

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-SEVENTH DAY**

(Continued)

(Monday, May 20, 2019)

**AFTER RECESS**

The Senate met at 10:19 a.m. and was called to order by the President.

Pastor Jimmy Pruitt, Oak Hills Church, Fredericksburg, offered the invocation as follows:

Father, we are here today to conduct the business of government. I ask as a son to a good father, would You preside over this important and pivotal time in the history of our great state? Would You make Your presence known as critical decisions are being made that affect the trajectory of our communities? The scriptures are clear that we are to speak hope and blessing over our communities. By the blessing of the upright a city is exalted, but the wicked can destroy it with their words. (Proverbs 11:11) Father, give us grace to speak life, speak grace, and speak peace over our cities and over our state. Father, would You pour out Your grace over each person here today as they exercise their high calling and bear the weight of civil government on their shoulders? Thank You for their sacrifice to serve the people of our state. Thank You for their families who will miss them during this season. Thank You for the people who have positioned them in this high and honorable place of service. We ask for wisdom, justice, righteousness, stamina, equity, and for the ability to think and act with kindness, fairness, and grace toward one another. And when all is said and done here, we will leave this place trusting that Your will and Your purposes for the lives of the people we serve will have been done. I pray all things in Your most holy name. Amen.

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.

**PHYSICIAN OF THE DAY**

Senator Menéndez was recognized and presented Dr. Veronica Escobar of San Antonio, accompanied by Eric Gonzales, as the Physician of the Day.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1523 ON SECOND READING**

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1523** at this time on its second reading:

**CSHB 1523**, Relating to the continuation of the regulation of land surveyors and the transfer of the regulation to the Texas Board of Professional Engineers and Land Surveyors, following the recommendations of the Sunset Advisory Commission; changing fees.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1523 ON THIRD READING**

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1523** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 864 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 864** at this time on its second reading:

**CSHB 864**, Relating to pipeline incidents; clarifying changes to related administrative penalties.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 864 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 864** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1026 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1026** at this time on its second reading:

**CSHB 1026**, Relating to instruction in positive character traits in public schools.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1026 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1026** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**GUESTS PRESENTED**

Senator Flores was recognized and introduced to the Senate an Endeavors delegation including CEO Jon Allman.

The Senate welcomed its guests.

**HOUSE BILL 2911 ON SECOND READING**

The President laid before the Senate **HB 2911** by Senator Hughes on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 6:00 p.m. yesterday:

**HB 2911**, Relating to voter registration.

Question: Shall Floor Amendment No. 1 to **HB 2911** be adopted?

Senator Hughes withdrew Floor Amendment No. 1.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 2911** (senate committee printing) as follows:

(1) In the heading of SECTION 1 of the bill, amending Section 13.002(i), Election Code (page 1, line 21), strike "13.002(i), Election Code, is amended" and substitute "13.002, Election Code, is amended by amending Subsection (i) and adding Subsection (c-1)".

(2) In SECTION 1 of the bill, amending Section 13.002, Election Code, immediately before amended Section 13.002(i), Election Code (page 1, between lines 22 and 23), insert the following:

(c-1) An application may not be accepted if, at the time the applicant received the application, a box on the application was marked to indicate that the applicant:

(1) is a United States citizen; or

(2) will be 18 years of age or older on election day.

(3) In SECTION 20 of the bill, amending Section 18.0681(d), Election Code (page 6, line 1), strike "may" and substitute "shall ~~[may]~~".

(4) In SECTION 20 of the bill, amending Section 18.0681(d), Election Code (page 6, line 5), strike "may" and substitute "shall ~~[may]~~".

(5) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 13.074(c), Election Code, is amended to read as follows:

(c) The registrar may not challenge an applicant later than:

(1) the fifth ~~[second]~~ day after the date the application is determined to comply with Section 13.002 and indicate that the applicant is eligible for registration, if the application was submitted less than 60 days before the next election in which the applicant would be eligible to vote; or

(2) the 30th day after the date the application is determined to comply with Section 13.002 and indicate that the applicant is eligible for registration, if the application was submitted more than 60 days before the next election in which the applicant would be eligible to vote.

SECTION \_\_\_\_\_. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~[TO PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who is not eligible to vote may have registered to vote or ~~[a registered voter]~~ voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

~~[(b) If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.]~~

SECTION \_\_\_\_\_. Section 16.001(d), Election Code, is amended to read as follows:

(d) With the cooperation of the secretary of state, the Department of Public Safety shall, in accordance with federal law, enter into an agreement with the commissioner of social security to verify on a quarterly basis the information of voter registration records containing a social security number. At a minimum, the department shall verify if:

(1) the name, date of birth, and social security number listed in the commissioner's records match those on record with the department; and

(2) the commissioner's records show the person to be deceased. ~~[The secretary of state shall quarterly obtain from the United States Social Security Administration available information specified by the secretary relating to deceased residents of the state.]~~

SECTION \_\_\_\_\_. Section 16.0332(a), Election Code, is amended to read as follows:

(a) After the registrar receives a list under Section 18.068 of this code or Section 62.113, Government Code, of persons excused or disqualified from jury service or otherwise determined to be ineligible to vote because of citizenship status, the registrar shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

SECTION \_\_\_\_\_. Section 18.065, Election Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032, 16.0332, and 18.061 and with rules implementing the statewide computerized voter registration list.

(e) If a registrar fails to correct a violation within 30 days of a notice under Subsection (b), the secretary of state shall correct the violation on behalf of the registrar.

