or other action. This subsection expires September 1, 2029.

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

SECTION \_\_\_\_\_. A public institution of higher education shall make reasonable efforts so that each employee of the institution whose position would otherwise be eliminated as result of the implementation of Section 51.3525, Education Code, as added by this Act, is offered reassignment to a position of similar pay at the institution.

(3) On page 5, line 13, between "the" and "2023-2024", insert "spring semester of the".

(4) On page 5, line 23, strike "September 1, 2023" and substitute "January 1, 2024".

The amendments were read.

Senator Creighton submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 17** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Campbell, Parker, Flores, and Hinojosa.

### **SENATE JOINT RESOLUTION 93 WITH HOUSE AMENDMENT (Motion In Writing)**

Senator Schwertner called **SJR 93** from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

### Amendment

Amend **SJR 93** by substituting in lieu thereof the following:

#### A JOINT RESOLUTION

proposing a constitutional amendment providing for the creation of the Texas energy fund to support the construction, maintenance, modernization, and operation of electric generating facilities.

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

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-q to read as follows:

Sec. 49-q. (a) The Texas energy fund is created as a special fund in the state treasury outside the general revenue fund.

(b) As provided by general law, money in the Texas energy fund may be administered and used, without further appropriation, only by the Public Utility Commission of Texas or that commission's successor in function to provide loans and grants to any entity to finance or incentivize the construction, maintenance, modernization, and operation of electric generating facilities, including associated infrastructure, necessary to ensure the reliability or adequacy of an electric power grid in this state. The commission shall allocate money from the fund for loans and grants to eligible projects:

(1) for electric generating facilities that serve as backup power sources; and

(2) in each region of the state that is part of an electric power grid in proportion to that region's load share.

(c) The entity administering the Texas energy fund may establish separate accounts in the fund as necessary or convenient for the fund's administration.

(d) The Texas energy fund consists of:

(1) money credited, appropriated, or transferred to the fund by or as authorized by the legislature;

(2) revenue that the legislature dedicates for deposit to the credit of the fund;

(3) the returns received from the investment of the money in the fund; and

(4) gifts, grants, and donations contributed to the credit of the fund.

(e) The reasonable expenses of managing the Texas energy fund's assets shall be paid from the fund.

(f) The legislature by a provision of a general appropriations act may provide for the transfer to the general revenue fund of money that is subject to this section.

(g) The legislature may appropriate general revenue for the purpose of depositing money to the credit of the Texas energy fund to be used for the purposes of that fund.

(h) For purposes of Section 22, Article VIII, of this constitution:

(1) money in the Texas energy fund is dedicated by this constitution; and

(2) an appropriation of state tax revenues for the purpose of depositing money to the credit of the Texas energy fund is treated as if it were an appropriation of revenues dedicated by this constitution.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the creation of the Texas energy fund to support the construction, maintenance, modernization, and operation of electric generating facilities."

The amendment was read.

Senator Schwertner submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SJR 93** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Campbell, King, Nichols, and Johnson.

### **SENATE JOINT RESOLUTION 81 WITH HOUSE AMENDMENT (Motion In Writing)**

Senator Birdwell called **SJR 81** from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

#### **Amendment**

Amend **SJR 81** by substituting in lieu thereof the following:

#### **A JOINT RESOLUTION**

proposing a constitutional amendment providing for the creation of funds to support the capital needs of educational programs offered by the Texas State Technical College System and certain component institutions of the Texas State University System and repealing the limitation on the allocation to the Texas State Technical College System and its campuses of the annual appropriation of certain constitutionally dedicated funding for public institutions of higher education.

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

SECTION 1. Article VII, Texas Constitution, is amended by adding Section 23 to read as follows:

Sec. 23. (a) In this section:

(1) "Available fund" means the available instruction in manufacturing and technical workforce operations fund.

(2) "Permanent fund" means the permanent instruction in manufacturing and technical workforce operations fund.

(b) The permanent instruction in manufacturing and technical workforce operations fund and the available instruction in manufacturing and technical workforce operations fund are established as special funds in the state treasury outside

the general revenue fund to be administered as provided by this section without further appropriation for the purpose of providing a dedicated source of funding for capital projects and equipment purchases related to educational programs offered by the Texas State Technical College System and component institutions of the Texas State University System described by Subsection (k) of this section.

(c) The permanent fund consists of:

(1) money appropriated, credited, transferred, or deposited to the credit of the fund by this section or as authorized by other law;

(2) any interest or other earnings attributable to the investment of money in the fund; and

(3) gifts, grants, and donations made to the fund.

(d) The available fund consists of:

(1) money distributed to the fund from the permanent fund as provided by this section;

(2) money appropriated, credited, transferred, or deposited to the credit of the fund by this section or as authorized by other law;

(3) any interest or other earnings attributable to the investment of money in the fund; and

(4) gifts, grants, and donations made to the fund.

(e) The comptroller of public accounts, the board of regents of the Texas State Technical College System, or the board of regents of the Texas State University System may establish accounts in the available fund as necessary to administer the fund or pay for projects authorized under this section.

(f) The comptroller of public accounts shall hold, manage, and invest the permanent fund. In managing the assets of the fund, the comptroller may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution needs, and other circumstances of the fund, taking into consideration the investment of all the assets of the fund rather than a single investment. The expenses of managing the investments of the fund shall be paid from the fund.

(g) Money may not be appropriated or transferred from the permanent fund or the available fund except as provided by this section.

(h) The comptroller of public accounts shall determine the amount available for distribution from the permanent fund to the available fund for each fiscal year. The amount available for distribution:

(1) must be determined in a manner intended to:

(A) provide the available fund with a stable and predictable stream of annual distributions; and

(B) preserve over a rolling 10-year period the purchasing power of the permanent fund; and

(2) may not exceed 5.5 percent of the fair market value of the investment assets of the permanent fund, as determined by the comptroller.

(i) For each state fiscal year, on request of the board of regents of the Texas State Technical College System or the board of regents of the Texas State University System, the comptroller of public accounts shall distribute an amount that does not exceed the amount determined under Subsection (h) of this section from the permanent fund to the available fund for purposes of this section.

(j) Out of the distribution from the permanent fund to the available fund under Subsection (i) of this section, 50 percent is appropriated to the board of regents of the Texas State Technical College System and, subject to Subsection (k) of this section, 50 percent is appropriated to the board of regents of the Texas State University System for:

(1) acquiring land, either with or without permanent improvements;  
(2) constructing and equipping buildings or other permanent improvements;  
(3) major repair and rehabilitation of buildings and other permanent improvements;

(4) acquiring capital equipment, including instructional equipment, virtual reality or augmented reality equipment, heavy industrial equipment, and vehicles;

(5) acquiring library books and materials, including digital or electronic library books and materials;

(6) payment of the principal and interest due on the bonds and notes issued by the respective board of regents to finance permanent improvements as authorized by other law; and

(7) any other purpose authorized by general law.

(k) The board of regents of the Texas State University System may use money appropriated under Subsection (j) of this section only for the benefit of:

(1) the Lamar Institute of Technology;

(2) Lamar State College–Orange;

(3) Lamar State College–Port Arthur; or

(4) pursuant to a majority vote of the legislature, an institution of higher education created as a part of or added to the system on or after January 1, 2024.

(l) Notwithstanding any other provision of this section, money appropriated from the available fund under this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for intercollegiate athletics or auxiliary enterprises.

(m) An institution, other than a component institution of the Texas State Technical College System or a component institution of the Texas State University System described by Subsection (k) of this section, that is entitled to participate in dedicated funding provided by Section 17 or 18 of this article may not be entitled to participate in the funding provided by this section.

(n) This section does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, including bonds or notes issued under Section 17 of this article, and all outstanding bonds and notes shall be paid in full, both principal and interest, in accordance with their terms. If this section conflicts with any other provision of this constitution, this section prevails.

(o) Money appropriated under Subsection (j) of this section that is not spent during the state fiscal year for which the appropriation is made is retained by the Texas State Technical College System or the Texas State University System, as applicable, and may be spent in a subsequent state fiscal year for a purpose for which the appropriation was made.

(o-1) On January 1, 2024, the amount of \$1,500,000,000 is appropriated from the general revenue fund to the comptroller of public accounts for the purpose of immediate deposit to the credit of the permanent fund. This subsection expires December 31, 2024.

(p) For purposes of Section 22, Article VIII, of this constitution:

(1) money in the permanent fund and the available fund is dedicated by this constitution; and

(2) an appropriation of state tax revenues for the purpose of depositing money to the credit of the permanent fund or the available fund is treated as if it were an appropriation of revenues dedicated by this constitution.

(q) If a board of regents of a higher education system, higher education system, institution of higher education, or state office referenced in this section is merged with another entity or dissolved or otherwise eliminated by law, the rights, privileges, benefits, entitlements, funding, duties, and obligations assigned to that board of regents, system, institution, or state office by this section pass to its successor in function.

SECTION 2. Section 17(j), Article VII, Texas Constitution, is amended to read as follows:

(j) The state systems and institutions of higher education designated in this section may not receive any additional funds from the general revenue of the state, other than money appropriated under Section 23 of this article, for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements except that:

(1) in the case of fire or natural disaster the legislature may appropriate from the general revenue an amount sufficient to replace the uninsured loss of any building or other permanent improvement; and

(2) the legislature, by two-thirds vote of each house, may, in cases of demonstrated need, which need must be clearly expressed in the body of the act, appropriate additional general revenue funds for acquiring land with or without permanent improvements, for constructing or equipping buildings or other permanent improvements, or for major repair and rehabilitation of buildings or other permanent improvements.

This subsection does not apply to legislative appropriations made prior to the adoption of this amendment.

SECTION 3. Section 18(c), Article VII, Texas Constitution, is amended to read as follows:

(c) Pursuant to a two-thirds vote of the membership of each house of the legislature, institutions of higher education may be created at a later date as a part of The University of Texas System or The Texas A&M University System by general law, and, when created, such an institution shall be entitled to participate in the

funding provided by this section for the system in which it is created. An institution that is entitled to participate in dedicated funding provided by ~~[Article VII,]~~ Section 17 or 23~~[5]~~ of this article ~~[constitution]~~ may not be entitled to participate in the funding provided by this section.

SECTION 4. Section 17(d-1), Article VII, Texas Constitution, is repealed.

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the creation of the permanent instruction in manufacturing and technical workforce operations fund and the available instruction in manufacturing and technical workforce operations fund to support the capital needs of educational programs offered by the Texas State Technical College System and certain component institutions of the Texas State University System and repealing the limitation on the allocation to the Texas State Technical College System and its campuses of the annual appropriation of certain constitutionally dedicated funding for public institutions of higher education."

The amendment was read.

Senator Birdwell submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SJR 81** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Flores, West, Huffman, and LaMantia.

### **SENATE BILL 1727 WITH HOUSE AMENDMENTS (Motion In Writing)**

Senator Schwertner called **SB 1727** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Amendment**

Amend **SB 1727** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the continuation and functions of the Texas Juvenile Justice Department, the functions of the office of independent ombudsman for the Texas Juvenile Justice Department, and the powers and duties of the office of inspector general of the Texas Juvenile Justice Department.

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



SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

(4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) officers commissioned under Chapter 23, Transportation Code;

(12) municipal park and recreational patrolmen and security officers;

(13) security officers and investigators commissioned as peace officers by the comptroller;

(14) officers commissioned by a water control and improvement district under Section 49.216, Water Code;

(15) officers commissioned by a board of trustees under Chapter 54, Transportation Code;

(16) investigators commissioned by the Texas Medical Board;

(17) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code;

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code; and

(D) the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, under Section 1053.113, Special District Local Laws Code;

(18) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

- (19) investigators employed by the Texas Racing Commission;
- (20) officers commissioned under Chapter 554, Occupations Code;
- (21) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;
- (22) investigators commissioned by the attorney general under Section 402.009, Government Code;
- (23) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;
- (24) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;
- (25) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (26) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;
- (27) ~~officers appointed by the inspector general of [apprehension specialists and inspectors general commissioned by]~~ the Texas Juvenile Justice Department ~~[as officers]~~ under ~~Section [Sections] 242.102 [and 243.052]~~, Human Resources Code;
- (28) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;
- (29) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;
- (30) commission investigators commissioned by the Texas Private Security Board under Section 1702.061, Occupations Code;
- (31) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;
- (32) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section; and
- (33) ~~[investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and~~
- ~~[(34)]~~ the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 2. Articles 18B.001(1) and (4), Code of Criminal Procedure, are amended to read as follows:

- (1) "Authorized peace officer" means:
  - (A) a sheriff or deputy sheriff;
  - (B) a constable or deputy constable;
  - (C) a marshal or police officer of a municipality;
  - (D) a ranger or officer commissioned by the Public Safety Commission or the director of the department;
  - (E) an investigator of a prosecutor's office;
  - (F) a law enforcement agent of the Texas Alcoholic Beverage Commission;

(G) a law enforcement officer commissioned by the Parks and Wildlife Commission;

(H) an enforcement officer appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(I) a law enforcement officer appointed by the inspector general of the Texas Juvenile Justice Department under Section 242.102, Human Resources Code;

(J) an investigator commissioned by the attorney general under Section 402.009, Government Code; or

(K) ~~(H)~~ a member of an arson investigating unit commissioned by a municipality, a county, or the state.

(4) "Designated law enforcement office or agency" means:

(A) the sheriff's department of a county with a population of 3.3 million or more;

(B) a police department in a municipality with a population of 200,000 or more; ~~or~~

(C) the office of inspector general of the Texas Department of Criminal Justice; or

(D) the office of inspector general of the Texas Juvenile Justice Department.

SECTION 3. Article 18B.252(b), Code of Criminal Procedure, is amended to read as follows:

(b) If the director of the department or the director's designee approves the policy submitted under Article 18B.251, the inspector general of the Texas Department of Criminal Justice or the inspector general's designee, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency or the sheriff's or chief's designee, as applicable, shall submit to the director a written list of all peace officers in the designated law enforcement office or agency who are authorized to possess, install, operate, or monitor pen registers, ESN readers, or similar equipment.

SECTION 4. Article 18B.302(a), Code of Criminal Procedure, is amended to read as follows:

(a) The inspector general of the Texas Department of Criminal Justice, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency, as applicable, shall submit to the director of the department a written report of expenditures made by the designated law enforcement office or agency to purchase and maintain a pen register, ESN reader, or similar equipment authorized under this chapter.

SECTION 5. Article 18B.451, Code of Criminal Procedure, is amended to read as follows:

Art. 18B.451. SUBPOENA AUTHORITY. The director of the department or the director's designee, the inspector general of the Texas Department of Criminal Justice or the inspector general's designee, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency or the sheriff's or chief's designee may issue an

administrative subpoena to a communication common carrier or a provider of an electronic communications service to compel the production of any carrier's or service provider's business records that:

- (1) disclose information about:
  - (A) the carrier's or service provider's customers; or
  - (B) users of the services offered by the carrier or service provider; and
- (2) are material to a criminal investigation.

SECTION 6. Article 18B.452, Code of Criminal Procedure, is amended to read as follows:

Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later than the 30th day after the date on which an administrative subpoena is issued under Article 18B.451, the inspector general of the Texas Department of Criminal Justice, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency, as applicable, shall report to the department the issuance of the subpoena.

SECTION 7. Section 51.12(c-1), Family Code, is amended to read as follows:

(c-1) The Texas Juvenile Justice Department shall [~~annually~~] inspect each public or private juvenile pre-adjudication secure detention facility. The department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children in accordance with:

- (1) the requirements of Subsections (a), (f), and (g); and
- (2) minimum professional standards for the detention of children in pre-adjudication secure confinement promulgated by the department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 8. Section 51.125(c), Family Code, is amended to read as follows:

(c) The Texas Juvenile Justice Department shall [~~annually~~] inspect each public or private juvenile post-adjudication secure correctional facility that is not operated by the department. The department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in post-adjudication secure confinement promulgated by the department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 9. Section 51.126(c), Family Code, is amended to read as follows:

(c) The Texas Juvenile Justice Department shall [~~annually~~] inspect each nonsecure correctional facility. The Texas Juvenile Justice Department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in nonsecure confinement promulgated by the Texas Juvenile Justice Department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 10. Sections 51.20(a), (b), (c), and (d), Family Code, are amended to read as follows:

(a) At any stage of the proceedings under this title, including when a child is initially detained in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility, the juvenile court may, at its discretion or at the request of the child's parent or guardian, order a child who is referred to the juvenile court or who is alleged by a petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision to be examined by a disinterested expert, including a physician, psychiatrist, or psychologist, qualified by education and clinical training in mental health or intellectual disability ~~mental retardation~~ and experienced in forensic evaluation, to determine whether the child has a mental illness, as defined by Section 571.003, Health and Safety Code, is a person with an intellectual disability, ~~mental retardation~~ as defined by Section 591.003, Health and Safety Code, or suffers from chemical dependency, as defined by Section 464.001, Health and Safety Code. If the examination is to include a determination of the child's fitness to proceed, an expert may be appointed to conduct the examination only if the expert is qualified under Subchapter B, Chapter 46B, Code of Criminal Procedure, to examine a defendant in a criminal case, and the examination and the report resulting from an examination under this subsection must comply with the requirements under Subchapter B, Chapter 46B, Code of Criminal Procedure, for the examination and resulting report of a defendant in a criminal case.

(b) If, after conducting an examination of a child ordered under Subsection (a) and reviewing any other relevant information, there is reason to believe that the child has a mental illness or intellectual disability ~~mental retardation~~ or suffers from chemical dependency, the probation department shall refer the child to the local mental health ~~or mental retardation~~ authority, to the local intellectual and developmental disability authority, or to another appropriate and legally authorized agency or provider for evaluation and services, unless the prosecuting attorney has filed a petition under Section 53.04.

(c) If, while a child is under deferred prosecution supervision or court-ordered probation, a qualified professional determines that the child has a mental illness or intellectual disability ~~mental retardation~~ or suffers from chemical dependency and the child is not currently receiving treatment services for the mental illness, intellectual disability ~~mental retardation~~, or chemical dependency, the probation department shall refer the child to the local mental health ~~or mental retardation~~ authority, to the local intellectual and developmental disability authority, or to another appropriate and legally authorized agency or provider for evaluation and services.

(d) A probation department shall report each referral of a child to a local mental health ~~or mental retardation~~ authority, to a local intellectual and developmental disability authority, or to another agency or provider made under Subsection (b) or (c) to the Texas Juvenile Justice Department in a format specified by the department.

SECTION 11. Section 56.01(c), Family Code, is amended to read as follows:

(c) An appeal may be taken:

(1) except as provided by Subsection (n), by or on behalf of a child from an order entered under:

(A) Section 54.02 respecting transfer of the child for prosecution as an adult;

(B) Section 54.03 with regard to delinquent conduct or conduct indicating a need for supervision;

(C) Section 54.04 disposing of the case;

(D) Section 54.05 respecting modification of a previous juvenile court disposition; or

(E) Chapter 55 by a juvenile court committing a child to a facility for persons with mental illness ~~[the mentally ill]~~ or intellectual disabilities ~~[intellectually disabled]~~; or

(2) by a person from an order entered under Section 54.11(i)(2) transferring the person to the custody of the Texas Department of Criminal Justice.

SECTION 12. Section 58.009, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a) For purposes of this section, information is identifiable if the information contains a juvenile offender's name or other personal identifiers or can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular juvenile offender.

(a-1) Except as provided by this section, identifiable juvenile justice information collected and maintained by the Texas Juvenile Justice Department for statistical and research purposes is confidential information for the use of the department and may not be disseminated by the department.

(c) The Texas Juvenile Justice Department may grant ~~[the following entities]~~ access to identifiable juvenile justice information:

(1) for research and statistical purposes or for any other purpose approved by the department to:

(A) ~~[(1)]~~ criminal justice agencies as defined by Section 411.082, Government Code;

(B) ~~[(2)]~~ the Texas Education Agency, as authorized under Section 37.084, Education Code;

(C) ~~[(3)]~~ any agency under the authority of the Health and Human Services Commission; or

(D) ~~[(4)]~~ the Department of Family and Protective Services; or

(2) for a purpose beneficial to and approved by the department to an individual or entity that:

(A) is working on a research or statistical project that meets the requirements of and is approved by the department; and

(B) has a specific agreement with the department that:

(i) specifically authorizes access to identifiable juvenile justice information;

(ii) limits the use of the information to the purposes for which the information is given;

(iii) ensures the security and confidentiality of the information; and

(iv) provides for sanctions if a requirement imposed under Subparagraph (i), (ii), or (iii) is violated ~~[(5) a public or private university].~~

(c-1) The Texas Juvenile Justice Department shall grant access to juvenile justice information that is not identifiable information for research or statistical purposes or for any other purpose approved by the department to:

(1) criminal justice agencies as defined by Section 411.082, Government Code;

(2) the Texas Education Agency, as authorized under Section 37.084, Education Code;

(3) any agency under the authority of the Health and Human Services Commission;

(4) the Department of Family and Protective Services;

(5) a public or private university; or

(6) an individual or entity working on a research or statistical project.

SECTION 13. Section 59.009(a), Family Code, is amended to read as follows:

(a) For a child at sanction level six, the juvenile court may commit the child to the custody of the Texas Juvenile Justice Department ~~[or a post-adjudication secure correctional facility under Section 54.04011(c)(1)].~~ The department ~~[, juvenile board, or local juvenile probation department, as applicable,]~~ may:

(1) require the child to participate in a highly structured residential program that emphasizes discipline, accountability, fitness, training, and productive work for not less than nine months or more than 24 months unless the department, board, or probation department reduces or extends the period and the reason for the reduction or [an] extension is documented;

(2) require the child to make restitution to the victim of the child's conduct or perform community service restitution appropriate to the nature and degree of the harm caused and according to the child's ability, if there is a victim of the child's conduct;

(3) require the child and the child's parents or guardians to participate in programs and services for their particular needs and circumstances; and

(4) if appropriate, impose additional sanctions.

SECTION 14. Section 661.918(a), Government Code, is amended to read as follows:

(a) This section applies to a peace officer under Article 2.12, Code of Criminal Procedure, who is commissioned or appointed, as applicable, as a law enforcement officer or agent, including a ranger, by:

(1) the Public Safety Commission and the director of the Department of Public Safety;

(2) the Parks and Wildlife Commission;

(3) the Texas Alcoholic Beverage Commission;

(4) the attorney general; ~~[or]~~

(5) the insurance fraud unit of the Texas Department of Insurance; or

(6) the office of inspector general of the Texas Juvenile Justice Department.

SECTION 15. Section 662.005(b), Government Code, is amended to read as follows:

(b) Except as provided by Section 662.010, and notwithstanding Section 659.015 or another law, a state employee who is a peace officer commissioned or appointed, as applicable, by a state officer or state agency listed under Article 2.12,

Code of Criminal Procedure, or who is employed by the Department of Public Safety either to perform communications or dispatch services related to traffic law enforcement or as a public security officer, as that term is defined by Section 1701.001, Occupations Code, or who is employed by the Parks and Wildlife Department to perform communications and dispatch services to assist law enforcement officers commissioned by the Parks and Wildlife Commission in performing law enforcement duties, or who is employed by the Texas Juvenile Justice Department to perform communication service duties for the incident reporting center and to assist law enforcement officers appointed by the office of inspector general of the Texas Juvenile Justice Department in performing investigative duties, or who is employed as a security officer providing security and entry searches for secure correctional facilities operated by the Texas Juvenile Justice Department, and who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday.

SECTION 16. Sections 202.001(a) and (b), Human Resources Code, are amended to read as follows:

(a) The board is composed of the following 11 ~~[13]~~ members appointed by the governor with the advice and consent of the senate:

(1) one member who is a district court judge of a court designated as a juvenile court;

(2) two ~~[three]~~ members who are members of a county commissioners court with juvenile justice experience;

(3) one prosecutor in juvenile court;

(4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

(5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code, or a representative from a local mental health authority designated under Chapter 533, Health and Safety Code, who has experience working with children;

(8) one member who is:

(A) an educator, as that term is defined by Section 5.001, Education Code, with juvenile justice experience; or

(B) a juvenile justice professional with experience managing a secure juvenile justice facility operated by the department or a county; and

(9) two ~~[three]~~ members of the general public.

(b) Members serve staggered six-year terms, with the terms of three or four ~~[or five]~~ members expiring on February 1 of each odd-numbered year.



SECTION 17. Section 202.005, Human Resources Code, is amended to read as follows:

Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile probation officer who is a board member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts the juvenile probation department over which the chief juvenile probation officer has authority. The chief juvenile probation officer may not vote or render any decisions regarding matters of officer discipline ~~[abuse and neglect]~~ presented to the board regarding the chief juvenile probation officer's department.

(a-1) If a juvenile justice professional is appointed as a board member under Section 202.001(a)(8), the member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts any juvenile probation department or facility the professional is employed by or works for under a contract. The professional may not vote or render any decisions regarding matters of officer discipline presented to the board regarding any juvenile probation department or facility the professional is employed by or works for under a contract.

(b) The board may adopt recusal requirements in addition to those described by Subsections [Subsection] (a) and (a-1), including requirements that are more restrictive than those described by those subsections [Subsection (a)].

SECTION 18. Section 202.006, Human Resources 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 department operations ~~[the legislation that created the department];~~

(2) the programs, functions, rules, and budget of the department;

(3) the scope of and limitations on the rulemaking authority of the board;

(4) the results of the most recent formal audit of the department;

(5) [(4)] the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policymaking body in performing their duties; and

(6) [(5)] any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(d) The executive director 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 board. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 19. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2029 [2023].

SECTION 20. Section 203.001, Human Resources Code, is amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(b-1) The board may delegate to the executive director the board's responsibilities as the board determines appropriate.

(b-2) In making a delegation under Subsection (b-1), the board shall provide, as appropriate:

(1) to the executive director with respect to each delegation:

(A) clear direction;

(B) performance measures; and

(C) reporting requirements; and

(2) to the department, sufficient oversight to ensure that delegated responsibilities are performed according to the mission and funding priorities described by Subsection (c).

(b-3) The executive director is a full-time employee of the board and shall:

(1) perform the regular administrative functions of the board and any other duty as the board directs; and

(2) under the direction of the board, perform the duties required by this subtitle or designated by the board.

(b-4) The executive director may not perform a discretionary or decision-making function for which the board is solely responsible.

SECTION 21. Section 203.002, Human Resources Code, is amended to read as follows:

Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

(1) employ an executive director to administer the department; and

(2) supervise the director's administration of the department.

(b) The executive director must possess the following minimum qualifications:

(1) five years of experience in the field of juvenile corrections or congregate care in an administrative capacity;

(2) three years of experience in the field of juvenile corrections or congregate care in an administrative capacity and a graduate degree from an institution of higher education in a relevant field, including penology, adolescent development, behavior management, or rehabilitative services; or

(3) seven years of experience in management and administration of a government agency, institution of higher education, or business enterprise of a size comparable to the department.

(c) The department shall track the frequency with which the executive director takes the following actions as defined by department rule:

(1) selects a child for a conditional placement;

(2) selects a child for a home placement;

(3) waives the requirement for a child with a determinate sentence to spend the child's entire minimum period of confinement in a high-restriction facility;

(4) waives the requirement for a child to be on intensive supervision when initially released on parole;

(5) authorizes early discharges for a child on parole; or

(6) finalizes an appeal brought by an advocacy group or social service provider who was denied certain access to department facilities.

(d) The executive director shall provide the board and the Sunset Advisory Commission at the beginning of each calendar quarter aggregated data on the number of times each action described by Subsection (c) was taken during the previous calendar quarter.

SECTION 22. Section 203.0081, Human Resources Code, is amended by amending Subsections (a) and (e) and adding Subsection (c-1) to read as follows:

(a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;

(2) the director of probation services of the department or the director's designee;

(3) the director of state programs and facilities of the department or the director's designee;

(4) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

(5) one representative of the county commissioners courts appointed by the board;

(6) two juvenile court judges appointed by the board; ~~and~~

(7) seven chief juvenile probation officers appointed by the board as provided by Subsection (b); and

(8) the commissioner of the Department of Family and Protective Services or the commissioner's designee.

(c-1) The board shall adopt rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the advisory council;

(2) the quorum requirement for the advisory council;

(3) training requirements for advisory council members;

(4) policies to avoid conflicts of interest by advisory council members;

(5) a periodic review process to evaluate the continuing need for the advisory council;

(6) policies to ensure the advisory council does not violate any provision of Chapter 551, Government Code, applicable to the board or the advisory council;

(7) the appropriate level of participation from ex officio advisory council members designated under Subsections (a)(1)-(4) and (8); and

(8) reporting requirements and other communication procedures between the board and the advisory council.

(e) The advisory council shall assist the department in:

(1) determining the needs and problems of county juvenile boards and probation departments;

(2) conducting long-range strategic planning;

(3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;

(4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board; ~~and~~

(5) assessing and developing recommendations to improve the sharing of information between agencies that serve children, including agencies serving children in both the juvenile justice and child welfare systems; and

(6) advising the board on any other matter on the request of the board.

SECTION 23. Chapter 203, Human Resources Code, is amended by adding Sections 203.0083, 203.0084, and 203.0085 to read as follows:

Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

(a) The board by rule may establish advisory committees to make recommendations to the board on programs, rules, and policies administered by the board.

(b) In establishing an advisory committee under this section, the board shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;

(4) appointment procedures for members;

(5) terms of service for members;

(6) training requirements for members;

(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee; and

(9) policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the board or the committee.

(c) The board shall establish a youth career and technical education advisory committee and adopt rules required by Subsection (b) for the committee. The advisory committee shall assist the department with overseeing and coordinating vocational training for youth in the custody of the department, including training provided by community colleges and other local entities with which the department may partner.

Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a) The department shall develop a comprehensive set of risk factors to use in assessing the overall risk level of the facilities and entities inspected by the department under:

(1) Chapter 51, Family Code;

(2) Section 221.008 of this code; and

(3) Subtitle C, Title 12, of this code.

(b) The risk factors described by Subsection (a) may include:

(1) the entity type;

(2) available programming;

(3) past and repeat standards violations;

(4) the volume and types of complaints received by the department;

(5) recent leadership changes;

(6) high staff turnover;

(7) relevant findings from the office of independent ombudsman and the office of inspector general;

(8) negative media attention; and

(9) the number of months since the date of the department's last inspection of the entity.

(c) The department shall use the risk factors developed under this section to guide the inspections process for facilities and entities described by Subsection (a) by developing risk assessment tools with clear, objective standards to use in assessing the overall risk level of each entity.

(d) The department may develop distinct assessment tools under Subsection (c) for different entity types, as appropriate.

(e) The department shall periodically review the assessment tools developed under this section to ensure that the tools remain up to date and meaningful, as determined by the department.

Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department shall adopt a policy prioritizing inspections conducted by the department under:

(1) Chapter 51, Family Code;

(2) Section 221.008 of this code; and

(3) Subtitle C, Title 12, of this code.

(b) The policy under Subsection (a) must require the department to:

(1) prioritize the inspection of entities based on the relative risk level of each entity; and

(2) use the risk assessment tools established under Section 203.0084 to determine how frequently and intensively the department conducts risk-based inspections.

(c) The policy under Subsection (a) may provide for the department to use alternative inspection methods for entities determined to be low risk, including the following methods:

(1) desk audits of key documentation;

(2) abbreviated inspection procedures;

(3) videoconference technology; and

(4) other methods that are an alternative to conducting an in-person inspection.

(d) On request by the department, a juvenile probation department or a private facility under the department's jurisdiction shall provide information on a routine basis, as determined by the department, to assist the department in implementing a risk-based inspection schedule.

SECTION 24. Section 203.010(c), Human Resources Code, is amended to read as follows:

(c) Criminal complaints initially referred to the office of [the] inspector general relating to juvenile probation programs, services, or facilities shall be sent to the appropriate local law enforcement agency. The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Section 242.102. Any other complaint shall be referred to the appropriate division of the department. The board by rule shall establish policies for the referral of noncriminal complaints.

SECTION 25. Chapter 203, Human Resources Code, is amended by adding Section 203.0101 to read as follows:

Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a) The department shall make available on the department's Internet website a statistical analysis of the complaints received against certified officers by the department.

(b) The complaint analysis under this section must include aggregate information on the number, source, type, and disposition of complaints received against certified officers during the preceding fiscal year and include the following information:

- (1) the number of certified officers by certification type;
- (2) the number of complaints against certified officers by certification type;
- (3) the number of complaints resolved and the manner of resolution,

including:

(A) the total number of agreed, default, and board orders entered;  
(B) the total number of cases referred for contested case hearings by the State Office of Administrative Hearings;

(C) the total number of contested cases heard by the State Office of Administrative Hearings; and

(D) the total number of contested cases that were appealed to a district court;

(4) the average number of days required to resolve a complaint;

(5) a detailed analysis of the resolution for each closed complaint, by the nature of the alleged violation; and

(6) a detailed analysis of each closed complaint, by source.

SECTION 26. Section 203.013, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The executive director shall acknowledge receipt of and discuss the results of internal audits with the board.

SECTION 27. Section 203.014(c), Human Resources Code, is amended to read as follows:

(c) The office of inspector general shall operate the toll-free number required by Subsection (a) and the 24-hour incident reporting center and [department] shall share the complaints received with the appropriate department entity [on the toll-free number with the office of inspector general and the office of the independent ombudsman].

SECTION 28. Section 203.017, Human Resources Code, is amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and amending Subsection (e) to read as follows:

(a-1) The department shall update and submit the regionalization plan developed under Subsection (a) to the Sunset Advisory Commission and standing legislative committees with primary jurisdiction over juvenile justice matters by December 1 of each even-numbered year. Before submitting the plan, the department must present an updated draft of the regionalization plan to the board for public comment and board approval.

(a-2) The department may incorporate relevant suggestions, needs, or recommendations from the regionalization plan into subsequent strategic plans, legislative appropriation requests, and any other necessary document to support the plan's implementation.

(b-1) In addition to the requirements of Subsection (b), in developing the regionalization plan, the department shall consult with:

(1) the advisory council on juvenile services;

(2) juvenile probation departments;

(3) regional juvenile probation associations;

(4) advocacy groups;

(5) parents and guardians of children under the jurisdiction of the department;

(6) individuals formerly involved in the juvenile justice system; and

(7) any other stakeholder the department determines may be helpful.