(f) The county served by a noncomplying registrar is liable to this state for a civil penalty of \$100 for each violation corrected by the secretary of state on behalf of the registrar under Subsection (e). The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION \_\_\_\_\_. Section 18.068, Election Code, is amended to read as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. (a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Section 62.113, Government Code, to the statewide computerized voter registration list.

(a-1) The secretary of state shall enter into an agreement with the Department of Public Safety under which information in the statewide computerized voter registration list is compared against information in the database of the Department of Public Safety on a monthly basis to verify the accuracy of information provided on voter registration applications. The information compared must include, at a minimum, a voter's:

- (1) full legal name;
- (2) former name, if applicable;
- (3) date of birth;
- (4) residence address;
- (5) driver's license or state identification card number;
- (6) signature;
- (7) social security number;
- (8) documentation of lawful presence in this state; and
- (9) citizenship status.

(a-2) If the secretary determines from information received under Subsection (a) or (a-1) that a voter on the registration list may be ineligible to vote [~~is deceased or has been excused or disqualified from jury service because the voter is not a citizen~~], the secretary shall send notice of the determination to:

(1) the voter registrar of the counties considered appropriate by the secretary; and

(2) the attorney general, who shall quarterly review the information to investigate whether a person has committed an offense under Section 13.007.

(b) The secretary of state shall by rule determine what information combinations identified as common to a voter and to an individual who is deceased or ineligible to vote constitute a weak match or a strong match in order to:

(1) produce the least possible impact on Texas voters; and

(2) fulfill its responsibility to manage the voter rolls.

(c) The secretary of state may not determine that a voter is deceased or ineligible to vote based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

(d) On receiving notification from the secretary of state under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased or ineligible to vote, the county shall investigate whether the voter is that ~~the~~ individual ~~[who is deceased]~~.

(e) The secretary of state may determine that a voter is deceased or ineligible to vote based on a strong match.

(f) The secretary of state may obtain, for purposes of determining whether a voter is deceased or ineligible to vote, information from other state agency databases relating to a voter that is the same type of information that the secretary of state or a voter registrar collects or stores for voter registration purposes.

(g) Not later than December 31 of each year, the secretary of state shall provide a report to the legislature of the number of voters determined to be ineligible under this section during the calendar year. The report must include the reason for ineligibility for each voter.

SECTION \_\_\_\_\_. Section 62.113(b), Government Code, is amended to read as follows:

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to:

(1) the voter registrar of the county;

(2) the secretary of state; and

(3) the county or district attorney, as applicable, or the attorney general for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

SECTION \_\_\_\_\_. Sections 62.114(b) and (c), Government Code, are amended to read as follows:

(b) On the third business day of each month, the clerk shall send ~~[to the voter registrar of the county]~~ a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county to:

(1) the voter registrar of the county;

(2) the secretary of state; and

(3) the county or district attorney, as applicable, or the attorney general for an investigation of whether the person committed an offense under Section 13.007, Election Code.

(c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081 or 18.068, Election Code.

The amendment to **HB 2911** was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor.

Nays: Alvarado, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

Senator Bettencourt offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **HB 2911** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1.015, Election Code, is amended by adding Subsection (f) to read as follows:

(f) A person may not establish residence at the address of a commercial post office box or similar location.

The amendment to **HB 2911** was read and was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor.

Nays: Alvarado, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

**HB 2911** as amended was passed to third reading by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

### **HOUSE CONCURRENT RESOLUTION 120 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **HCR 120** at this time on its second reading:

**HCR 120**, Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to George Benton Turner.

The resolution was read second time and was adopted by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 2261 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **HB 2261** at this time on its second reading:

**HB 2261**, Relating to the physician education loan repayment program.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Birdwell, Buckingham, Creighton, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Campbell, Fallon, Hall, Kolkhorst.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 2261** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the coordinating board may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

The amendment to **HB 2261** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 2261** as amended was passed to third reading by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Birdwell, Buckingham, Creighton, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Campbell, Fallon, Hall, Kolkhorst.

**HOUSE BILL 2261 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2261** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Birdwell, Buckingham, Creighton, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Campbell, Fallon, Hall, Kolkhorst.



The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

May 20, 2019  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SIXTH LEGISLATURE, REGULAR SESSION:

On January 17, 2019, I submitted the name of Michael J. Plank for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2025.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,  
/s/Greg Abbott  
Governor

### HOUSE BILL 1386 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1386** at this time on its second reading:

**HB 1386**, Relating to training and development activities for persons who may interact with an individual with autism or other pervasive developmental disorder.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### HOUSE BILL 1386 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1386** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### HOUSE BILL 680 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 680** at this time on its second reading:

**HB 680**, Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Flores, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Fallon, Hall, Hancock, Kolkhorst, Paxton, Perry, Schwertner.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **HB 680** (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 35), strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) In SECTION 2 of the bill, in amended Section 302.0042(b)(4), Labor Code (page 1, line 44), strike "price charged by child care providers for" and substitute "monthly price charged by child care providers for full-day".

(3) In SECTION 2 of the bill, in amended Section 302.0042(b), Labor Code, between Subdivisions (4) and (5) (page 1, between lines 46 and 47), insert the following appropriately numbered subdivision:

( ) the average monthly price charged by quality child care providers for full-day child care in each local workforce development area;

(4) In SECTION 2 of the bill, strike added Section 302.0042(b)(9), Labor Code (page 2, lines 3 through 10), and add the following appropriately numbered subdivisions:

( ) the number of child care providers participating in the Texas Rising Star Program in each local workforce development area as a percentage of the total number of both subsidized child care providers and all child care providers in the local workforce development area;

( ) the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of both subsidized child care providers and all child care providers in the local workforce development area;

(5) In SECTION 2 of the bill, in amended Section 302.0042, Labor Code, immediately following added Subsection (c) (page 2, between lines 28 and 29), insert the following:

(d) In this section, "quality child care provider" means a child care provider that:

(1) participates in the commission's Texas Rising Star Program; and

(2) is accredited by the National Early Childhood Program Accreditation Commission or the National Association for the Education of Young Children, or holds any other accreditation the commission determines meets the quality standards of the Texas Rising Star Program.