(e) The regionalization plan must, as applicable:

(1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan;

(2) create a new division of the department responsible for administering the regionalization plan and monitoring program quality and accountability;

(3) ~~include sufficient mechanisms to divert at least:~~

~~[(A) 30 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2015; and~~

~~[(B) 150 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2016; and~~

~~[(4)] for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by the department under Subtitle C that exceed the cost of implementing the plan;~~

(4) include:

(A) information on the department's compliance with statutory regionalization requirements;

(B) information on internal goals for diverting children from commitment to the department; and

(C) an analysis of rates of commitment to the custody of the department, broken down by region and county, and any relevant recommendations regarding trends in these rates; and

(5) include specific, actionable steps regarding how the department will enhance regional capacity, coordination, and collaboration among juvenile probation departments to keep children closer to home as an alternative to commitment to the department's facilities while ensuring access to programs and the supervision necessary to maintain public safety.

(e-1) In developing the steps under Subsection (e)(5), the department shall consider:

(1) options to target or expand funding for juvenile probation departments to enhance community-based programs and maximize the use of existing juvenile justice beds;

(2) opportunities to use financial and other incentives to encourage diversion, facilitate cooperation within and across the regions established under Subsection (c), and emphasize the benefits of sharing available resources among counties;

(3) plans for creating additional capacity to minimize gaps in juvenile justice beds and services at the local level, including the expansion or development of beds and facilities designated specifically for regional use; and

(4) processes for downsizing, closing, or repurposing large state secure facilities to shift toward a more regionally based juvenile justice system.

SECTION 29. Section 203.018(e), Human Resources Code, is amended to read as follows:

(e) The department or any local probation department may ~~not~~ use or contract with a facility that was constructed or previously used for the confinement of adult offenders if the department determines that the facility is appropriately retrofitted to accommodate youth-specific requirements and needs.

SECTION 30. Chapter 203, Human Resources Code, is amended by adding Section 203.0185 to read as follows:

Sec. 203.0185. RESOURCE MAPPING. (a) The department shall partner with one or more public or private institutions of higher education to inventory and map resources available for children in the juvenile justice system. To determine the types of information the department requires to timely identify and address resource, program, and service gaps in probation regions that result in commitments to department secure facilities, the department shall consult with:

(1) institutions of higher education;

(2) the advisory council on juvenile services; and

(3) other relevant stakeholders.

(b) The board shall adopt rules requiring juvenile probation departments, at useful and reasonable intervals, to report to the department relevant information on resource, program, and service gaps identified under Subsection (a), including information on:

(1) the needs of children committed to the department that are not being met with community resources; and

(2) the types of resources, programs, and services that, if available in the community, may allow juvenile probation departments to keep children closer to home as an alternative to commitment to the department.

SECTION 31. Section 221.002, Human Resources Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In adopting rules under Subsection (a)(4), the board shall authorize a juvenile probation department to house a child committed to the department in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility as the child awaits transfer to the department.

SECTION 32. Section 221.056(a), Human Resources Code, is amended to read as follows:

(a) The department may contract with a local mental health ~~[and mental retardation]~~ authority for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile probation, are ordered by a court to reside at the facility and receive education services at the facility. The department may work in cooperation with the local mental health ~~[and mental retardation]~~ authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.



SECTION 33. Section 222.001, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) To be eligible for appointment as a probation officer, a person who was not employed as a probation officer before September 1, 1981, must:

(1) ~~[be of good moral character;~~

~~[(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;~~

~~[(3) have either:~~

~~[(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the department; or~~

~~[(B) one year of experience in full-time case work, counseling, or community or group work;~~

~~[(i) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and~~

~~[(ii) that the department determines provides the kind of experience necessary to meet this requirement;~~

~~[(4)] have satisfactorily completed the course of preservice training or instruction and any continuing education required by the department;~~

(2) ~~[(5)]~~ have passed the tests or examinations required by the department; and

(3) ~~[(6)]~~ possess the level of certification required by the department.

(b-1) The department by rule shall establish, with input from the advisory council on juvenile services and other relevant stakeholders, the minimum education and experience requirements a person must meet to be eligible for a juvenile probation officer certification. Rules adopted by the department under this subsection must be the least restrictive rules possible to ensure certified juvenile probation officers are qualified to protect children and public safety without creating barriers to entry into the profession.

SECTION 34. Section 222.002, Human Resources Code, is amended to read as follows:

Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. To be eligible for appointment as a detention officer, a person who was not employed as a detention officer before September 1, 2005, must:

(1) ~~[be of good moral character;~~

~~[(2)]~~ be at least 21 years of age;

(2) ~~[(3)]~~ have acquired a high school diploma or its equivalent;

~~[(3)] [(4)]~~ have satisfactorily completed the course of preservice training or instruction required by the department;

(4) ~~[(5)]~~ have passed the tests or examinations required by the department; and

(5) ~~[(6)]~~ possess the level of certification required by the department.

SECTION 35. Subchapter B, Chapter 222, Human Resources Code, is amended by adding Sections 222.0521 and 222.0522 to read as follows:

Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53, Occupations Code, applies to the issuance of a certification issued by the department.

Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The department may issue a provisional certification to an employee of a juvenile probation department or a private facility that houses youth on probation until the employee is certified under Section 222.001, 222.002, or 222.003, as applicable.

(b) The department shall adopt rules to implement Subsection (a), including rules regarding eligibility for provisional certification and application procedures.

SECTION 36. Section 223.001, Human Resources Code, is amended by adding Subsections (a-1), (a-2), and (d-1) and amending Subsection (c) to read as follows:

(a-1) The department may incorporate as factors in the basic probation funding formula under Subsection (a) measures that create incentives for diverting children from the juvenile justice system. The department may prioritize factors for which the department collects relevant information. The board may adopt rules establishing and defining the factors under this subsection.

(a-2) When revising the basic probation funding formula under Subsection (a), the department shall consult and coordinate with relevant stakeholders, including:

(1) the advisory council on juvenile services; and

(2) the Legislative Budget Board.

(c) The department shall set aside a portion of the funds appropriated to the department for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. The department shall develop discretionary grant funding protocols based on documented, data-driven, and research-based practices. The department may incorporate incentives into the discretionary grant funding protocols that encourage collaboration between juvenile probation departments.

(d-1) The board, in consultation with the advisory council on juvenile services, shall adopt rules requiring a juvenile probation department to apply for the placement of a child in a regional specialized program before a juvenile court commits the child to the department's custody under Chapter 54, Family Code. The board by rule may establish exceptions to this requirement for offenses or circumstances the department considers inappropriate for diversion from commitment to state custody.

SECTION 37. Chapter 241, Human Resources Code, is amended by adding Section 241.009 to read as follows:

Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than October 1 of each year, the department shall publish on the department's Internet website aggregated information on the number of children committed to the department during the previous fiscal year, categorized by:

(1) committing offense level;

(2) sentence type;

(3) age; and

(4) sex.

(b) The department shall publish quarterly on the department's Internet website end-of-month data described by Subsection (a), aggregated for all children committed to the department and for children placed in each secure facility and halfway house.

(c) The department shall ensure that information regarding an individual child cannot be identified in any of the aggregated information published under this section.

SECTION 38. The heading to Section 242.002, Human Resources Code, is amended to read as follows:

Sec. 242.002. [~~EVALUATION OF~~] TREATMENT PROGRAMS; AVAILABILITY.

SECTION 39. Sections 242.002(c) and (d), Human Resources Code, are amended to read as follows:

(c) The department shall offer or make available programs for the rehabilitation and reestablishment in society of children committed to the department, including programs for females and for sex offenders, capital offenders, children who are chemically dependent, and children with mental illness, [described by Subsection (a)] in an adequate manner so that a child in the custody of the department receives appropriate rehabilitation services recommended for the child by the court committing the child to the department.

(d) If the department is unable to offer or make available programs described by [~~Subsection (a) in the manner provided by~~] Subsection (c), the department shall, not later than December 31 of each even-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

- (1) which programs are not offered or are unavailable; and
- (2) the reason the programs are not offered or are unavailable.

SECTION 40. Section 242.056(a), Human Resources Code, is amended to read as follows:

(a) The department shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, persons with mental illness [the mentally ill], or victims of sexual assault to provide on-site information, support, and other services for children confined in department facilities.

SECTION 41. Section 242.102, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), (e), (g), and (h) and adding Subsections (a-1), (a-2), (b-1), (c-1), and (j) to read as follows:

(a) The office of inspector general is established at the department under the direction of the board as a law enforcement agency for the purpose of:

- (1) preventing, detecting, and investigating:

(A) crimes committed by department employees, including parole officers employed by or under a contract with the department; and

(B) crimes and delinquent conduct committed at a facility operated by the department, a residential facility operated by another entity under a contract with the department, or any facility in which a child committed to the custody of the department is housed or receives medical or mental health treatment, including:

- (i) unauthorized or illegal entry into a department facility;
- (ii) the introduction of contraband into a department facility;
- (iii) escape from a secure facility; and
- (iv) organized criminal activity; [~~and~~]

(2) investigating complaints received under Section 203.010 involving allegations of abuse, neglect, or exploitation of children in juvenile justice programs or facilities under Section 261.405, Family Code;

(3) investigating complaints of abuse, neglect, or exploitation of:

(A) juveniles housed in a pre-adjudication or post-adjudication public or private secure or nonsecure facility regardless of licensing entity; and

(B) juveniles committed to the department;

(4) apprehending juveniles after escape or violation of release conditions as described by Section 243.051;

(5) investigating gang-related activity within the juvenile justice system; and

(6) performing entry security and exterior perimeter security searches for a department-operated secure correctional facility, as defined by Section 51.02, Family Code.

(a-1) The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Subsection (a)(3).

(a-2) The office of inspector general shall operate the incident reporting center for the department under Section 203.014.

(b) The office of inspector general shall prepare an investigative ~~and deliver a~~ report concerning the results of investigations ~~[any investigation]~~ conducted under this section and may deliver the report to any of the following:

(1) the department ~~[board]~~;

(2) the appropriate district or county attorney ~~[executive director]~~;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;

(8) the special prosecution unit;

(9) the state auditor; or ~~[and]~~

(10) any other appropriate state agency responsible for licensing or certifying department employees or facilities.

(b-1) An individual or entity that receives a report under Subsection (b) may not disclose the information unless otherwise authorized by law.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a determination ~~[finding]~~ that abuse, neglect, or exploitation, a criminal offense, or delinquent conduct occurred, and a description of the determination ~~[finding]~~. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(c-1) The board by rule shall require any findings related to an administrative investigation under Subsection (a)(2) to be reviewed for legal sufficiency before being made public.

(d) The office of inspector general may employ investigators and security officers and employ and appoint ~~[commission]~~ inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and appointed ~~[commissioned]~~ under Subsection (d) must:

(1) be certified by the Texas Commission on Law Enforcement under Chapter 1701, Occupations Code; and

(2) complete advanced courses relating to the duties of peace officers employed and appointed ~~[commissioned]~~ under Subsection (d) as part of any continuing education requirements for the peace officers.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the board;

(2) the executive director;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;

(8) the state auditor; ~~[and]~~

(9) the comptroller; and

(10) the special prosecution unit.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department shall publish the report on the department's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;

(2) the relationship of a victim to a perpetrator, if applicable; ~~[and]~~

(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department at secure facilities, on parole, or at other placement locations; and

(4) the final disposition of any complaint received under Section 203.010 related to juvenile probation departments and Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile.

(j) The department shall ensure that a peace officer appointed under Subsection (d) is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

SECTION 42. Section 243.001, Human Resources Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall place a child in the most restrictive setting appropriate as the child awaits an adjudication or prosecution for conduct constituting a felony of the first or second degree while in the department's custody. The board by rule shall establish placement procedures that guide the department in determining the most appropriate setting for the child based on rehabilitative needs while preserving due process rights.

SECTION 43. The heading to Section 244.011, Human Resources Code, is amended to read as follows:

Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITIES [~~MENTAL RETARDATION~~].

SECTION 44. Sections 244.011(a), (b), (c), (f), and (g), Human Resources Code, are amended to read as follows:

(a) The department shall accept a child with mental illness or intellectual disabilities who is committed to the department [~~who is mentally ill or mentally retarded~~].

(b) Unless the [a] child is committed to the department under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department shall discharge a child with mental illness or intellectual disabilities [~~who is mentally ill or mentally retarded~~] from its custody if:

(1) the child has completed the minimum length of stay for the child's committing offense; and

(2) the department determines that the child is unable to progress in the department's rehabilitation programs because of the child's mental illness or intellectual disabilities [~~mental retardation~~].

(c) If a child who is discharged from the department under Subsection (b) as a result of an intellectual disability [~~mental retardation~~] is not receiving intellectual disability [~~mental retardation~~] services, the child's discharge is effective on the earlier of:

(1) the date the court enters an order regarding an application for intellectual disability [~~mental retardation~~] services filed under Section 244.012(b); or

(2) the 30th day after the date that the application is filed.

(d) If a child who is discharged from the department under Subsection (b) as a result of an intellectual disability [~~mental retardation~~] is receiving intellectual disability [~~mental retardation~~] services, the child's discharge from the department is effective immediately.

(e) If a child with mental illness or intellectual disabilities [~~who is mentally ill or mentally retarded~~] is discharged from the department under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

SECTION 45. Section 244.012, Human Resources Code, is amended to read as follows:

Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The department shall establish a system that identifies children with mental illness or intellectual disabilities in the department's custody [~~who are mentally ill or mentally retarded~~].

(b) Before a child with mental illness ~~[who is identified as mentally ill]~~ is discharged from the department's custody under Section 244.011(b), a department psychiatrist shall examine the child. The department shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the department shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

(1) the child is not receiving court-ordered mental health services; and

(2) the psychiatrist who examined the child determines that the child is a child with mental illness ~~[mentally ill]~~ and the child meets at least one of the criteria listed in Section 574.034 or 574.0345, Health and Safety Code.

(c) Before a child who is identified as having an intellectual disability ~~[mentally retarded]~~ under Chapter 593, Health and Safety Code, is discharged from the department's custody under Section 244.011(b), the department shall refer the child for intellectual disability ~~[mental retardation]~~ services if the child is not receiving intellectual disability ~~[mental retardation]~~ services.

SECTION 46. Sections 245.0535(h) and (i), Human Resources Code, are amended to read as follows:

(h) The department shall conduct and coordinate research:

(1) to determine whether the comprehensive reentry and reintegration plan developed under this section reduces recidivism rates; and

(2) to review the effectiveness of the department's programs for the rehabilitation and reestablishment in society of children committed to the department, including programs for females and for sex offenders, capital offenders, children who are chemically dependent, and children with mental illness.

(i) Not later than December 31 of each even-numbered year, the department shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

SECTION 47. Section 261.002, Human Resources Code, is amended to read as follows:

Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of ~~[the]~~ children:

(1) committed to the department, including a child released under supervision before final discharge; and

(2) adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board.

SECTION 48. Section 261.056(a), Human Resources Code, is amended to read as follows:

(a) The department shall allow any child committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

- (1) may be in person, by mail, or by any other means; and
- (2) is confidential and privileged.

SECTION 49. Section 261.057, Human Resources Code, is amended to read as follows:

Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The independent ombudsman shall promote awareness among the public and the children committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board of:

- (1) how the office may be contacted;
- (2) the purpose of the office; and
- (3) the services the office provides.

SECTION 50. Section 261.061(c), Human Resources Code, is amended to read as follows:

(c) The office shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 51. Section 261.101, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) The independent ombudsman shall:

- (1) review the procedures established by the board and evaluate the delivery of services to children to ensure that the rights of children are fully observed;
- (2) review complaints filed with the independent ombudsman concerning the actions of the department, juvenile probation departments, or other entities operating facilities in which children adjudicated for conduct that constitutes an offense are placed and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;
- (3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department, a child adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board, or the child's family may be in need of assistance from the office; or

(B) a systemic issue raised in a complaint about the [department's] provision of services to children by the department, juvenile probation departments, or other entities operating facilities in which children adjudicated for conduct that constitutes an offense are placed [is raised by a complaint];

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child adjudicated for conduct that constitutes an offense has been placed by the department or a juvenile probation department, whether public or private, to ensure that the rights of children are fully observed;



(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board;

(8) make appropriate referrals under any of the duties and powers listed in this subsection;

(9) supervise assistants who are serving as advocates in internal administrative and disciplinary hearings by representing ~~[in their representation of]~~ children committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board ~~[internal administrative and disciplinary hearings]~~;

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints;

(11) report a possible standards violation by a ~~[local]~~ juvenile probation department to the appropriate division of the department; and

(12) immediately report the findings of any investigation related to the operation of a post-adjudication correctional facility in a county to the chief juvenile probation officer and the juvenile board of the county.

(g) The department and juvenile probation departments shall notify the office regarding any private facility described by Subsection (f)(1) with which the department or the juvenile probation department contracts to place children adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct. The report under this subsection must be made annually and updated at the time a new contract is entered into with a facility described by this subsection. The office shall adopt rules to implement the reporting requirements under this subsection, including the specific times the report must be made.

SECTION 52. Section 261.102, Human Resources Code, is amended to read as follows:

Sec. 261.102. TREATMENT OF ~~[DEPARTMENT]~~ EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile probation department, or another entity operating a facility in which children adjudicated for conduct that constitutes an offense are placed may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

SECTION 53. Subchapter C, Chapter 261, Human Resources Code, is amended by adding Sections 261.105 and 261.106 to read as follows:

Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a) The office shall develop a comprehensive set of risk factors to use in assessing the overall risk level of facilities and entities described by Section 261.101(f) and of department parole offices. The risk factors may include:

(1) the entity type;  
(2) past and repeat children's rights violations;  
(3) the volume and types of complaints received by the office;  
(4) recent changes in a facility or parole office leadership;  
(5) high staff turnover;  
(6) relevant investigations by the office of the inspector general of the department;  
(7) negative media attention; and  
(8) the number of months since the date of the office's last inspection of the entity.

(b) The office shall use the risk factors developed under this section to guide the inspections of facilities and entities described by Section 261.101(f), and of department parole offices, by developing risk assessment tools with clear, objective standards to use in assessing the overall risk level of each facility, entity, or parole office.

(c) The office may develop distinct assessment tools under Subsection (b) for different entity types, as appropriate.

(d) The office shall periodically review the assessment tools developed under this section to ensure that the tools remain up to date and meaningful, as determined by the office.

Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office shall adopt a policy prioritizing the inspection of facilities conducted under Section 261.101(f) and of department parole offices based on the relative risk level of each entity.

(b) The policy under Subsection (a) must require the office to use the risk assessment tools established under Section 261.105 to determine how frequently and intensively the office conducts risk-based inspections.

(c) The policy under Subsection (a) may provide for the office to use alternative inspection methods for entities determined to be low risk, including the following methods:

(1) desk audits of key documentation;  
(2) abbreviated inspection procedures;  
(3) videoconference technology; and  
(4) other methods that are an alternative to conducting an in-person inspection.

(d) On request by the office, the department, a juvenile probation department, or a private facility under the office's jurisdiction shall provide information on a routine basis, as determined by the office, to assist the office in implementing a risk-based inspection schedule.

SECTION 54. Section 261.151(c), Human Resources Code, is amended to read as follows:

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the department or any child adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board.

SECTION 55. Section 261.152, Human Resources Code, is amended to read as follows:

Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the department or a child adjudicated for conduct that constitutes an offense and placed in a private facility contracted with a juvenile probation department or juvenile board.

SECTION 56. Subchapter D, Chapter 261, Human Resources Code, is amended by adding Section 261.153 to read as follows:

Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION DEPARTMENTS. The independent ombudsman shall have access to the records of a juvenile probation department that relate to a child adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board.

SECTION 57. The following provisions are repealed:

- (1) Sections 58.009(d), (f), and (g), Family Code;
- (2) Section 221.011, Human Resources Code;
- (3) Section 221.055, Human Resources Code;
- (4) Sections 222.001(b) and (f), Human Resources Code;
- (5) Sections 242.002(a) and (b), Human Resources Code;
- (6) Section 243.052, Human Resources Code; and
- (7) Section 246.002, Human Resources Code.

SECTION 58. (a) Not later than January 1, 2024, the Texas Juvenile Justice Department shall repeal any rule requiring that an individual must be of good moral character to qualify for a department certification.

(b) Not later than December 1, 2024, the Texas Juvenile Justice Department shall submit the first updated regionalization plan required by Section 203.017(a-1), Human Resources Code, as added by this Act.

SECTION 59. (a) Notwithstanding Section 202.001(b), Human Resources Code, as amended by this Act, and except as otherwise provided by this subsection, the term for a member of the Texas Juvenile Justice Board serving on September 1, 2023, expires on that date. A board member serving on that date may continue to serve as a member of the board until a majority of appointments to the board are made under Subsection (b) of this section. A member of the board described by this subsection is eligible for reappointment under Subsection (b) of this section.

(b) In making the initial appointments to the board according to the changes in law made by this Act to Section 202.001, Human Resources Code, the governor shall designate:

- (1) three members to serve terms expiring February 1, 2025;
- (2) four members to serve terms expiring February 1, 2027; and
- (3) four members to serve terms expiring February 1, 2029.

SECTION 60. (a) Except as provided by Subsection (b) of this section, Section 202.006, Human Resources Code, as amended by this Act, applies to a member of the Texas Juvenile Justice Board appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Juvenile Justice Board who before the effective date of this Act completed the training program required by Section 202.006, Human Resources 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 Act to the training program required by Section 202.006, Human Resources Code. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2023, until the member completes the additional training.

SECTION 61. (a) The classification officer in the office of the state auditor shall classify the position of appointed peace officer employed by the office of inspector general of the Texas Juvenile Justice Department as a Schedule C position under the Texas Position Classification Plan.

(b) The change made by the classification officer as required by this section applies beginning with the state fiscal biennium beginning September 1, 2023.

(c) This section expires September 1, 2025.

SECTION 62. Section 661.918(a), Government Code, as amended by this Act, applies only to an injury that occurs on or after the effective date of this Act.

SECTION 63. This Act takes effect September 1, 2023.

### Floor Amendment No. 1

Amend **CSSB 1727** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 54.04, Family Code, is amended by adding Subsection (s) to read as follows:

(s) If the judge orders a disposition under this section sentencing a person to commitment in the Texas Juvenile Justice Department, the department shall accept custody of the person not later than the 45th day after the date on which the judge signs the disposition order committing the person to the department.

The amendments were read.

Senator Schwertner submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1727** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Perry, Johnson, King, and Huffman.

### SENATE BILL 7 WITH HOUSE AMENDMENT (Motion In Writing)

Senator Schwertner called **SB 7** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 7** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the reliability of the ERCOT power grid.

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

SECTION 1. The heading to Section 39.159, Utilities Code, as added by Chapter 426 (S.B. 3), Acts of the 87th Legislature, Regular Session, 2021, is amended to read as follows:

Sec. 39.159. POWER REGION RELIABILITY AND DISPATCHABLE GENERATION.

SECTION 2. Section 39.159, Utilities Code, as added by Chapter 426 (S.B. 3), Acts of the 87th Legislature, Regular Session, 2021, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The commission shall require the independent organization certified under Section 39.151 for the ERCOT power region to consider implementing an ancillary services program to procure dispatchable reliability reserve services on a day-ahead and real-time basis to account for market uncertainty. The program to be considered may:

(1) determine the quantity of services necessary based on historical variations in generation availability for each season based on a targeted reliability standard or goal, including intermittency of non-dispatchable generation facilities and forced outage rates, for dispatchable generation facilities;

(2) develop criteria for resource participation that require a resource to:

(A) be capable of running for at least four hours at the resource's high sustained limit or for more than four hours as the organization determines is needed;

(B) be online and dispatchable not more than two hours after being called on for deployment; and

(C) have the dispatchable flexibility to address inter-hour operational challenges; and

(3) reduce the amount of reliability unit commitment by the amount of dispatchable reliability reserve services procured under this section.

(e) The independent organization certified under Section 39.151 for the ERCOT power region may implement programs described by Subsections (d) and (f) simultaneously.

(f) The commission shall require the independent organization certified under Section 39.151 for the ERCOT power region to develop and implement a program to ensure minimum generation performance during times of high reliability risk due to low operating reserves. The program must:

(1) apply to each electric power generation resource in the ERCOT power region that enters into a signed generator interconnection agreement after January 1, 2026;

(2) be independently evaluated by the wholesale electric market monitor, including a historical analysis;

(3) allow entities, at the portfolio level, to meet the performance requirements by supplementing or contracting with on-site or off-site resources, including battery energy storage resources and load resources;

(4) provide penalties for failing to comply with the performance requirements and financial incentives for exceeding those requirements, except that penalties may not apply to resource unavailability due to planned maintenance outages or physical transmission outages or during hours when the resource would not be expected to perform based on the resource type; and

(5) exempt battery energy storage resources from the generation performance requirements.

SECTION 3. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1591 to read as follows:

Sec. 39.1591. REPORT ON DISPATCHABLE AND NON-DISPATCHABLE GENERATION FACILITIES. Not later than December 1 of each year, the commission shall file a report with the legislature that:

(1) includes:

(A) the estimated annual costs incurred under this subchapter by dispatchable and non-dispatchable generators to guarantee that a firm amount of electric energy will be provided for the ERCOT power grid; and

(B) as calculated by the independent system operator, the cumulative annual costs that have been incurred in the ERCOT market to facilitate the transmission of dispatchable and non-dispatchable electricity to load and to interconnect transmission level loads;

(2) documents the status of the implementation of this subchapter, including whether the rules and protocols adopted to implement this subchapter have materially improved the reliability, resilience, and transparency of the electricity market; and

(3) includes recommendations for any additional legislative measures needed to empower the commission to implement market reforms to ensure that market signals are adequate to preserve existing dispatchable generation and incentivize the construction of new dispatchable generation sufficient to maintain reliability standards for at least five years after the date of the report.

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.166 to read as follows:

Sec. 39.166. RELIABILITY PROGRAM. (a) The commission may not require retail customers or load-serving entities in the ERCOT power region to purchase credits designed to support a required reserve margin or other capacity or reliability requirement until:

(1) the independent organization certified under Section 39.151 for the ERCOT power region and the wholesale electric market monitor complete an updated assessment on the cost to and effects on the ERCOT market of the proposed reliability program; and

(2) the independent organization certified under Section 39.151 for the ERCOT power region begins implementing real time co-optimization of energy and ancillary services in the ERCOT wholesale market.

(b) The assessment required under Subsection (a) must include:

(1) an evaluation of the cost of new entry and the effects of the proposed reliability program on consumer costs and the competitive retail market;

(2) a compilation of detailed information regarding cost offsets realized through a reduction in costs in the energy and ancillary services markets and use of reliability unit commitments;

(3) a set of metrics to measure the effects of the proposed reliability program on system reliability;

(4) an evaluation of the cost to retain existing dispatchable resources in the ERCOT power region;

(5) an evaluation of the planned timeline for implementation of real time co-optimization for energy and ancillary services in the ERCOT power region; and

(6) anticipated market and reliability effects of new and updated ancillary service products.

(c) The commission may not implement a reliability program described by Subsection (a) unless the commission by rule establishes the essential features of the program, including requirements to meet the reliability needs of the power region, and the program:

(1) requires the independent organization certified under Section 39.151 for the ERCOT power region to procure the credits centrally in a manner designed to prevent market manipulation by affiliated generation and retail companies;

(2) limits participation in the program to dispatchable resources with the specific attributes necessary to meet operational needs of the ERCOT power region;

(3) ensures that a generator cannot receive credits that exceed the amount of generation bid into the forward market by that generator;

(4) ensures that an electric generating unit can receive a credit only for being available to perform in real time during the tightest intervals of low supply and high demand on the grid, as defined by the commission on a seasonal basis;

(5) establishes a penalty structure, resulting in a net benefit to load, for generators that bid into the forward market but do not meet the full obligation;

(6) provides the wholesale electric market monitor with the authority and resources necessary to investigate potential instances of market manipulation by any means, including by financial or physical actions;

(7) ensures that any program reliability standard reasonably balances the incremental reliability benefits to customers against the incremental costs of the program based on an evaluation by the wholesale electric market monitor;

(8) establishes a single ERCOT-wide clearing price for the program and does not differentiate payments or credit values based on locational constraints;

(9) does not assign costs, credit, or collateral for the program in a manner that provides a cost advantage to load-serving entities who own, or whose affiliates own, generation facilities;

(10) requires sufficient secured collateral so that other market participants do not bear the risk of non-performance or non-payment;

(11) ensures that the cost of all credits paid to dispatchable resources is allocated to loads based on an hourly load ratio share; and

(12) removes any market changes implemented as a bridge solution for the program not later than the first anniversary of the date the program was implemented.

(d) The commission and the independent organization certified under Section 39.151 for the ERCOT power region may not adopt a market rule for the ERCOT power region associated with the implementation of a reliability program described by Subsection (a) that provides a cost advantage to load-serving entities who own, or whose affiliates own, generation facilities.

(e) The commission and the independent organization certified under Section 39.151 for the ERCOT power region shall ensure that the net cost imposed on the ERCOT market for the credits does not exceed \$1 billion annually, less the cost of any interim or bridge solutions that are lawfully implemented, except that the commission may adjust the limit:

(1) proportionally according to the highest net peak demand year-over-year with a base year of 2026; and

(2) for inflation with a base year of 2026.

(f) The wholesale electric market monitor biennially shall:

(1) evaluate the incremental reliability benefits of the program for consumers compared to the costs to consumers of the program and the costs in the energy and ancillary services markets; and

(2) report the results of each evaluation to the legislature.

SECTION 5. (a) Not later than September 1, 2024, the Public Utility Commission of Texas shall implement the changes in law made by Section 39.159(f), Utilities Code, as added by this Act.

(b) The Public Utility Commission of Texas shall require the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region to implement the program required by Section 39.159(d), Utilities Code, as added by this Act, not later than December 1, 2024.

(c) The Public Utility Commission of Texas is required to prepare the portions of the report required by Sections 39.159(2) and (3), Utilities Code, as added by this Act, only for reports due on or after December 1, 2024.

(d) Not later than December 31, 2024, the wholesale electric market monitor described by Section 39.1515, Utilities Code, shall submit to the legislature recommendations regarding the implementation of the program required by Section 39.159(f), Utilities Code, as added by this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment was read.

Senator Schwertner submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 7** before appointment.

There were no motions offered.



The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; King, Campbell, Nichols, and Johnson.

**SENATE BILL 2627 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Schwertner called **SB 2627** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 2627** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED**  
**AN ACT**

relating to funding mechanisms to support the construction and operation of electric facilities.

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

SECTION 1. This Act may be cited as the Powering Texas Forward Act.

SECTION 2. Subtitle B, Title 2, Utilities Code, is amended by adding Chapter 34 to read as follows:

CHAPTER 34. FACILITY FUNDING

Sec. 34.0101. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the Texas Energy Fund Advisory Committee.

(2) "Fund" means the Texas energy fund established by Section 49-q, Article III, Texas Constitution.

(3) "Trust company" means the Texas Treasury Safekeeping Trust Company.

Sec. 34.0102. FUND. (a) The fund is a special fund in the state treasury outside the general revenue fund to be administered and used by the commission for the purposes authorized by this chapter. The commission may establish separate accounts in the fund.

(b) The fund and the fund's accounts are kept and held by the trust company for and in the name of the commission.

(c) Money deposited to the credit of the fund may be used only as provided by this chapter.

(d) The fund consists of:

(1) money appropriated, credited, transferred, or deposited to the credit of the fund by or as authorized by law, including money from any source transferred or deposited to the credit of the fund at the commission's discretion;

(2) revenue that the legislature by statute dedicates for deposit to the credit of the fund;

(3) investment earnings and interest earned on money in the fund; and

(4) gifts, grants, and donations contributed to the fund.

Sec. 34.0103. LOANS FOR ERCOT POWER REGION. (a) The commission may use money in the fund without further appropriation to provide loans to finance upgrades to existing dispatchable electric generating facilities providing power for the ERCOT power region that result in a net increase of 100 megawatts of capacity for each facility or the construction of dispatchable electric generating facilities providing power for the ERCOT power region that each have a generation capacity of at least 100 megawatts. For the purposes of this section, a generating facility is considered to be dispatchable if the facility's output can be controlled primarily by forces under human control. An electric energy storage facility is not eligible for a loan under this section.

(b) The commission may provide a construction loan under this section only:

(1) for construction of a facility that will have a generation capacity of at least 100 megawatts and that does not meet the planning model requirements necessary to be included in the Capacity Demand and Reserves Report of the independent organization certified under Section 39.151 for the ERCOT power region before June 1, 2023;

(2) in an amount that does not exceed 60 percent of the estimated cost of the facility to be constructed; and

(3) if the agreement ensures that the loan is to be the senior debt secured by the facility.

(c) The commission shall evaluate an application for a loan under this section based on:

(1) the applicant's:

(A) quality of services and management;

(B) efficiency of operations;

(C) history of electricity generation operations in this state and this country;

(D) resource operation attributes;

(E) ability to address regional and reliability needs;

(F) access to resources essential for operating the facility for which the loan is requested, such as land, water, and reliable infrastructure, as applicable; and

(G) evidence of creditworthiness and ability to repay the loan on the terms established in the loan agreement, including the applicant's total assets, total liabilities, net worth, and credit ratings issued by major credit rating agencies;

(2) the generation capacity and estimated costs of the project for which the loan is requested; and

(3) any other factors the commission considers appropriate.

(d) Outstanding loans provided under this section and grants provided under Section 34.0104, considered together, may not support the addition or construction of more than the amount of megawatts of generation capacity needed to meet reliability standards, goals, or operational targets for the ERCOT power region, as determined by the commission.

(e) An electric utility other than a river authority may not receive a loan under this section.

(f) A loan provided under this section must:

(1) have a term of 20 years;

(2) be payable ratably starting on the seventh anniversary of the date the loan is issued; and

(3) bear an interest rate of two percent.

(g) The commission shall require each recipient of a loan under this section to deposit in an escrow account held by the comptroller an amount of money equal to three percent of the estimated cost of the project for which the loan is provided. The deposit must be made before the loan funds are disbursed. The loan recipient may not withdraw the deposit unless authorized by the commission.