(6) In SECTION 2 of the bill, renumber the subdivisions of amended Section 302.0042(b), Labor Code, as appropriate.

(7) In SECTION 3 of the bill, in amended Section 302.0043(f), Labor Code (page 2, line 68), strike "and".

(8) In SECTION 3 of the bill, in amended Section 302.0043(f), Labor Code (page 3, line 1), strike "302.0042(b)(8)-(11)." and substitute the following:  
302.0042(b)(8)-(11);

(4) include a summary of the input obtained under Section 302.00435; and

(5) include any recommendations for legislation or regulation, including regulatory recommendations for governmental bodies other than the commission, regarding the input obtained under Section 302.00435.

(9) In SECTION 4 of the bill, in added Section 302.00435(b)(1), Labor Code (page 3, line 14), strike "and".

(10) In SECTION 4 of the bill, in added Section 302.00435(b), Labor Code (page 3, line 16), strike "program." and substitute the following:  
program;

(3) existing health and safety rules and regulations that could be more efficient or less costly without reducing health and safety outcomes; and

(4) the burdens relating to complying with existing regulations that could be mitigated, reduced, or eliminated while maintaining the intent, objective, or purpose of the underlying regulation.

The amendment to **HB 680** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 680** as amended was passed to third reading by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Flores, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Fallon, Hall, Hancock, Kolkhorst, Paxton, Perry, Schwertner.

### **HOUSE BILL 4663 ON SECOND READING**

On motion of Senator Fallon and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4663** at this time on its second reading:

**HB 4663**, Relating to the authority of the Parker County Hospital District to employ physicians.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 4663 ON THIRD READING**

Senator Fallon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4663** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### HOUSE BILL 680 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 680** be placed on its third reading and final passage:

**HB 680**, Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Fallon, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Creighton, Flores, Hall, Johnson, Nichols, Rodríguez.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Flores, Hinojosa, Huffman, Hughes, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Fallon, Hall, Hancock, Kolkhorst, Paxton, Perry, Schwertner.

### HOUSE JOINT RESOLUTION 38 ON SECOND READING

Senator Fallon moved to suspend the regular order of business to take up for consideration **HJR 38** at this time on its second reading:

**HJR 38**, Proposing a constitutional amendment prohibiting the imposition of an individual income tax.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor.

Nays: Alvarado, Hinojosa, Johnson, Lucio, Menéndez, Miles, Rodríguez, Watson, West, Whitmire, Zaffirini.

The resolution was read second time.

Senator West offered the following amendment to the resolution:

#### Floor Amendment No. 1

Amend **HJR 38** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, on page 1, line 40, strike "individuals, including an individual's" and replace with "natural persons, including a natural person's".

The amendment to **HJR 38** was read.

Senator Fallon moved to postpone further consideration of the resolution to a time certain of 1:15 p.m. today.

The motion prevailed.

Question: Shall Floor Amendment No. 1 to **HJR 38** be adopted?

### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate the Dallas-based band La Energía Norteña.

The Senate welcomed its guests.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, May 20, 2019 - 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:

**HCR 172** Flynn

Paying tribute to the U.S. military personnel from Texas who lost their lives in the line of duty.

**HCR 173** Flynn

Convening a joint memorial session to pay tribute to all members of the U.S. military killed in the line of duty.

**SB 1207** Perry Sponsor: Krause

Relating to the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program.

(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 6:00 p.m. today.

## RECESS

On motion of Senator Bettencourt, the Senate at 1:00 p.m. recessed until 1:30 p.m. today.

## AFTER RECESS

The Senate met at 1:53 p.m. and was called to order by the President.

### HOUSE BILL 4236 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4236** at this time on its second reading:

**HB 4236**, Relating to permitting the viewing of certain body worn camera recordings.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### HOUSE BILL 4236 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4236** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

## COMMITTEE SUBSTITUTE

### HOUSE BILL 76 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **CSHB 76** at this time on its second reading:

**CSHB 76**, Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

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

Yeas: Alvarado, Birdwell, Hinojosa, Huffman, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hughes, Johnson, Kolkhorst, West.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 76** (senate committee printing) in SECTION 1 of the bill, in added Section 33.096(b)(2), Education Code (page 1, lines 52-53), by striking "applicable licensing provisions or other laws of this state" and substituting "health care professional's Texas licensing act".

The amendment to **CSHB 76** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**CSHB 76** as amended was passed to third reading by the following vote: Yeas 19, Nays 12.

Yeas: Alvarado, Birdwell, Hinojosa, Huffman, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hughes, Johnson, Kolkhorst, West.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 76 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 76** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Flores, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, Whitmire, Zaffirini.

Nays: Buckingham, Campbell, Creighton, Fallon, Hughes, West.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

Yeas: Alvarado, Birdwell, Hinojosa, Huffman, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, Whitmire, Zaffirini.

Nays: Bettencourt, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hughes, Johnson, West.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3557 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 3557** at this time on its second reading:

**CSHB 3557**, Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Whitmire.

Nays: Lucio, Menéndez, Miles, Rodríguez, Watson, West, Zaffirini.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

### Floor Amendment No. 1

Amend **CSHB 3557** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 424.051(a), Government Code (page 1, lines 46 and 47), strike "or impairs or interrupts the operation of the facility".