(h) For money deposited under Subsection (g) for a loan for the construction of a new facility, the commission:

(1) shall authorize the loan recipient to withdraw the deposit from the escrow account if the facility for which the loan was provided is interconnected in the ERCOT power region before the fourth anniversary of the date the loan funds were disbursed; or

(2) after the fourth anniversary of the date the loan funds were disbursed, may authorize the loan recipient to withdraw the deposit from the escrow account if the facility for which the loan was provided is interconnected in the ERCOT power region not later than the fifth anniversary of the date the loan funds were disbursed and the commission determines that extenuating circumstances justify the delay in completion.

(i) For money deposited under Subsection (g) for a loan for an upgrade to an existing facility, the commission:

(1) shall authorize the loan recipient to withdraw the deposit from the escrow account if the project for which the loan was provided is completed before the third anniversary of the date the loan funds were disbursed; or

(2) after the third anniversary of the date the loan funds were disbursed, may authorize the loan recipient to withdraw the deposit from the escrow account if the project for which the loan was provided is completed not later than the fourth anniversary of the date the loan funds were disbursed and the commission determines that extenuating circumstances justify the delay in completion.

(j) The comptroller shall deposit to the credit of the fund any escrow funds described by Subsection (g) that the commission may not authorize to be withdrawn by a loan recipient.

(k) Information submitted to the commission in an application for a loan under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(l) The commission may not disburse money for a loan under this section after December 31, 2026.

Sec. 34.0104. COMPLETION BONUS GRANTS. (a) The commission shall provide, using money available in the fund for the purpose without further appropriation, a completion bonus grant for the construction of dispatchable electric generating facilities in the ERCOT power region. For the purposes of this section, a generating facility is considered to be dispatchable if the facility's output can be controlled primarily by forces under human control. An electric energy storage facility is not eligible for a grant under this section.

(b) The amount of a grant under this section must be based on the megawatts of capacity provided to the ERCOT power region by the facility.

(c) The commission may provide a grant under this section only for construction of a facility that:

(1) will have a generation capacity of at least 100 megawatts;

(2) does not meet the planning model requirements necessary to be included in the Capacity Demand and Reserves Report of the independent organization certified under Section 39.151 for the ERCOT power region before June 1, 2023; and

(3) is interconnected in the ERCOT power region not later than December 31, 2028, or, if the commission determines that extenuating circumstances justify a delay in the facility's completion, before a later date as specified by the commission that must be not later than June 1, 2029.

(d) The commission shall evaluate an application for a grant under this section based on:

(1) the applicant's:

(A) quality of services and management;

(B) efficiency of operations;

(C) history of electricity generation operations in this state and this country;

(D) resource operation attributes; and

(E) ability to address regional and reliability needs;

(2) the generation capacity and estimated construction costs of the facility for which the grant is requested; and

(3) any other factors the commission considers appropriate.

(e) Information submitted to the commission in an application for a grant under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(f) The commission may not provide a grant under this section of more than \$100,000 per megawatt of capacity provided by the facility.

(g) The commission may not provide a grant under this section after September 1, 2029.

Sec. 34.0105. LOAN AND GRANT RESTRICTIONS. (a) If the commission has more than four pending applications for loans to be made from the fund on the date the commission awards a loan, the amount of the loan awarded may not exceed 25 percent of the fund balance on that date.

(b) The commission may not provide a loan or a grant for a facility under this chapter if the facility will be used primarily to serve an industrial load or private use network.

(c) Before December 31, 2026, the commission may provide:

(1) for loans under Section 34.0103, not more than 80 percent of the money available in the fund on December 1, 2023; and

(2) for grants under Section 34.0104, not more than 20 percent of the money available in the fund on December 1, 2023.

(d) Subsection (c) and this subsection expire December 31, 2026.

Sec. 34.0106. MANAGEMENT AND INVESTMENT OF FUND. (a) The trust company shall hold and invest the fund, and any accounts established in the fund, for and in the name of the commission, taking into account the purposes for which money in the fund may be used. The fund may be invested with the state treasury pool and commingled with other investments.

(b) The overall objective for the investment of the fund is to maintain sufficient liquidity to meet the needs of the fund while striving to preserve the purchasing power of the fund over a full economic cycle.

(c) In managing the assets of the fund, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment.

(d) The reasonable expenses of managing the fund's assets shall be paid from the fund.

(e) The trust company annually shall provide a written report to the commission and to the advisory committee with respect to the investment of the fund.

(f) The trust company shall adopt a written investment policy that is appropriate for the fund. The trust company shall present the investment policy to the investment advisory board established under Section 404.028, Government Code. The investment advisory board shall submit to the trust company recommendations regarding the policy.

(g) The commission annually shall provide to the trust company a forecast of the cash flows into and out of the fund. The commission shall provide updates to the forecasts as appropriate to ensure that the trust company is able to achieve the objective specified by Subsection (b).

(h) The trust company shall disburse money from the fund as directed by the commission.

Sec. 34.0107. RECEIVERSHIP OF DEFAULT GENERATING FACILITY. (a) In this section, "default" means:

(1) default in payment of the principal of or interest on a loan; or

(2) a failure to perform any of the terms of a loan.

(b) The state, including the commission, the advisory committee, and the trust company, may not retain an ownership interest in a project or facility for which a loan is provided under this chapter.

(c) In the event of a default on a loan made under this chapter, at the request of the commission, the attorney general shall bring suit in a district court in Travis County for the appointment of a receiver to collect the assets and carry on the business of a loan recipient if the action is necessary to cure a default by the recipient.

(d) The court shall vest a receiver appointed by the court with any power or duty the court finds necessary to cure the default, including the power or duty to:

(1) perform audits;

(2) direct ongoing operation of the assets;

(3) fund reserve accounts;

(4) make payments of the principal of or interest on bonds, securities, or other obligations; and

(5) take any other action necessary to prevent or to remedy the default, including the sale of assets.

(e) The receiver shall execute a bond in an amount to be set by the court to ensure the proper performance of the receiver's duties.

(f) After appointment and execution of bond, the receiver shall take possession of the books, records, accounts, and assets of the defaulting loan recipient specified by the court. Until discharged by the court, the receiver shall perform the duties that the court directs and shall strictly observe the final order involved.

(g) On a showing of good cause by the defaulting loan recipient, the court may dissolve the receivership.

Sec. 34.0108. TEXAS ENERGY FUND ADVISORY COMMITTEE. (a) The advisory committee is composed of the following six members:

(1) three members of the senate appointed by the lieutenant governor, including:

(A) a member of the committee of the senate having primary jurisdiction over matters relating to the generation of electricity; and

(B) a member of the committee of the senate having primary jurisdiction over finance; and

(2) three members of the house of representatives appointed by the speaker of the house of representatives, including:

(A) a member of the committee of the house of representatives having primary jurisdiction over the generation of electricity; and

(B) a member of the committee of the house of representatives having primary jurisdiction over finance.

(b) A member of the advisory committee serves at the will of the person who appointed the member.

(c) The lieutenant governor shall appoint a co-presiding officer of the advisory committee from among the members appointed by the lieutenant governor. The speaker of the house of representatives shall appoint a co-presiding officer of the advisory committee from among the members appointed by the speaker.

(d) The advisory committee may hold public hearings, formal meetings, and work sessions. Either co-presiding officer of the advisory committee may call a public hearing, formal meeting, or work session of the advisory committee at any time. The advisory committee may not take formal action at a public hearing, formal meeting, or work session unless a quorum of the committee is present.

(e) Except as otherwise provided by this subsection, a member of the advisory committee is not entitled to receive compensation for service on the committee or reimbursement for expenses incurred in the performance of official duties as a member of the committee. Service on the advisory committee by a member of the senate or house of representatives is considered legislative service for which the member is entitled to reimbursement and other benefits in the same manner and to the same extent as for other legislative service.

(f) The advisory committee:

(1) may provide comments and recommendations to the commission for the commission to use in adopting rules regarding the use of the fund or on any other matter; and

(2) shall review the overall operation, function, and structure of the fund at least semiannually.

(g) The advisory committee may adopt rules, procedures, and policies as needed to administer this section and implement its responsibilities.

(h) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

(i) The advisory committee is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the advisory committee is abolished September 1, 2035.

Sec. 34.0109. RULES. (a) The commission by rule may establish procedures for:

(1) the application for and award of a grant or loan under this chapter; and

(2) the administration of the fund.

(b) The commission shall give full consideration to comments and recommendations of the advisory committee.

SECTION 3. Section 35.005, Utilities Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The independent organization certified under Section 39.151 for the ERCOT power region shall work with electric utilities to ensure that each facility in the ERCOT power region for which a loan or grant is provided under Chapter 34 is fully interconnected in the region not later than the date the facility is ready for commercial operation. The independent organization certified under Section 39.151 for the ERCOT power region shall give priority to interconnecting each facility for which a loan or grant is provided under Chapter 34 except that the organization shall prioritize transmission projects that the organization has formally designated as critical for reliability over a facility for which a loan or grant is provided under Chapter 34. An electric utility that enters into an interconnection agreement for a facility for which a loan or grant is provided under Chapter 34 shall give priority to interconnecting the facility and complete construction of any other facilities necessary to interconnect the facility not later than the date the facility is ready for commercial operation except that the utility shall prioritize transmission projects that the independent organization certified under Section 39.151 for the ERCOT power region has formally designated as critical for reliability over a facility for which a loan or grant is provided under Chapter 34.

(e) If the commission receives an application under Chapter 37 for a certificate of convenience and necessity related to facilities necessary to interconnect a facility for which a loan or grant is provided under Chapter 34 and does not approve the application before the 90th day after the date the commission received the application, the deadline established by Subsection (d) is extended one day for each day after the 90th day in which the commission does not approve the application.

(f) The commission may extend the deadline established by Subsection (d) after notice, hearing, and a determination on a showing of good cause that fully interconnecting the facility before the deadline is not feasible.

SECTION 4. Not later than December 31, 2026, the Public Utility Commission of Texas shall accept loan applications for loans authorized by Chapter 34, Utilities Code, as added by this Act, approve or deny each loan application, and disburse loan funds for each approved applicant.

SECTION 5. This Act takes effect on the date on which the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, providing for the creation of the Texas energy fund to support the construction and operation of electric facilities takes effect. If that amendment is not approved by the voters, this Act has no effect.

### Floor Amendment No. 1

Amend **CSSB 2627** (house committee printing) as follows:

(1) On page 2, between lines 12 and 13, insert the following:

Sec. 34.0103. GRANTS FOR FACILITIES OUTSIDE ERCOT POWER REGION. (a) The commission may use money in the fund without further appropriation to provide grants to be used for transmission and distribution infrastructure and electric generating facilities in this state outside the ERCOT power region for:

- (1) facility modernization;
- (2) facility weatherization;
- (3) reliability and resiliency facility enhancements; or
- (4) vegetation management.

(b) In evaluating an application for a grant under this section, the commission:

(1) shall evaluate whether the project for which the grant is requested is reasonable; and

(2) may consider any other appropriate factors.

(c) Information submitted to the commission in an application for a grant under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(2) On page 2, line 13, strike "34.0103" and substitute "34.0104".

(3) On page 4, line 5, strike "34.0104" and substitute "34.0105".

(4) On page 6, line 4, strike "34.0104" and substitute "34.0105".

(5) On page 7, line 25, strike "34.0105" and substitute "34.0106".

(6) On page 8, line 13, strike "34.0106" and substitute "34.0107".

(7) On page 9, line 22, strike "34.0107" and substitute "34.0108".

(8) On page 11, line 4, strike "34.0108" and substitute "34.0109".

(9) On page 13, line 5, strike "34.0109" and substitute "34.0110".

(10) On page 15, line 2, strike "construction and operation of electric facilities" and substitute "construction, maintenance, modernization, and operation of electric generating facilities".

### Floor Amendment No. 3

Amend **CSSB 2627** (house committee report) on page 4, line 13, by striking "20" and substituting "10".



**Floor Amendment No. 4**

Amend **CSSB 2627** (house committee report) on page 4 by striking lines 14 through 16 and substituting the following:

(2) be payable ratably starting on the earlier of:

(A) the date the facility for which the loan was provided achieves commercial operations; or

(B) the second anniversary of the estimated commercial operation date of the facility for which the loan was provided, as stated in the loan application; and

(3) bear an interest rate equal to the most recent federal funds rate published by the Federal Reserve Bank of New York.

**Floor Amendment No. 5**

Amend **CSSB 2627** (house committee printing) as follows:

(1) On page 6, line 19, following the underlined semicolon, add "and".

(2) On page 6, line 23, strike "; and" and substitute an underlined period.

(3) Strike page 6, line 24, through page 7, line 1.

(4) Strike page 7, lines 20-24, and substitute the following:

(f) Unless the commission determines that extenuating circumstances justify extending the deadlines provided by this subsection, the commission may not provide a grant under this section of more than:

(1) \$120,000 per megawatt of capacity provided by a facility that is interconnected in the ERCOT power region before June 1, 2026; or

(2) \$80,000 per megawatt of capacity provided by a facility that is interconnected in the ERCOT power region on or after June 1, 2026, and before June 1, 2028.

(g) Unless the commission determines that extenuating circumstances justify extending the deadline provided by this subsection, the commission may not provide a grant under this section for a facility that is interconnected in the ERCOT power region on or after June 1, 2028.

**Floor Amendment No. 7**

Amend **CSSB 2627** (house committee printing) on page 8, lines 3-5, by striking "for a facility under this chapter if the facility will be used primarily to serve an industrial load or private use network." and substituting the following:  
under this chapter:

(1) for a facility that will be used primarily to serve an industrial load or private use network; or

(2) for the construction or operation of a natural gas transmission pipeline.

**Floor Amendment No. 8**

Amend **CSSB 2627** (house committee printing) as follows:

(1) On page 1, between lines 9 and 10, insert the following:

SUBCHAPTER A. TEXAS ENERGY FUND; GRANTS AND LOANS

(2) On page 1, line 10, strike "chapter" and substitute "subchapter".

(3) On page 13, between lines 11 and 12, insert the following:

SUBCHAPTER B. TEXAS POWER PROMISE: BACKUP POWER PACKAGES

Sec. 34.0201. DEFINITION. In this subchapter, "Texas backup power package" means a stand-alone, behind-the-meter, multiday backup power source that can be used for islanding.

Sec. 34.0202. PURPOSE. The purpose of this subchapter is to facilitate and provide funding for the design, procurement, installation, and use of Texas backup power packages to ensure the reliability or adequacy of an electric power grid in this state for facilities on which communities rely for health, safety, and well-being.

Sec. 34.0203. COMMISSION DUTIES. (a) The commission shall convene an advisory committee in the manner provided by Chapter 2110, Government Code.

(b) The advisory committee shall recommend criteria for the commission to employ in making a grant or loan under this subchapter.

(c) The commission shall contract with a research entity that has experience in microgrid design to analyze critical facility characteristics and requirements in this state and develop for Texas backup power packages:

(1) sets of specifications for standard backup power packages of various sizes that can serve most critical facilities in this state; and

(2) specifications for standard interconnection, communications, and controls for Texas backup power packages.

Sec. 34.0204. TEXAS BACKUP POWER PACKAGES. The commission may use money in the Texas energy fund without further appropriation to provide a grant or loan for the operation of a Texas backup power package that:

(1) is engineered to minimize operation costs;

(2) uses interconnection technology and controls that enable immediate islanding from the power grid and stand-alone operation for the host facility;

(3) is capable of operating for at least 48 continuous hours without refueling or connecting to a separate power ;

(4) is designed so that one or more Texas backup power packages can be aggregated on-site to serve not more than 2.5 megawatts of load at the host facility;

(5) provides power sourced from:

(A) a combination of natural gas or propane with photovoltaic panels and battery storage; or

(B) battery storage on an electric school bus; and

(6) is not used by the owner or host facility for the sale of energy or ancillary services.

Sec. 34.0205. GRANTS AND LOANS. (a) The commission by rule may establish procedures for the application for and award of a grant or loan under this subchapter.

(b) The amount of a grant provided under this subchapter may not exceed \$500 per kilowatt of capacity.

(c) The commission may provide a loan under this subchapter for procurement and operating costs.

(d) The commission shall maintain and publish a list of approved vendors eligible to assist with the sale, installation, operation, and ongoing maintenance of Texas backup power packages.

(e) The commission may not provide a grant or loan under this subchapter for:

(1) a commercial energy system, a private school, or a for-profit entity that does not directly serve public safety and human health; or

(2) a source of backup power that does not follow the design and use standards of a Texas backup power package.

(4) On page 13, line 14, between "(d)" and "The" insert "This subsection applies only to a facility in the ERCOT power region for which a loan or grant is provided under Subchapter A, Chapter 34."

(5) Strike "under Chapter 34" in each of the following places:

(A) page 13, line 17;

(B) page 13, line 22;

(C) page 13, line 25;

(D) page 13, line 27; and

(E) page 14, line 8.

(6) On page 14, lines 11-12, strike "for which a loan or grant is provided under Chapter 34" and substitute "to which Subsection (d) applies".

(7) On page 14, line 23, between "authorized by" and Chapter 34", insert "Subchapter A,".

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.069 to read as follows:

Sec. 382.069. TEXAS BACKUP POWER PACKAGE. (a) In this section, "Texas backup power package" has the meaning assigned by Section 34.0201, Utilities Code.

(b) The commission by rule shall adopt a process to expedite the permitting of a Texas backup power package for which a permit is required under this chapter and for which a loan or grant is awarded under Chapter 34, Utilities Code.

SECTION \_\_\_\_\_. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.919 to read as follows:

Sec. 39.919. TEXAS BACKUP POWER PACKAGES. (a) In this section, "Texas backup power package" has the meaning assigned by Section 34.0201.

(b) The commission by rule shall adopt procedures to expedite electric cooperative, municipally owned utility, and electric utility interconnection requests for a Texas backup power package for which a loan or grant is awarded under Chapter 34.

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

Amend **CSSB 2627** (house committee printing) as follows:

(1) On page 7, after line 24, insert the following new appropriately lettered subsection:

(\_\_\_\_) The commission may not provide a grant under this section to an entity that has received a loan under Section 34.0104.

(h)

(3) On page 7, between lines 24 and 25, insert the following:

(i) The commission shall provide for the proceeds of each grant awarded under this section to be disbursed to the grant recipient by equal annual payments over a 10-year period that begins on the first anniversary of the commercial operations date

of the facility for which the grant is provided. The annual payments are subject to being withheld or discounted in accordance with Subsection (j). The total of the annual disbursements may not exceed the maximum amount as limited by Subsection (f).

(j) The commission by rule shall establish performance standards for grant recipients based on reliability metrics, appropriate for the types of facilities for which grants may be provided, for performance during the 100 hours with the least quantity of operating reserves for each year. The commission may not disburse a grant recipient's annual payment under Subsection (i) if the performance of the facility for which the grant was provided is equal to or below the median performance standard established under this subsection during a test period designated by the commission for that year. The commission may disburse a discounted amount of a grant recipient's annual payment under Subsection (i) if the performance of the facility for which the grant was provided is above the median performance standard established under this subsection during a test period designated by the commission for that year but less than an optimal performance standard established by the commission. The commission shall by rule adopt a system for determining the amount by which the commission will discount an annual payment based on facility performance under this subsection.

(4) On page 8, strike lines 6-10 and insert the following:

(c) The commission shall require each recipient of a loan under this chapter to enter into a debt covenant that requires the recipient to meet facility performance standards adopted by the commission. The commission by rule shall adopt performance standards for the purposes of this subsection based on reliability metrics appropriate for the types of facilities for which loans may be provided.

(d) Before December 1, 2026, the commission may provide:

(1) for grants under Section 34.0103, not more than 15 percent of the money available in the fund on December 1, 2023;

(2) for loans and grants under Sections 34.0104 and 34.0105, not more than 60 percent of the money available in the fund on December 1, 2023; and

(3) for grants or loans under Subchapter B, not more than 25 percent of the money available in the fund on December 1, 2023.

(5) On page 8, line 11, strike "(d) Subsection (c)" and substitute "(e) Subsection (d)".

The amendments were read.

Senator Schwertner submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2627** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; King, Campbell, Nichols, and Johnson.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 2023 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 1087** (140 Yeas, 0 Nays, 2 Present, not voting)

**HB 1182** (127 Yeas, 15 Nays, 3 Present, not voting)

**HB 1590** (120 Yeas, 19 Nays, 2 Present, not voting)

**HB 1707** (130 Yeas, 8 Nays, 1 Present, not voting)

**HB 1833** (101 Yeas, 38 Nays, 1 Present, not voting)

**HB 2488** (141 Yeas, 0 Nays, 3 Present, not voting)

**HB 2620** (143 Yeas, 0 Nays, 2 Present, not voting)

**HB 3265** (114 Yeas, 25 Nays, 3 Present, not voting)

**HB 3359** (138 Yeas, 0 Nays, 2 Present, not voting)

**HB 3727** (116 Yeas, 18 Nays, 2 Present, not voting)

**HB 3908** (140 Yeas, 0 Nays, 2 Present, not voting)

**HB 4169** (142 Yeas, 0 Nays, 2 Present, not voting)

**HB 4256** (123 Yeas, 17 Nays, 2 Present, not voting)

**HB 4550** (126 Yeas, 17 Nays, 2 Present, not voting)

**HB 4758** (123 Yeas, 18 Nays, 2 Present, not voting)

**HB 5066** (139 Yeas, 3 Nays, 3 Present, not voting)

**HB 5135** (142 Yeas, 0 Nays, 2 Present, not voting)

**HB 5372** (116 Yeas, 22 Nays, 2 Present, not voting)

**HB 5373** (114 Yeas, 25 Nays, 2 Present, not voting)

**HJR 2** (140 Yeas, 0 Nays, 3 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 2729**

House Conferees: Harris, Cody - Chair/Buckley/Hefner/Martinez Fischer/Talarico

**HB 3297**

House Conferees: Harris, Cody - Chair/Bucy/Goldman/Moody/Vasut

**HB 3452**

House Conferees: Jetton - Chair/Leach/Moody/Slawson/Vasut

**HB 3474**

House Conferees: Leach - Chair/Johnson, Julie/Moody/Murr/Vasut

**HB 4635**

House Conferees: Guillen - Chair/Leach/Lozano/Martinez/Moody

**HB 4843**

House Conferees: Holland - Chair/Moody/Murr/Smith/Vasut

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 222** (136 Yeas, 3 Nays, 2 Present, not voting)

**SB 409** (140 Yeas, 0 Nays, 3 Present, not voting)

**SB 1500** (142 Yeas, 1 Nays, 2 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 1515** (121 Yeas, 21 Nays, 2 Present, not voting)

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 3697**

**(Motion In Writing)**

Senator Bettencourt called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3697** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3697** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Huffman, Middleton, Hall, and Springer.

**CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION 3**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HJR 3** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HJR 3** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Creighton, Hinojosa, Campbell, and Nichols.

**CONFERENCE COMMITTEE ON HOUSE BILL 9**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 9** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 9** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nichols, Hinojosa, Bettencourt, and Campbell.

**CONFERENCE COMMITTEE ON HOUSE BILL 17**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 17** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 17** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Parker, Hinojosa, and Bettencourt.

**CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION 125**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HJR 125** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HJR 125** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nichols, Hinojosa, Bettencourt, and Campbell.

**CONFERENCE COMMITTEE ON HOUSE BILL 4227**  
**(Motion In Writing)**

Senator Hancock called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4227** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 4227** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hancock, Chair; Bettencourt, Springer, Paxton, and Johnson.

**CONFERENCE COMMITTEE ON HOUSE BILL 1595**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1595** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1595** before appointment.

There were no motions offered.



Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Creighton, Campbell, Hancock, and Nichols.

**CONFERENCE COMMITTEE ON HOUSE BILL 2454**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2454** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2454** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Whitmire, Bettencourt, Flores, and King.

**CONFERENCE COMMITTEE ON HOUSE BILL 3447**  
**(Motion In Writing)**

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3447** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3447** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Campbell, Whitmire, Creighton, and Bettencourt.

**CONFERENCE COMMITTEE ON HOUSE BILL 621**  
**(Motion In Writing)**

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 621** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 621** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Creighton, Parker, Paxton, and LaMantia.

**CONFERENCE COMMITTEE ON HOUSE BILL 2026**  
**(Motion In Writing)**

Senator LaMantia called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2026** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2026** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators LaMantia, Chair; Parker, Creighton, Birdwell, and West.

**CONFERENCE COMMITTEE ON HOUSE BILL 3104**  
**(Motion In Writing)**

Senator Parker called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3104** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3104** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Parker, Chair; Huffman, Creighton, West, and Paxton.

**CONFERENCE COMMITTEE ON HOUSE BILL 3059**  
**(Motion In Writing)**

Senator Perry called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3059** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3059** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Springer, Flores, Johnson, and Kolkhorst.

**CONFERENCE COMMITTEE ON HOUSE BILL 2121**  
**(Motion In Writing)**

Senator Springer called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2121** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2121** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Springer, Chair; Bettencourt, Parker, Middleton, and West.

**CONFERENCE COMMITTEE ON HOUSE BILL 2559**  
**(Motion In Writing)**

Senator Zaffirini called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2559** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 2559** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Hughes, Hinojosa, Middleton, and Nichols.

**SENATE BILL 18 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Creighton called **SB 18** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 18** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the tenure and employment of faculty members at certain public institutions of higher education.

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

SECTION 1. The heading to Section 51.942, Education Code, is amended to read as follows:

Sec. 51.942. ~~[PERFORMANCE EVALUATION OF TENURED]~~ FACULTY TENURE.

SECTION 2. Section 51.942(a), Education Code, is amended by amending Subdivision (1) and adding Subdivision (4) to read as follows:

(1) "Governing board" and "university system" have the meanings ~~[has the meaning]~~ assigned by Section 61.003.

(4) "Tenure" means the entitlement of a faculty member of an institution of higher education to continue in the faculty member's academic position unless dismissed by the institution for good cause in accordance with the policies and procedures adopted by the institution under Subsection (c-1).

SECTION 3. Section 51.942, Education Code, is amended by amending Subsections (b), (c), and (g) and adding Subsections (c-1), (c-2), (c-3), and (c-4) to read as follows:

(b) Only an institution of higher education's governing board, on the recommendation of the institution's chief executive officer and the university system's chancellor, if applicable, may grant tenure.

(c) The granting of tenure may not be construed to create a property interest in any attribute of a faculty position beyond a faculty member's regular annual salary.

(c-1) Each governing board of an institution of higher education shall adopt policies ~~[rules]~~ and procedures regarding tenure. The policies and procedures must:

(1) address the granting of tenure;

(2) allow for the dismissal of a tenured faculty member at any time after providing the faculty member with appropriate due process, on a determination that:

(A) the faculty member has:

(i) exhibited professional incompetence;

(ii) continually or repeatedly failed to perform duties or meet professional responsibilities of the faculty member's position;

(iii) failed to successfully complete any post-tenure review professional development program;

(iv) engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;

(v) violated laws or university system or institution policies substantially related to the performance of the faculty member's duties;

(vi) been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;

(vii) engaged in unprofessional conduct that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities; or

(viii) falsified the faculty member's academic credentials;

(B) there is actual financial exigency or the phasing out of the institution's programs requiring elimination of the faculty member's position; or

(C) there is other good cause as defined in the institution's policies; and

(3) provide ~~[providing]~~ for a periodic performance evaluation process for all tenured faculty ~~[tenured]~~ at the institution.

(c-2) The governing board may design its policies ~~[rules]~~ and procedures to fit the institution's particular educational mission, traditions, resources, and circumstances relevant to the institution's ~~[its]~~ character, role, and scope, in addition to other relevant factors determined by the governing board in the policies and procedures ~~[rules]~~ adopted under ~~[pursuant to]~~ this section. The governing board shall seek advice and comment from the institution's faculty ~~[of the institution]~~ before adopting any policies and procedures ~~[rules pursuant to]~~ this section. The advice and comment from the faculty on the performance evaluation of tenured faculty shall be given the utmost consideration by the governing board.

(c-3) ~~[(e)]~~ In addition to any other provisions adopted by the governing board, the policies and procedures adopted by the governing board under Subsection (c-1) must ~~[rules shall]~~ include provisions providing that:

(1) each tenured faculty member ~~[tenured]~~ at the institution be subject to a comprehensive performance evaluation process conducted no more often than once every year, but no less often than once every six years, after the date the faculty member was granted tenure or received an academic promotion at the institution;

(2) the comprehensive performance evaluation be based on the professional responsibilities of the faculty member, in teaching, research, service, patient care, and administration, and include peer review of the faculty member;

(3) the comprehensive performance evaluation process be directed toward the professional development of the faculty member;

(4) the comprehensive performance evaluation process incorporate commonly recognized academic due process rights, including notice of the manner and scope of the comprehensive performance evaluation, the opportunity to provide documentation during the comprehensive performance evaluation process, and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance ~~[an]~~ evaluation conducted under ~~[pursuant to]~~ this subsection ~~[section]~~, notice of specific charges and an opportunity for hearing on those charges; ~~[and]~~

(5) a faculty member be subject to revocation of tenure or other appropriate disciplinary action if, during the comprehensive performance evaluation, incompetency, neglect of duty, or other good cause is determined to be present; and

(6) for a faculty member who receives an unsatisfactory rating in any area of any evaluation conducted under this section, the evaluation process provide for a short-term development plan that includes performance benchmarks for returning to satisfactory performance.

(c-4) The policies and procedures adopted by the governing board under Subsection (c-1) may include provisions that authorize the summary dismissal of a tenured faculty member based on a finding that the faculty member committed serious misconduct, as defined by the institution's policies, at any time after providing the faculty member with appropriate due process in accordance with this subsection. The policies and procedures for summary dismissal must ensure that the institution provides the faculty member with appropriate due process, including:

(1) before summarily dismissing the faculty member, providing the faculty member:

(A) written notice of the allegations against the faculty member together with an explanation of the evidence supporting dismissal; and

(B) an opportunity for the faculty member to respond to the allegations in a hearing with a designated administrator;

(2) requiring the designated administrator to consider the faculty member's response under Subdivision (1)(B) and make a written determination of whether the institution will proceed with the summary dismissal of the faculty member;

(3) promptly providing to the faculty member a copy of the designated administrator's written determination under Subdivision (2) that:

(A) clearly indicates whether the faculty member will be subject to summary dismissal; and

(B) either:

(i) includes the effective date of the dismissal and information regarding the faculty member's opportunity for a post-dismissal appeal, if the designated administrator's decision is in favor of summary dismissal; or

(ii) states that the faculty member is not subject to summary dismissal, if the designated administrator's decision is against summary dismissal; and

(4) following a designated administrator's written determination to summarily dismiss a faculty member, providing the faculty member with the opportunity for a post-dismissal appeal in accordance with the institution's policies and procedures.

(g) Each governing board shall file a copy of the policies and procedures ~~rules~~ adopted under ~~pursuant to~~ this section, and any amendments to such policies and procedures ~~rules~~, with the coordinating board on or before September 1 of each year.

SECTION 4. Section 51.942(d), Education Code, is repealed.

SECTION 5. This Act takes effect September 1, 2023.

## **Floor Amendment No. 2**

Amend **CSSB 18** (house committee report) as follows:

Strike page 2, line 2, through page 2, line 4, and substitute the following:

(c) The granting of tenure may not be construed to create a property interest in any attribute of a faculty position beyond a faculty members continuing employment, including his or her regular annual salary and any privileges incident to his or her status as a tenured professor.

The amendments were read.

Senator Creighton submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 18** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; King, Bettencourt, Campbell, and Middleton.

**CONFERENCE COMMITTEE ON HOUSE BILL 3**  
**(Motion In Writing)**

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 3** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Hancock, Campbell, Paxton, and Blanco.

**CONFERENCE COMMITTEE ON HOUSE BILL 12**  
**(Motion In Writing)**

Senator Kolkhorst called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 12** and submitted a Motion In Writing that the request be granted.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 12** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Perry, Hughes, Campbell, and Zaffirini.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 25, 2023 - 4

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 123** Goldman

Instructing the enrolling clerk of the house to make corrections in H.B. No. 1058.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 33** (107 Yeas, 34 Nays, 3 Present, not voting)

**HB 1058** (122 Yeas, 15 Nays, 3 Present, not voting)

**HB 2660** (142 Yeas, 0 Nays, 2 Present, not voting)

**HB 3553** (141 Yeas, 1 Nays, 2 Present, not voting)

**HB 3837** (122 Yeas, 18 Nays, 3 Present, not voting)

**HB 4041** (142 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**HB 100**

House Conferees: King, Ken - Chair/Ashby/Buckley/Longoria/VanDeaver

**HB 4390**

House Conferees: Button - Chair/Bailes/Turner/Vasut/Walle

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 473** (141 Yeas, 0 Nays, 2 Present, not voting)

**HB 2484** (133 Yeas, 10 Nays, 2 Present, not voting)

**SB 773** (141 Yeas, 1 Nays, 2 Present, not voting)

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

### BILLS AND RESOLUTIONS SIGNED

The Presiding Officer, Senator Flores in Chair, announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 61, SB 338, SB 379, SB 402, SB 471, SB 694, SB 947, SB 987, SB 1080, SB 1094, SB 1397, SB 1661, SB 1750, SB 2260, SB 2474, SCR 26.**

**SB 186, SB 545, SB 763, SB 812, SB 833, SB 1188, SB 1647, SB 1659, SB 2035, SCR 4, SCR 8, SCR 46.**



**MOTION TO RECESS**  
**(Motion In Writing)**

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that the Senate recess until 11:00 a.m., Friday, May 26th.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

**CO-SPONSOR OF HOUSE BILL 12 WITHDRAWN**

The following letter was received by the Secretary of the Senate:

THE SENATE OF TEXAS

MORGAN LAMANTIA

District 27

Ms. Patsy Spaw  
Secretary of the Senate  
P.O. Box 12068  
Austin, Texas 78711

May 23, 2023

Dear Madam Secretary,

I hope this letter finds you well. I am writing to request the removal of my name as a cosponsor of House Bill 12. Upon careful consideration, I have determined that continued endorsement of this bill conflicts with my personal principles and the interests of my constituents.

Should you require further information or have any questions, please feel free to reach out. Thank you for your attention to this matter.