(2) In added Subchapter B, Chapter 424, Government Code (page 1, between lines 52 and 53), insert the following:

Sec. 424.052. OFFENSE: IMPAIRING OR INTERRUPTING OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility and intentionally or knowingly impairs or interrupts the operation of the facility.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$10,000 or confinement in jail for a term not to exceed one year, or both the fine and confinement.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(3) In added Subchapter B, Chapter 424, Government Code (page 1, line 53), strike "424.052" and substitute "424.053".

(4) In added Section 424.052(a), Government Code (page 1, lines 57 and 58), strike "or impair or interrupt the operation of the facility".

(5) In added Subchapter B, Chapter 424, Government Code (page 2, between lines 2 and 3), insert the following:

Sec. 424.054. OFFENSE: INTENT TO IMPAIR OR INTERRUPT OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense if, without the effective consent of the owner, the person enters or remains on or in a critical infrastructure facility with the intent to impair or interrupt the operation of the facility.

(b) An offense under this section is a Class A misdemeanor.

(c) If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

(6) In added Subchapter B, Chapter 424, Government Code (page 2, line 3), strike "424.053" and substitute "424.055".

(7) In added Subchapter B, Chapter 424, Government Code (page 2, line 7), strike "424.054" and substitute "424.056".



(8) In added Section 424.101(a), Government Code (page 2, line 17), strike "424.051 or 424.052" and substitute "424.051, 424.052, 424.053, or 424.054".

(9) In added Section 424.101(b), Government Code (page 2, line 22), strike "424.051 or 424.052" and substitute "424.051, 424.052, 424.053, or 424.054".

(10) In added Section 424.102, Government Code (page 2, line 33), strike "424.051 or 424.052" and substitute "424.051, 424.052, 424.053, or 424.054".

The amendment to **CSHB 3557** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**CSHB 3557** as amended was passed to third reading by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Whitmire.

Nays: Menéndez, Miles, Rodríguez, Watson, West, Zaffirini.

**(Senator Rodríguez in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3557 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3557** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Whitmire, Zaffirini.

Nays: Menéndez, Miles, Watson, West.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, Whitmire.

Nays: Menéndez, Miles, Rodríguez, Watson, West, Zaffirini.

**HOUSE BILL 2299 ON SECOND READING**

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2299** at this time on its second reading:

**HB 2299**, Relating to an exemption from licensing requirements for physicians associated with certain sports teams.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **HOUSE BILL 2299 ON THIRD READING**

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2299** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **HOUSE BILL 1694 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1694** at this time on its second reading:

**HB 1694**, Relating to limitations on food regulations at farms, farmers' markets, and cottage food production operations.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **HOUSE BILL 1694 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1694** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **HOUSE BILL 1351 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1351** at this time on its second reading:

**HB 1351**, Relating to the confidentiality of certain information concerning service members of the United States armed forces and the state military forces.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **HOUSE BILL 1351 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1351** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 961 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 961** at this time on its second reading:

**HB 961**, Relating to the membership and training course requirements of a public school concussion oversight team and the removal of a public school student from an interscholastic athletic activity on the basis of a suspected concussion.

The motion prevailed.

Senator Buckingham asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Buckingham.

### **HOUSE BILL 961 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 961** be placed on its third reading and final passage.

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

Nays: Buckingham.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

### **HOUSE BILL 1130 ON SECOND READING**

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1130** at this time on its second reading:

**HB 1130**, Relating to the issuance of Register to Vote specialty license plates.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 1130 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1130** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 2778 ON SECOND READING**

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2778** at this time on its second reading:

**HB 2778**, Relating to the allocation of expenses of a joint election to certain school districts.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 2778 ON THIRD READING**

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2778** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 771 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 771** at this time on its second reading:

**HB 771**, Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

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

Amend **HB 771** (senate committee printing) as follows:

(1) In SECTION 1, amending the heading to Section 545.425, Transportation Code (page 1, line 25), strike "SCHOOL BUS" and substitute "[~~SCHOOL~~] BUS".

(2) In the recital to SECTION 2, amending Section 545.425, Transportation Code (page 1, lines 28 and 29), strike "Sections 545.425(b-1), (b-2), (b-4), and (d-1), Transportation Code, are amended" and substitute "Section 545.425, Transportation Code, is amended by amending Subsections (b-1), (b-2), (b-4), (c), and (d-1) and adding Subsection (e-1)".

(3) In SECTION 2 of the bill, in amended Section 545.425, Transportation Code (page 2, between lines 18 and 19), insert the following:

(c) An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the ~~passenger~~ bus is stopped.

(4) In SECTION 2 of the bill, in amended Section 545.425, Transportation Code (page 2, between lines 23 and 24), insert the following:

(e-1) Subsection (c) does not apply to an operator of a school bus or passenger bus using a wireless communication device:

(1) in the performance of the operator's duties as a bus driver; and

(2) in a manner similar to using a two-way radio.

The amendment to **HB 771** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 771** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 771 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 771** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 1884 ON SECOND READING**

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1884** at this time on its second reading:

**HB 1884**, Relating to the information provided to relative and other designated caregivers of children in the conservatorship of the Department of Family and Protective Services.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 1884 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1884** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE HOUSE BILL 907 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 907** at this time on its second reading:

**CSHB 907**, Relating to the regulation of aggregate production operations by the Texas Commission on Environmental Quality; increasing a fee; increasing administrative penalties.

The motion prevailed.

Senators Fallon, Hall, and Hughes asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Fallon, Hall, Hughes.

### **COMMITTEE SUBSTITUTE HOUSE BILL 907 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 907** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Flores, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Fallon, Hall, Hughes.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### **HOUSE BILL 3503 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3503** at this time on its second reading:

**HB 3503**, Relating to firearms training for county jailers.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 3503 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3503** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 4531 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4531** at this time on its second reading:

**HB 4531**, Relating to the rights and treatment of and services provided to certain adult sexual assault survivors.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 4531** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in amended Section 420.073(a)(2), Government Code (page 2, line 26), strike "and" and substitute "[~~and~~"]".

(2) In SECTION 4 of the bill, in amended Section 420.073(a)(3), Government Code (page 2, line 28), strike the period and substitute the following:

; and

(4) a reasonable time limitation during which the information or records may be released.

(3) In SECTION 4 of the bill, in added Section 420.073(d), Government Code (page 2), strike lines 36-37 and substitute the following:

the person seeking the release of confidential information may petition a court with probate jurisdiction in the county in which the adult survivor resides for an emergency order authorizing the release of the information, in the manner provided by Section 48.208, Human Resources Code.

The amendment to **HB 4531** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 4531** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 4531 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4531** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 2859 ON SECOND READING**

Senator Fallon moved to suspend the regular order of business to take up for consideration **HB 2859** at this time on its second reading:

**HB 2859**, Relating to the exemption from ad valorem taxation of precious metal held in a precious metal depository located in this state.

The motion prevailed.

Senators Bettencourt, Hughes, Rodríguez, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Bettencourt, Hughes, Rodríguez, Seliger.

#### **HOUSE BILL 2859 ON THIRD READING**

Senator Fallon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2859** be placed on its third reading and final passage.

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

Yeas: Alvarado, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Hughes, Rodríguez, Seliger.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

#### **HOUSE JOINT RESOLUTION 95 ON SECOND READING**

Senator Fallon moved to suspend the regular order of business to take up for consideration **HJR 95** at this time on its second reading:

**HJR 95**, Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation precious metal held in a precious metal depository located in this state.

The motion prevailed.

Senators Bettencourt, Creighton, Hughes, and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Bettencourt, Creighton, Hughes, Seliger.

#### **HOUSE JOINT RESOLUTION 95 ON THIRD READING**

Senator Fallon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 95** be placed on its third reading and final passage.

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



Yeas: Alvarado, Birdwell, Buckingham, Campbell, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Hughes, Seliger.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**SENATE RULE 5.14(a) SUSPENDED  
(Intent Calendar)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 8:00 p.m. today.

**RECESS**

On motion of Senator Whitmire, the Senate at 3:37 p.m. recessed until 6:30 p.m. today.

**AFTER RECESS**

The Senate met at 6:47 p.m. and was called to order by the President.

**SENATE BILL 18 WITH HOUSE AMENDMENTS**

Senator Huffman called **SB 18** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 18** (house committee report) on page 3, between lines 20 and 21, by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

( ) prohibit any institution official or employee from disinviting a speaker who has been approved by the institution to speak on campus and has been invited to speak on campus by a student organization or faculty member at the institution;

**Floor Amendment No. 2**

Amend **SB 18** (house committee report) as follows:

(1) On page 3, between lines 23 and 24, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

( ) require the institution to strive to maintain an official position of neutrality on matters of public concern except as necessary for the institution's operations;

(2) On page 4, between lines 24 and 25, insert the following appropriately lettered subsections:

( ) Each institution of higher education shall adopt procedures for the institution's disciplinary process regarding an alleged violation of the institution's student code of conduct involving expressive activities and provide notice of those

procedures to each student enrolled at the institution. At a minimum, the procedures must entitle the student alleged to have violated the institution's student code of conduct to:

(1) receive written notice of the allegation before the initiation of the disciplinary process;

(2) review evidence supporting the allegation;

(3) present a defense, including by calling witnesses for the student and confronting witnesses against the student;

(4) have the institution's determination of responsibility made by an impartial arbiter or panel;

(5) appeal a determination finding the student responsible for the violation;

and

(6) if a potential sanction for the violation is suspension for a period of more than 30 days or expulsion from the institution, have assistance of counsel during each stage of the disciplinary process.

( ) On the second or any subsequent determination by an institution of higher education that a student is responsible for violating the institution's student code of conduct by unduly interfering with the expressive activities of others, the institution shall:

(1) suspend the student for at least one semester or term; or

(2) not later than two weeks after resolving the disciplinary process, provide to the committee on free expression for the institution established under this section an explanation of the reason the institution did not impose a sanction on the student under Subdivision (1).

(3) On page 5, between lines 13 and 14, insert the following appropriately lettered subsection:

( ) The governing board of each institution of higher education or university system shall create a committee on free expression to address free speech issues at the institution or institutions governed by the board. The committee must consist of at least five members. Not later than September 1 of each year, the committee shall prepare and submit to the governor, the members of the legislature, and the governing board a report on free speech issues that arose at the institution or institutions during the preceding academic year. The report must include, for each institution governed by the board:

(1) a description of any barriers to or disruptions of expressive activities at the institution;

(2) a summary of the institution's handling of free speech issues, including any disciplinary action taken related to the policies adopted under this section and any explanations regarding those actions provided to the committee by the institution as required under this section;

(3) an analysis of any substantial difficulties, controversies, or successes in maintaining the institution's official position of neutrality on matters of public concern; and

(4) any recommendations for legislative or other action.

(4) Reletter subsections accordingly.