Respectfully,

/s/Senator Morgan LaMantia  
Senate District 27

**CONFERENCE COMMITTEE REPORT ON**  
**SENATE BILL 2601**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

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 **SB 2601** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HINOJOSA

HANCOCK

NICHOLS

PERRY

WEST

On the part of the Senate

CANALES

GUERRA

HOLLAND

LONGORIA

VASUT

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to payment of costs related to the relocation of certain utility facilities for state highway projects.

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

SECTION 64. Section 203.092(a-4), Transportation Code, is amended to read as follows:

(a-4) Notwithstanding another provision of this section, a utility shall make a relocation of a utility facility required by improvement of the state highway system at the expense of this state if the commission determines that:

(1) the utility is a political subdivision, ~~or~~ is owned or operated by a political subdivision, or is a water supply or sewer service corporation organized and operating under Chapter 67, Water Code;

(2) a financial condition would prevent the utility from being able to pay the cost of relocation in full or in part at the time of relocation or, if paid at that time, the payment would adversely affect the utility's ability to operate or provide essential services to its customers; and

(3) the utility:

(A) would not be able to receive a state infrastructure bank loan under Subchapter D, Chapter 222, to finance the cost of the relocation and is otherwise unable to finance that cost; or

(B) if the utility is a political subdivision or is owned or operated by a political subdivision, the political subdivision ~~that~~:

(i) has a population of less than 5,000; and

(ii) is located in a county that has been included in at least five disaster declarations made by the president of the United States in the six-year period preceding the proposed date of the relocation.

SECTION 65. 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, 2023.

The Conference Committee Report on **SB 2601** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1445**

Senator Paxton submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

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 **SB 1445** 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  
HUFFMAN  
JOHNSON  
KING  
SPRINGER

On the part of the Senate

GOLDMAN  
K. BELL  
CANALES  
CLARDY  
HOLLAND

On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to the continuation and functions of the Texas Commission on Law Enforcement; authorizing a fee.

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

SECTION 1. Section 1701.001, Occupations Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Misconduct" means:

(A) a violation of law; or

(B) any of the following that have been sustained by a law enforcement agency employing a license holder:

(i) a violation of a law enforcement agency policy for which the agency may suspend, demote, or terminate a license holder's employment; or

(ii) an allegation of untruthfulness against a license holder.

SECTION 2. 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, 2031 [~~2023~~].

SECTION 3. Section 1701.059, 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~~ commission operations;

(2) the programs, functions, rules, and budget of the commission;

(3) the scope of and limitations on the rulemaking authority of the commission;

(4) the results of the most recent formal audit of the commission;

(5) ~~(4)~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) ~~(5)~~ any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(d) The executive director of the commission 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 commission member shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 4. Section 1701.151, Occupations Code, is amended to read as follows:

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. The commission may:

(1) adopt rules for the administration of this chapter and for the commission's internal management and control;

(2) establish minimum standards relating to competence and reliability, including education, training, physical, and mental~~—and moral~~ standards, for licensing as an officer, county jailer, public security officer, or telecommunicator;

(3) report to the governor and legislature on the commission's activities, with recommendations on matters under the commission's jurisdiction, and make other reports that the commission considers desirable;

(4) require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information;

(5) contract as the commission considers necessary for services, facilities, studies, and reports required for:

(A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and

(B) performance of the commission's other functions; and

(6) conduct research and stimulate research by public and private agencies to improve law enforcement and police administration.

SECTION 5. Section 1701.163, Occupations Code, is amended to read as follows:

Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT AGENCIES ~~[INFORMATION PROVIDED BY COMMISSIONING ENTITIES]~~.

~~[(a) This section applies only to an entity authorized by statute or by the constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates a law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after September 1, 2009.~~

~~[(b) The [entity shall submit to the] commission, with input from an advisory committee, shall by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency, including [on creation of the law enforcement agency or police department information regarding]:~~

~~(1) a determination regarding the public benefit of creating the [need for the law enforcement] agency [or police department] in the community;~~

~~(2) the sustainable funding sources for the [law enforcement] agency [or police department];~~

~~(3) the physical resources available to officers, including:~~

~~(A) all standard duty firearms;~~

~~(B) less lethal force weapons, including a requirement of at least one per officer on duty;~~

~~(C) effective communications equipment;~~

~~(D) protective equipment, including a requirement of at least one bullet-resistant vest per officer on duty;~~

~~(E) officer uniforms; and~~

~~(F) patrol vehicles and associated equipment;~~

~~(4) the physical facilities of [that] the [law enforcement] agency [or police department will operate], including any [descriptions of the] evidence room, dispatch area, or [and] public area;~~

~~(5) the [law enforcement] policies of the [law enforcement] agency [or police department], including policies on:~~

~~(A) use of force;~~

~~(B) vehicle pursuit;~~

~~(C) professional conduct of officers;~~

~~(D) domestic abuse protocols;~~

~~(E) response to missing persons;~~

~~(F) supervision of part-time officers; [and]~~

~~(G) impartial policing;~~

~~(H) active shooters; and~~

~~(I) barricaded subjects;~~

~~(6) the administrative structure of the [law enforcement] agency [or police department];~~

~~(7) liability insurance; and~~

~~(8) any other standard [information] the commission considers necessary [requires by rule].~~

SECTION 6. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Sections 1701.165, 1701.166, 1701.167, 1701.168, 1701.169, and 1701.170 to read as follows:

Sec. 1701.165. ADVISORY COMMITTEES. (a) The commission by rule may establish advisory committees to make recommendations to the commission on programs, rules, and policies administered by the commission.

(b) In establishing an advisory committee under this section, the commission shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;

(4) appointment procedures for members;

(5) terms of service for members;

(6) training requirements for members;

(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee; and

(9) policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the commission or the committee.

Sec. 1701.166. SUBPOENA. (a) The commission may compel by subpoena the production for inspection or copying of a record described by Section 1701.162(a) that is relevant to the investigation of an alleged violation of this chapter or a commission rule.

(b) The commission, acting through the attorney general, may bring an action to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

(c) Venue for an action brought under Subsection (b) is in a district court in:

(1) Travis County; or

(2) any county in which the commission may conduct a hearing.

(d) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 1701.167. POLICY REGARDING EXAMINATION OF LICENSE HOLDER OR APPLICANT. (a) The commission, with input from an advisory committee, shall adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement agency to ensure the license holder or person is able to perform the duties for which the license is required. The model policy must:

(1) apply to examinations of:

(A) a person to whom Section 1701.306 applies;

(B) a person licensed as an officer or county jailer who is appointed as an officer or county jailer after the 180th day after the person's last date of service as an officer or county jailer;

(C) school marshals, as described by Section 1701.260; and

(D) a license holder, if ordered by the law enforcement agency employing the license holder for just cause;

(2) require, for an examination described by Subdivision (1)(D), that the employing agency:

(A) provide to the license holder written notice of the examination that includes the reasons for the examination not later than the 10th business day before the deadline to submit to the examination; and

(B) report to the commission, in the manner prescribed by the commission, the refusal of the license holder to submit to the examination within the period provided by Paragraph (A); and

(3) require the reporting to the commission, in the manner prescribed by the commission, of a license holder's failed examination, unless the license holder submits to and successfully completes an applicable treatment program within a reasonable time, as prescribed by the commission.

(b) Each law enforcement agency in this state shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) The providing of notice by a law enforcement agency to the commission of a license holder's refusal to submit to an examination does not preclude the agency employing the license holder from taking disciplinary action against the license holder, including termination of the license holder's employment with the agency.

(d) The commission shall issue an order requiring a license holder who refuses to submit to an examination required by a policy adopted under Subsection (b) to show cause for the license holder's refusal at a hearing on the order scheduled for not later than the 30th day after the date notice is served on the license holder. The commission shall provide notice under this section by personal service or by registered mail, return receipt requested.

(e) At the hearing, the license holder may appear in person and by counsel and present evidence to justify the license holder's refusal to submit to examination. After the hearing, the commission shall issue an order requiring the license holder to submit to an examination under this section or withdrawing the request for the examination.

(f) Unless the request is withdrawn, the commission may suspend or otherwise restrict the license of a license holder who refuses to submit to the examination.

(g) An appeal from the commission's order under this section is governed by Chapter 2001, Government Code.

(h) If the results of an examination under this section show that the license holder does not meet the standards of the policy adopted under Subsection (b), the commission shall suspend the license holder's license.

(i) Records relating to a request or order of the commission or a hearing or examination conducted under this section, including, if applicable, the identity of the person notifying the commission that a license holder may not meet the standards required by the policy adopted under Subsection (b), are confidential and not subject to disclosure under Chapter 552, Government Code.

(j) An order issued by the commission regarding a license holder that is based on information obtained during an examination under this section may only reference the statutory basis for the order and may not disclose the reason for the examination.

Sec. 1701.168. LICENSING STATUS DATABASE. (a) The commission shall establish a database containing, for each officer licensed under this chapter:

(1) the officer's license status, including a record of any action taken against the officer by the commission; and

(2) personnel files, as described by Section 1701.4535, provided by each law enforcement agency that employs the officer.

(b) The commission shall make available to a law enforcement agency on request any relevant information maintained in the database for purposes of Sections 1701.303 and 1701.451(a).

(c) On request of an officer, the commission shall provide to the officer free of charge any information maintained in the database regarding the officer, including any information relating to an investigation of misconduct by a law enforcement agency under the policy described by Section 1701.4522.

(d) Except as provided by Subsections (b) and (c), information maintained in the database established under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 1701.169. LAW ENFORCEMENT DATABASE. The commission shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check required under Sections 1701.303(a), 1701.3035, and 1701.451(a). A database designated under this section must be as comprehensive as possible.

Sec. 1701.170. SUBMISSION OF REVOKED LICENSE TO NATIONAL DATABASE. (a) The commission shall designate for purposes of this section a national database that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer.

(b) The commission shall submit to the designated database information necessary to create a record in the database for each officer license the commission revokes under Section 1701.501, 1701.502, or 1701.503.

SECTION 7. Section 1701.202, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), on ~~On~~ request, a license holder is entitled to ~~may~~ obtain information regarding a complaint made against the license holder under this chapter, including a complete copy of the complaint file. On receipt of a request under this subsection, the commission shall provide the requested information in a timely manner to allow the license holder time to respond to the complaint.

(d) The commission is not required to provide the identity of any nontestifying complainant in response to a request under Subsection (b).

SECTION 8. Section 1701.203(c), Occupations Code, is amended to read as follows:

(c) The commission shall periodically notify the complaint parties ~~[to the complaint]~~ of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 9. Subchapter E, Chapter 1701, Occupations Code, is amended by adding Section 1701.205 to read as follows:

Sec. 1701.205. OFFICER PERSONAL SERVICE REPORTS. (a) The commission shall establish a public database containing personal service reports of each officer licensed under this chapter. A service report must:



(1) include the information required by Subsection (b); and  
(2) be compiled in a format that makes the information readily available to the public.

(b) Except as otherwise provided by this section, a service report must contain the following information with respect to each officer:

(1) the date the officer completed the basic training course;  
(2) whether the officer is in compliance with continuing education requirements and the continuing education courses completed;  
(3) the total hours of training the officer has completed; and  
(4) the date the officer's license was issued.

(c) The commission shall adopt rules to exclude from the database personal service reports for certain officers if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation. Rules adopted under this section must allow an officer described by this subsection or the law enforcement agency employing the officer to request, in a manner prescribed by the commission, the service report of the officer to be excluded from the database. A request to exclude an officer's personal service report under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(d) The commission shall:  
(1) require a person accessing information in the database to register as a user before accessing the database; and  
(2) track each user's activity on the database, including the personal service reports the user accesses.

(e) The user information collected and maintained by the commission under Subsection (d) is confidential and not subject to disclosure under Chapter 552, Government Code, except as required to comply with a court order.

SECTION 10. Section 1701.253, Occupations Code, is amended by adding Subsection (a-1) and amending Subsections (g), (h), (i), (j), (l), (m), (o), and (p) to read as follows:

(a-1) The commission by rule shall establish deadlines for an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course.

(g) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(h) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(i) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on identity theft under Section 32.51, Penal Code, for officers licensed under this chapter. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~ An officer may not satisfy the requirements of this subsection or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(l) As part of the minimum curriculum requirements, the commission shall require an officer licensed by the commission on or after January 1, 2016, to complete a canine encounter training program established by the commission under Section 1701.261. ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.]~~

(m) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on procedures for interacting with drivers who are deaf or hard of hearing, as defined by Section 81.001, Human Resources Code, including identifying specialty license plates issued to individuals who are deaf or hard of hearing under Section 504.204, Transportation Code. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(o) As part of the minimum curriculum requirements, the commission shall require an officer to complete the civilian interaction training program developed under Section 1701.268. ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.]~~

(p) As part of the minimum curriculum requirements, the commission shall require an officer to complete the basic education and training program on the trafficking of persons developed under Section 1701.258(a). ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.]~~

SECTION 11. Section 1701.303, Occupations Code, is amended to read as follows:

Sec. 1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING ENTITY. (a) Before a [A] law enforcement agency or governmental entity [that] hires a person for whom a license is sought, the agency or entity must:

(1) review any information relating to the person available:

(A) in a database established under Section 1701.168;

(B) in a database designated under Section 1701.169; and

(C) if applicable, in a file provided to the commission under Section 1701.3035; and

(2) file an application with the commission as provided by commission rule.

(b) A person who appoints an officer or county jailer licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment. If the person appoints an individual who previously served as an officer or county jailer and the appointment occurs after the 180th day after the last date of service as an officer or county jailer, the person must have on file for the license holder [officer or county jailer] in a form readily accessible to the commission:

(1) new criminal history record information;

(2) a new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and

(3) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder [two completed fingerprint cards].

(c) A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

(1) new criminal history record information; and

(2) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder [two completed fingerprint cards].

SECTION 12. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Sections 1701.3035 and 1701.3135 to read as follows:

Sec. 1701.3035. OUT-OF-STATE LICENSE HOLDERS. (a) Before issuing an officer license under this chapter to an applicant who holds or previously held an equivalent license in another state, the commission must request from the licensing authority of the other state the personnel file and any other relevant record regarding the applicant.

(b) An applicant for an officer license may not be denied a license for the sole reason that the licensing authority of another state did not provide a record requested by the commission under this section.

Sec. 1701.3135. DISQUALIFICATION: REVOCATION OR SUSPENSION IN ANOTHER STATE. A person is disqualified to be an officer, and the commission may not issue an officer license to the person, if the person has been issued a license or other authorization to act as an officer in another state and, at the time the person applies for a license in this state, that license or authorization is revoked or suspended for a reason that would be grounds for the commission to revoke or suspend a license in this state.

SECTION 13. Section 1701.404(b), Occupations Code, is amended to read as follows:

(b) The commission may certify a sheriff, sheriff's deputy, constable, other peace officer, county jailer, or justice of the peace as a special officer for offenders with mental impairments if the person:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, intellectual disabilities [~~mental retardation~~], and developmental [~~mental~~] disabilities; and

(B) knowledge of mental health crisis intervention strategies for people with mental impairments.

SECTION 14. Section 1701.451(a), Occupations Code, is amended to read as follows:

(a) Before a law enforcement agency may hire a person licensed under this chapter, the agency must, on a form and in the manner prescribed by the commission:

(1) obtain the person's written consent for the agency to review the information required to be reviewed under this section;

(2) request from the commission and any other applicable person information required to be reviewed under this section; and

(3) submit to the commission confirmation that the agency, to the best of the agency's ability before hiring the person:

(A) contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and

(B) except as provided by Subsection (b), obtained and reviewed as related to the person, as applicable:

(i) personnel files, as described by Section 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;

(ii) employment termination reports and misconduct investigation reports maintained by the commission under this subchapter;

(iii) service records maintained by the commission;

(iv) proof that the person meets the minimum qualifications for enrollment in a training program under Section 1701.251(a);

(v) a military veteran's United States Department of Defense Form DD-214 or other military discharge record;

(vi) criminal history record information;

(vii) information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center;

(viii) evidence of financial responsibility as required by Section 601.051, Transportation Code;

(ix) a driving record from the Department of Public Safety;

(x) proof of United States citizenship; ~~and~~

(xi) information on the person's background from at least three personal references and at least two professional references; and

(xii) information on the person's law enforcement background as available through a database designated by the commission under Section 1701.169 and, if applicable, a file or record obtained by the commission under Section 1701.3035.

SECTION 15. Subchapter J, Chapter 1701, Occupations Code, is amended by adding Section 1701.4522 to read as follows:

Sec. 1701.4522. MISCONDUCT INVESTIGATION AND HIRING PROCEDURES. (a) The commission shall adopt a model policy establishing procedures applicable to a law enforcement agency:

(1) investigating alleged misconduct by a license holder employed by the agency; and

(2) hiring a license holder.