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

SECTION \_\_\_\_\_. Not later than September 1, 2019, the governing board of each public institution of higher education or university system shall create the committee on free expression required under Section 51.9315, Education Code, as added by this Act. Each governing board's committee shall prepare and submit its initial report required under that section not later than September 1, 2020.

### Floor Amendment No. 3

Amend **SB 18** (house committee report) as follows:

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

SECTION \_\_\_\_\_. The legislature finds that:

(1) freedom of expression is of critical importance and requires each public institution of higher education to ensure free, robust, and uninhibited debate and deliberations by students enrolled at the institution, regardless of whether the students are on or off campus; and

(2) it is a matter of statewide concern that all public institutions of higher education officially recognize freedom of speech as a fundamental right.

(2) On page 2, line 5, between "state" and "to", insert "and the purpose of this section".

(3) On page 2, line 12, strike "listen to the speech of others" and substitute "listen to or observe the expressive activities of others".

(4) On page 3, strike lines 9 and 10 and substitute the following appropriately lettered subsection:

( ) Subsections (c) and (d) do not:

(1) limit the right of student expression at other campus locations; or

(2) prohibit faculty members from maintaining order in the classroom.

The amendments were read.

Senator Huffman moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 18** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Zaffirini, Creighton, and Campbell.

### SENATE BILL 891 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 891** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 891** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; imposing a fee; creating a criminal offense.

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

ARTICLE 1. DISTRICT COURTS

SECTION 1.01. Section 24.104(b), Government Code, is amended to read as follows:

(b) The terms of the 4th District Court begin on the first Mondays in January and ~~[, March, May,] July~~~~[, September, and November]~~.

SECTION 1.02. (a) The heading to Section 24.124, Government Code, is amended to read as follows:

Sec. 24.124. 23RD JUDICIAL DISTRICT (~~[BRAZORIA,] MATAGORDA~~~~[,]~~ AND WHARTON COUNTIES).

(b) Sections 24.124(a) and (b), Government Code, are amended to read as follows:

(a) The 23rd Judicial District is composed of ~~[Brazoria,] Matagorda~~~~[,]~~ and Wharton counties.

(b) The terms of the 23rd District Court begin:

(1) ~~[in Brazoria County on the first Mondays in April and October, and the terms are designated the April-September and October-March terms;~~

~~[(2)]~~ in Matagorda County on the first Mondays in June and December, and the terms are designated the June-November and December-May terms; and

~~(2)~~ ~~[(3)]~~ in Wharton County on the first Mondays in July and January, and the terms are designated the July-December and January-June terms.

(c) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6005 to read as follows:

Sec. 24.6005. 461ST JUDICIAL DISTRICT (BRAZORIA COUNTY). (a) The 461st Judicial District is composed of Brazoria County.

(b) The 461st District Court shall give preference to family law matters.

(d) The local administrative district judge shall transfer to the 461st District Court all cases from Brazoria County that are pending in the 23rd District Court on the effective date of this Act.

(e) When a case is transferred as provided by Subsection (d) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 23rd District Court are returnable to the 461st District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 23rd District Court and all witnesses summoned to appear in the 23rd District Court are required to appear before the 461st District Court as if originally required to appear before that court.

(f) The 461st Judicial District is created on September 1, 2019.

SECTION 1.03. (a) Section 24.140, Government Code, is amended to read as follows:

Sec. 24.140. 38TH JUDICIAL DISTRICT (~~[MEDINA,] REAL[,] AND UVALDE COUNTIES~~). ~~[(a)]~~ The 38th Judicial District is composed of ~~[Medina,] Real[,] and Uvalde counties~~.

~~[(b) The terms of the 38th District Court begin:~~

~~[(1) in Medina County on the first Mondays in January and June;~~

~~[(2) in Real County on the first Mondays in April and November; and~~

~~[(3) in Uvalde County on the first Mondays in February and September.]~~

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.598 to read as follows:

Sec. 24.598. 454TH JUDICIAL DISTRICT (MEDINA COUNTY). The 454th Judicial District is composed of Medina County.

(c) The local administrative district judge shall transfer to the 454th District Court all cases from Medina County that are pending in the 38th District Court on the effective date of this Act.

(d) When a case is transferred as provided by Subsection (c) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the 38th District Court are returnable to the 454th District Court as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for the 38th District Court and all witnesses summoned to appear in the 38th District Court are required to appear before the 454th District Court as if originally required to appear before that court.

(e) The 454th Judicial District is created on September 1, 2019.

SECTION 1.04. (a) Effective October 1, 2020, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.599 to read as follows:

Sec. 24.599. 455TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 455th Judicial District is composed of Travis County.

(b) The 455th District Court shall give preference to civil and family law matters.

(b) The 455th Judicial District is created on October 1, 2020.

SECTION 1.05. (a) Effective January 1, 2021, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.600 to read as follows:

Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY). (a) The 456th Judicial District is composed of Guadalupe County.

(b) The 456th District Court shall give preference to civil cases.

(b) Notwithstanding Section 24.026, Government Code, the initial vacancy in the office of judge of the 456th Judicial District shall be filled by election. The office exists for purposes of the primary and general elections in 2020. A vacancy after the initial vacancy is filled as provided by Section 28, Article V, Texas Constitution.

(c) The 456th Judicial District is created on January 1, 2021.

SECTION 1.06. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6001 to read as follows:

Sec. 24.6001. 457TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). The 457th Judicial District is composed of Montgomery County.

(b) The 457th Judicial District is created on September 1, 2019.

SECTION 1.07. (a) Effective January 1, 2021, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60091 to read as follows:

Sec. 24.60091. 466TH JUDICIAL DISTRICT (COMAL COUNTY). The 466th Judicial District is composed of Comal County.