(b) The policy adopted under this section must:

(1) require a law enforcement agency to:

(A) initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by the law enforcement agency at the time the agency becomes aware of the alleged misconduct;

(B) complete the investigation described by Paragraph (A) in a timely manner, as prescribed by the commission;

(C) report an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder to the commission in a timely manner after the investigation is completed;

(D) complete an administrative investigation of alleged misconduct and prepare and submit to the commission a summary report on the investigation, including the disposition of the investigation and any informational findings, in a format prescribed by the commission, in a timely manner but not later than the 30th day after the date of the license holder's separation from the agency, if applicable;

(E) include documentation of the completed investigation in the personnel file, as described by Section 1701.4535, of the license holder maintained by the agency; and

(F) submit to the commission each report of a completed investigation;

(2) provide that an investigation into the alleged misconduct of a license holder may not be terminated by the resignation, retirement, termination, death, or separation from employment of the license holder;

(3) specify that a license holder under investigation for misconduct is entitled to any internal due process procedures provided by the investigating agency to contest the investigation or completed report;

(4) require a law enforcement agency to request and review any information regarding an applicant for employment maintained by the commission in the licensing status database established under Section 1701.168 as part of the preemployment procedures required under Section 1701.451(a);

(5) establish a provisional hiring period of at least 45 days for any license holder employed by a law enforcement agency and allow a law enforcement agency to terminate the employment of the license holder if information relating to an investigation of alleged misconduct by the license holder is made available to the agency by the commission as part of the preemployment procedures required under Section 1701.451(a) within the provisional period; and

(6) take into account the variation in size, function, and jurisdiction of law enforcement agencies in this state.

(c) A law enforcement agency shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission and the commission shall maintain a copy of the policy.

(d) The commission shall maintain each report received under a policy adopted under this section as part of the license holder's record in the licensing status database established under Section 1701.168.

(e) The commission shall notify a law enforcement agency seeking to appoint a license holder of a completed investigation report submitted to the commission with respect to the license holder not later than the fifth business day after the date the commission receives the report.

SECTION 16. Section 1701.453, Occupations Code, is amended to read as follows:

Sec. 1701.453. MAINTENANCE OF REPORTS ~~[AND STATEMENTS]~~. The commission shall maintain a copy of each report ~~[and statement]~~ submitted to the commission under this subchapter until at least the 10th anniversary of the date on which the report ~~[or statement]~~ is submitted.

SECTION 17. Subchapter J, Chapter 1701, Occupations Code, is amended by adding Section 1701.4535 to read as follows:

Sec. 1701.4535. PERSONNEL FILE. (a) The commission shall adopt a model policy regarding personnel files maintained with respect to a license holder. The policy must:

(1) require the head of a law enforcement agency or the head's designee to maintain a personnel file on each license holder employed by the agency that contains any letter, memorandum, or document relating to:

(A) a commendation, congratulation, or honor bestowed on the license holder by a member of the public or by the employing agency for an action, duty, or activity that relates to the license holder's official duties;

(B) any misconduct by the license holder if the letter, memorandum, or document is from the employing agency and the misconduct resulted in disciplinary action by the employing agency; and

(C) the periodic evaluation of the license holder by a supervisor; and

(2) provide that:

(A) a letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the employing agency determines that there is insufficient evidence to sustain the charge of misconduct;

(B) if a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:

(i) the agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail; and

(ii) the license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation;

(C) information contained in a license holder's personnel file may not be released without the license holder's written permission, unless the release is required by law;

(D) a license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder's personnel file; and

(E) an employing agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies described by Paragraph (D).

(b) A law enforcement agency shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) Except as provided by Subsections (d) and (e), a law enforcement agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license holder unless required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

(d) A law enforcement agency shall provide a license holder's personnel file to the commission:

(1) not later than the 30th day after the date the license holder separates from the agency; or

(2) on request by the commission as part of an ongoing investigation relating to the license holder.

(e) As provided by Section 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's personnel file.

SECTION 18. Section 1701.456(a), Occupations Code, is amended to read as follows:

(a) The commission is not liable for civil damages for providing information contained in a report ~~[or statement]~~ maintained by the commission under this subchapter if the commission released the information as provided by this subchapter.

SECTION 19. The heading to Subchapter K, Chapter 1701, Occupations Code, is amended to read as follows:

#### SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

SECTION 20. Section 1701.501, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Except with respect to an officer elected under the Texas Constitution, the commission shall revoke or suspend a law enforcement agency's authority to employ a license holder, place on probation an agency whose authority to employ a license holder has been suspended, or reprimand a law enforcement agency for a violation described by Subsection (a).

SECTION 21. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5011 to read as follows:

Sec. 1701.5011. EMERGENCY SUSPENSION. (a) The commission shall adopt rules specifying the circumstances under which the commission may issue an emergency order, without a hearing, suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare.

(b) An order suspending a license under this section must state the length of the suspension in the order.

(c) If an emergency order is issued without a hearing under this section, the commission shall, not later than the 10th day after the date the order was issued, set the time and place for a hearing on the order. The hearing must be conducted as soon as practicable. A hearing under this section to affirm, modify, or set aside the emergency order shall be conducted by the State Office of Administrative Hearings. The order shall be affirmed to the extent that good cause existed to issue the order.

(d) The commission by rule may prescribe procedures for the determination and appeal of an emergency order issued under this section, including a rule allowing the commission to affirm, modify, or set aside a decision made by the State Office of Administrative Hearings under Subsection (c).

(e) A proceeding under this section is a contested case under Chapter 2001, Government Code.

SECTION 22. The following provisions of the Occupations Code are repealed:

- (1) Sections 1701.452(b) and (c);
- (2) Section 1701.4521; and
- (3) Section 1701.4525.

SECTION 23. (a) Except as provided by Subsection (b) of this section, Section 1701.059, Occupations Code, as amended by this Act, applies to a member of the Texas Commission on Law Enforcement appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Commission on Law Enforcement who, before the effective date of this Act, completed the training program required by Section 1701.059, 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 Act to the training program required by Section 1701.059, Occupations Code. A commission 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, 2023, until the member completes the additional training.

SECTION 24. (a) Not later than March 1, 2024, the Texas Commission on Law Enforcement shall:

(1) adopt rules and update forms as necessary to implement the changes in law made by this Act to Chapter 1701, Occupations Code;



(2) adopt the model policies required by Sections 1701.167, 1701.4522, and 1701.4535, Occupations Code, as added by this Act;

(3) establish the licensing status database as required by Section 1701.168, Occupations Code, as added by this Act;

(4) designate the databases required by Sections 1701.169 and 1701.170, Occupations Code, as added by this Act; and

(5) establish a date by which each law enforcement agency in this state shall adopt the policies required by Sections 1701.167, 1701.4522, and 1701.4535, Occupations Code, as added by this Act.

(b) Not later than September 1, 2024, the Texas Commission on Law Enforcement shall establish the database containing officer personal service reports as required by Section 1701.205, Occupations Code, as added by this Act.

SECTION 25. Sections 1701.303 and 1701.451(a), Occupations Code, as amended by this Act, and Section 1701.3035, Occupations Code, as added by this Act, apply only with respect to a person hired on or after March 1, 2024. A person hired before March 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 26. The changes in law made by this Act to Subchapter J, Chapter 1701, Occupations Code, apply only to a report required to be submitted under Section 1701.452, Occupations Code, as amended by this Act, regarding a separation of a license holder that occurs on or after March 1, 2024. A separation that occurs before March 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 27. Section 1701.3135, Occupations Code, as added by this Act, applies only to an application for an officer license submitted under Chapter 1701, Occupations Code, on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 28. Section 1701.501(a-1), Occupations Code, as added by this Act, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 29. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1445** was filed with the Secretary of the Senate.

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 133**

Senator West submitted the following Conference Committee Report:

Austin, Texas  
May 24, 2023

Honorable Dan Patrick  
President of the Senate

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 **SB 133** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WEST  
BETTENCOURT  
BIRDWELL  
CAMPBELL  
HINOJOSA

On the part of the Senate

HULL  
CAIN  
LOZANO  
MOODY

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to prohibiting the physical restraint of or use of chemical irritants or Tasers on certain public school students by peace officers and school security personnel under certain circumstances.

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

SECTION 1. Section 37.0021(b), Education Code, is amended by adding Subdivision (5) to read as follows:

(5) "Taser" means a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream. The term, for purposes of this section, includes a similar device manufactured, sold, or distributed by another person.

SECTION 2. Section 37.0021, Education Code, is amended by amending Subsection (d) and adding Subsection (j) to read as follows:

(d) Subject to Subsection (j), the ~~The~~ commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

(1) be consistent with:

(A) professionally accepted practices and standards of student discipline and techniques for behavior management; and

(B) relevant health and safety standards;

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique; and

(3) require a school district to:

(A) provide written notification to the student's parent or person standing in parental relation to the student for each use of restraint that includes:

(i) the name of the student;

- (ii) the name of the district employee or volunteer or independent contractor of the district who administered the restraint;
  - (iii) the date of the restraint;
  - (iv) the time that the restraint started and ended;
  - (v) the location of the restraint;
  - (vi) the nature of the restraint;
  - (vii) a description of the activity in which the student was engaged immediately preceding the use of the restraint;
  - (viii) the behavior of the student that prompted the restraint;
  - (ix) any efforts made to de-escalate the situation and any alternatives to restraint that were attempted;
  - (x) if the student has a behavior improvement plan or a behavioral intervention plan, whether the plan may need to be revised as a result of the behavior that led to the restraint; and
  - (xi) if the student does not have a behavior improvement plan or a behavioral intervention plan, information on the procedure for the student's parent or person standing in parental relation to the student to request an admission, review, and dismissal committee meeting to discuss the possibility of conducting a functional behavioral assessment of the student and developing a plan for the student;
- (B) include in a student's special education eligibility school records:
- (i) a copy of the written notification provided to the student's parent or person standing in parental relation to the student under Paragraph (A);
  - (ii) information on the method by which the written notification was sent to the parent or person; and
  - (iii) the contact information for the parent or person to whom the district sent the notification; and
- (C) if the student has a behavior improvement plan or behavioral intervention plan, document each use of time-out prompted by a behavior of the student specified in the student's plan, including a description of the behavior that prompted the time-out.

(j) A peace officer performing law enforcement duties or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The Conference Committee Report on **SB 133** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1893**

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

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 **SB 1893** 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  
BETTENCOURT  
HUGHES  
LAMANTIA  
PAXTON  
On the part of the Senate

ANDERSON  
S. THOMPSON  
HERNANDEZ  
SCHOFIELD  
CAPRIGLIONE  
On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 620 to read as follows:

**CHAPTER 620. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND  
SERVICES ON GOVERNMENTAL ENTITY DEVICES PROHIBITED**

**Sec. 620.001. DEFINITIONS.** In this chapter:

**(1) "Covered application" means:**

**(A) the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or**

**(B) a social media application or service specified by proclamation of the governor under Section 620.005.**

**(2) "Governmental entity" means:**

**(A) a department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;**

(B) the supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government; or

(C) a political subdivision of this state, including a municipality, county, or special purpose district.

Sec. 620.002. DEFINING SECURITY RISK TO THIS STATE. For purposes of this chapter, a social media application or service poses a risk to this state if:

(1) the provider of the application or service may be required by a foreign government, or an entity associated with a foreign government, to provide confidential or private personal information collected by the provider through the application or service to the foreign government or associated entity without substantial due process rights or similar legal protections; or

(2) the application or service poses a similar risk to the security of this state's sensitive information, critical infrastructure, or both, as an application or service described by Section 620.001(1)(A).

Sec. 620.003. PROHIBITION; MODEL POLICY. (a) Subject to Section 620.004, a governmental entity shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the governmental entity and requiring the removal of covered applications from those devices.

(b) The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for governmental entities to use in developing the policy required by Subsection (a).

Sec. 620.004. EXCEPTIONS; MITIGATING MEASURES. (a) A policy adopted under Section 620.003 may provide for the installation and use of a covered application to the extent necessary for:

(1) providing law enforcement; or

(2) developing or implementing information security measures.

(b) A policy allowing the installation and use of a covered application under Subsection (a) must require:

(1) the use of measures to mitigate risks posed to this state during the use of the covered application; and

(2) the documentation of those measures.

Sec. 620.005. APPLICATIONS IDENTIFIED BY GOVERNOR'S PROCLAMATION. The governor by proclamation may identify social media applications or services that pose a risk to this state as described by Section 620.002.

Sec. 620.006. APPLICATION IDENTIFIED BY DEPARTMENT OF INFORMATION RESOURCES AND DEPARTMENT OF PUBLIC SAFETY. (a) The Department of Information Resources and the Department of Public Safety shall jointly identify social media applications or services that pose a risk to this state as described by Section 620.002.

(b) The Department of Information Resources shall:

(1) annually submit a list of applications and services identified under Subsection (a) to the governor;

(2) publish the list on the department's publicly accessible Internet website;  
and

(3) periodically update the list on that website.

SECTION 2. Not later than the 60th day after the date the Department of Information Resources and the Department of Public Safety make available the model policy required by Section 620.003(b), Government Code, as added by this Act, each governmental entity shall adopt the policy required by Section 620.003(a), Government Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1893** was filed with the Secretary of the Senate.

## **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

### **Memorial Resolution**

**SR 666** by Blanco, In memory of Proteo, Frida, and Pinky, canines who participated in search and rescue efforts in the Turkey-Syria earthquake.

### **Congratulatory Resolutions**

**SR 661** by Miles, Alvarado, and Whitmire, Recognizing Cesar Maldonado for his service as Chancellor of Houston Community College.

**SR 663** by Gutierrez, Recognizing Peter Christopher Wallace on the occasion of his graduation from Stephen F. Austin High School.

**SR 664** by Springer, Recognizing Muenster State Bank on the occasion of its 100th anniversary.

**SR 665** by Blanco, Recognizing the Korean American Association of El Paso for its contributions to earthquake relief efforts in Turkey.

**SR 667** by Blanco, Recognizing the Juneteenth Cultural Celebration Gala in El Paso.

**SR 668** by Middleton, Recognizing the completion of Rett Reef in Galveston Bay.

**SR 671** by Campbell, Recognizing Margaret Kaster for her service as a legislative intern.

**SR 672** by Campbell, Recognizing Ike Okoye for his service as a policy advisor.

**SR 673** by Campbell, Recognizing Hayden Davis for his service as a legislative aide.

**SR 674** by Campbell, Recognizing Ashley Merz for her service as a legislative director.

**SR 675** by Campbell, Recognizing Karishma Parikh for her service as an office manager.

**SR 676** by Campbell, Recognizing Dan Isett for his service as a communications director.

**SR 677** by Campbell, Recognizing Robert Haley for his service as director for the Nominations Committee.

**SR 679** by Paxton, Recognizing Delmer W. Harris for his induction into the Naismith Memorial Basketball Hall of Fame.

### **RECESS**

Pursuant to a previously adopted motion, the Senate at 6:33 p.m. recessed until 11:00 a.m. tomorrow.

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## **APPENDIX**

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### **BILLS AND RESOLUTIONS ENROLLED**

May 25, 2023

**SB 55, SB 200, SB 322, SB 335, SB 336, SB 427, SB 469, SB 498, SB 643, SB 667, SB 681, SB 763, SB 813, SB 956, SB 997, SB 1131, SB 1188, SB 1242, SB 1290, SB 1517, SB 1659, SB 1712, SB 1999, SB 2277, SB 2350, SB 2588, SB 2598, SB 2604, SB 2616, SCR 50, SCR 54, SR 637, SR 648, SR 650, SR 655, SR 661, SR 662, SR 663, SR 664, SR 665, SR 666, SR 667, SR 668, SR 671, SR 672, SR 673, SR 674, SR 675, SR 676, SR 677, SR 679**

### **SENT TO GOVERNOR**

May 25, 2023

**SB 48, SB 129, SB 182, SB 375, SB 467, SB 493, SB 599, SB 614, SB 736, SB 998, SB 1245, SB 1346, SB 1745, SB 1802, SB 2016, SB 2040, SB 2304**

**In Memory  
of  
William Kevin Gallagher  
Senate Resolution 648**

WHEREAS, Family and friends were deeply saddened by the passing of William Kevin Gallagher of Mabank on March 22, 2023, at the age of 70; and

WHEREAS, The son of Dr. William Gallagher and Gerry Kuskey, Bill Gallagher was born in Portland, Oregon, on September 4, 1952, and he grew up with the companionship of three siblings, Debbie, Kerry, and David; answering his nation's call to duty, he proudly served in the United States Air Force and was stationed in Germany, and he was also a member of the Air National Guard in Oregon; and

WHEREAS, Following his honorable discharge from the military, Mr. Gallagher began working as a regional manager for Chesebrough-Ponds; he went on to work in sales for Western Paper, and in 1995, he started his own company, Primadata, Inc.; his dedication to meeting the needs of the company's customers was widely appreciated, and his strong work ethic set a positive example for his staff; and

WHEREAS, Mr. Gallagher and his wife, Patty, married on July 4, 2005, and they shared a fulfilling relationship that spanned more than 17 years; he took great pride in his son, Richard Kevin Gallagher, who preceded him in death, and in his two stepsons, Trinidad and Valentino; in his leisure time, he enjoyed playing golf, grilling, watching NASCAR, and operating remote control planes; he drew strength from his Christian faith and was a member of the congregation at Sand Springs Church; and

WHEREAS, Although Bill Gallagher is deeply missed, memories of his integrity, his sense of humor, and his devotion to his family remain to comfort and inspire those he leaves behind; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the memory of William Kevin Gallagher and extend sincere condolences to his loved ones; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Bill Gallagher.

HALL