(b) The 466th Judicial District is created on January 1, 2021.

SECTION 1.08. (a) Effective January 1, 2021, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60092 to read as follows:

Sec. 24.60092. 467TH JUDICIAL DISTRICT (DENTON COUNTY). The 467th Judicial District is composed of Denton County.

(b) The 467th Judicial District is created on January 1, 2021.

SECTION 1.09. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60093 and 24.60094 to read as follows:

Sec. 24.60093. 468TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 468th Judicial District is composed of Collin County.

(b) The 468th District Court shall give preference to family law matters.

Sec. 24.60094. 471ST JUDICIAL DISTRICT (COLLIN COUNTY). (a) The 471st Judicial District is composed of Collin County.

(b) The 471st District Court shall give preference to civil matters.

(b) The 468th District Court is created on September 1, 2019.

(c) The 471st District Court is created on September 1, 2019.

## ARTICLE 2. STATUTORY COUNTY COURTS

SECTION 2.01. (a) Section 25.0202, Government Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings;
- (2) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000, excluding interest, court costs, and attorney's fees; ~~and~~
- (3) contested probate matters under Section 32.003, Estates Code; and
- (4) felony cases transferred from the district court to conduct arraignments, pretrial hearings, and motions to adjudicate or revoke and to accept guilty pleas.

(g) In matters of concurrent jurisdiction, including transferred felony proceedings, the judge of a county court at law and the district judge may exchange benches, transfer cases, assign each other to hear cases in accordance with orders signed and approved by the judges, and otherwise manage their respective dockets under local administrative rules.

(b) The changes in law made to Section 25.0202, Government Code, apply only to a criminal case filed on or after the effective date of this Act. A criminal case filed before that date is governed by the law in effect on the date the case is filed, and that law is continued in effect for that purpose.

SECTION 2.02. (a) Effective January 1, 2021, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0381 and 25.0382 to read as follows:

Sec. 25.0381. CHAMBERS COUNTY. Chambers County has one statutory county court, the County Court at Law of Chambers County.

Sec. 25.0382. CHAMBERS COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Chambers County has concurrent jurisdiction with the district court in:

(1) arraignments, pleas, and pretrial motions for felony cases; and

(2) family law cases and proceedings.

(b) In matters of concurrent jurisdiction, a judge of a county court at law and a judge of a district court in Chambers County may transfer cases between the courts in the same manner that judges of district courts may transfer cases under Section 24.003.

(c) The judge of a county court at law shall be paid an annual salary in an amount at least equal to the amount that is \$1,000 less than the total annual salary, including supplements, received by a district judge in the county. The salary shall be paid out of the county treasury on order of the commissioners court.

(d) The judge of a county court at law is entitled to travel expenses and necessary office expenses, including administrative and clerical help, in the same manner as a district judge in the county.

(e) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court other than misdemeanor cases and probate matters and proceedings. The county clerk serves as clerk for all other cases. Each clerk shall establish a separate docket for a county court at law. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(f) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.

(g) The judge of a county court at law may, instead of appointing an official court reporter, contract for the services of a court reporter under guidelines established by the commissioners court.

(h) The laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Jurors regularly impaneled for a week by the district court may, on a request of a judge of the county court at law, be made available and shall serve for the week in a county court at law.

(i) A county court at law has the same terms of court as a district court in Chambers County.

(b) The County Court at Law of Chambers County is created on January 1, 2021.

SECTION 2.03. (a) Section 25.0481, Government Code, is amended to read as follows:

Sec. 25.0481. COMAL COUNTY. Comal County has the following statutory county courts:

(1) County Court at Law No. 1 of Comal County; ~~and~~

(2) County Court at Law No. 2 of Comal County; and

(3) County Court at Law No. 3 of Comal County.

(b) The County Court at Law No. 3 of Comal County is created on September 1, 2019.

SECTION 2.04. Section 25.0512, Government Code, is amended by adding Subsections (a) and (b) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Cooke County has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings.

SECTION 2.05. (a) Effective January 1, 2021, Section 25.0721, Government Code, is amended to read as follows:

Sec. 25.0721. ELLIS COUNTY. Ellis County has the following statutory county courts:

- (1) the County Court at Law No. 1 of Ellis County; ~~and~~
- (2) the County Court at Law No. 2 of Ellis County; and
- (3) the County Court at Law No. 3 of Ellis County.

(b) The County Court at Law No. 3 of Ellis County is created on January 1, 2021.

SECTION 2.06. (a) Effective October 1, 2019, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0881 and 25.0882 to read as follows:

Sec. 25.0881. GILLESPIE COUNTY. Gillespie County has one statutory county court, the County Court at Law of Gillespie County.

Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Gillespie County has concurrent jurisdiction with the district court in:

- (1) family law cases and proceedings; and
- (2) juvenile law cases and proceedings.

(b) The district clerk serves as clerk of a county court at law for family law cases and proceedings and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(c) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.

(b) The County Court at Law of Gillespie County is created on October 1, 2019.

SECTION 2.07. (a) Section 25.1101(a), Government Code, is amended to read as follows:

(a) Hidalgo County has the following statutory county courts:

- (1) County Court at Law No. 1 of Hidalgo County;
- (2) County Court at Law No. 2 of Hidalgo County;
- (3) County Court at Law No. 4 of Hidalgo County;
- (4) County Court at Law No. 5 of Hidalgo County;
- (5) County Court at Law No. 6 of Hidalgo County;
- (6) County Court at Law No. 7 of Hidalgo County; ~~and~~



- (7) County Court at Law No. 8 of Hidalgo County;
- (8) County Court at Law No. 9 of Hidalgo County; and
- (9) County Court at Law No. 10 of Hidalgo County.

(b) The County Court at Law No. 9 of Hidalgo County and County Court at Law No. 10 of Hidalgo County are created on September 1, 2019.

SECTION 2.08. (a) Section 25.1312, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Kaufman County has, except as limited by Subsection [Subsections] (b) [~~and (b-1)~~], the jurisdiction provided by the constitution and general law for district courts.

(d) A jury must be composed of 12 members in:

- (1) civil cases in which the amount in controversy is \$200,000 or more;
- (2) family law cases and proceedings; and
- (3) felony cases.

(b) Section 25.1312, Government Code, as amended by this Act, applies only to a cause of action filed on or after the effective date of this Act. A cause of action filed before that date is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 2.09. (a) Section 25.1481, Government Code, is amended to read as follows:

Sec. 25.1481. LIBERTY COUNTY. (a) Liberty County has the following statutory county courts:

- (1) [~~one statutory county court,~~] the County Court at Law of Liberty County; and
- (2) the County Court at Law No. 2 of Liberty County.

(b) The county courts at law [~~County Court at Law~~] of Liberty County sit [~~sits~~] in Liberty.

(b) The County Court at Law No. 2 of Liberty County is created on September 1, 2019.

SECTION 2.10. Section 25.1902, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the jurisdiction provided by Subsections (a) and (b), the County Court at Law No. 1 of Potter County has concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept pleas in uncontested matters.

SECTION 2.11. (a) Section 25.2011, Government Code, is amended to read as follows:

Sec. 25.2011. ROCKWALL COUNTY. Rockwall County has the following statutory county courts:

- (1) [~~one statutory county court,~~] the County Court at Law No. 1 of Rockwall County; and
- (2) the County Court at Law No. 2 of Rockwall County.

(b) Sections 25.2012(c), (g), and (h), Government Code, are amended to read as follows:

(c) The district clerk serves as clerk of a county court at law except that the county clerk serves as clerk of a ~~the~~ county court at law in matters of mental health, the probate and criminal misdemeanor docket, and all civil matters in which a ~~the~~ county court at law does not have concurrent jurisdiction with a ~~the~~ district court.

(g) When administering a case for a ~~the~~ county court at law, the district clerk shall charge civil fees and court costs as if the case had been filed in a ~~the~~ district court. In a case of concurrent jurisdiction, the case shall be assigned to either a ~~the~~ district court or a ~~the~~ county court at law in accordance with local administrative rules established by the local administrative judge.

(h) The judge of a ~~the~~ county court at law shall appoint an official court reporter for the judge's court and shall set the official court reporter's annual salary, subject to approval by the county commissioners court. The official court reporter of a ~~the~~ county court at law shall take an oath or affirmation as an officer of the court. The official court reporter holds office at the pleasure of the judge ~~[of the court]~~ and shall be provided a private office in close proximity to the court. The official court reporter is entitled to all rights and benefits afforded all other county employees.

(c) The County Court at Law No. 2 of Rockwall County is created on September 1, 2019.

#### ARTICLE 3. MUNICIPAL COURTS

SECTION 3.01. (a) Section 30.00044(l), Government Code, is amended to read as follows:

(l) Sections ~~[Section]~~ 30.00007(b)(5) and 30.00009(c) and (d) do ~~[does]~~ not apply to this subchapter.

(b) Section 30.00044(l), Government Code, as amended by this section, applies to a clerk and other court personnel of the municipal court of record of the City of Lubbock employed on or after the effective date of this Act, regardless of whether the clerk or other personnel began employment before, on, or after the effective date of this Act.

#### ARTICLE 4. SENIOR DISTRICT JUDGES

SECTION 4.01. Section 832.101, Government Code, is amended to read as follows:

Sec. 832.101. INELIGIBILITY FOR MEMBERSHIP. A retiree who makes an election under Subchapter C of Chapter 74 ~~[or who is appointed under Subchapter C of Chapter 75]~~ may not rejoin the retirement system or receive credit in the retirement system for the period of an appointment or for any service performed under assignment.

SECTION 4.02. Section 836.006, Government Code, is amended to read as follows:

Sec. 836.006. DIVERSION OF MONEY PROHIBITED. Except as provided by Section ~~[Sections 840.101(b) and]~~ 840.305(c), no part of the money contributed to the retirement system under Section 840.102 ~~[or 840.104]~~ and no part of the contribution described by Section 840.103(b)(2) may be used for or diverted to any purpose other than the exclusive benefit of members, their beneficiaries, and annuitants of the retirement system.

SECTION 4.03. Section 837.101, Government Code, is amended to read as follows:

Sec. 837.101. JUDICIAL ASSIGNMENT. A retiree who makes an election under Subchapter C of Chapter 74 [~~or who is appointed under Subchapter C of Chapter 75~~] may not rejoin or receive credit in the retirement system for the period of an appointment or for any service performed under assignment.

#### ARTICLE 5. MASTERS AND MAGISTRATES

SECTION 5.01. Article 2.09, Code of Criminal Procedure, is amended to read as follows:

Art. 2.09. WHO ARE MAGISTRATES. Each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, or Tarrant County that give preference to criminal cases, the criminal law hearing officers for Harris County appointed under Subchapter L, Chapter 54, Government Code, the criminal law hearing officers for Cameron County appointed under Subchapter BB, Chapter 54, Government Code, the magistrates or associate judges appointed by the judges of the district courts of Lubbock County, Nolan County, or Webb County, the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the associate judges appointed by the judges of the district courts and the county courts at law that give preference to criminal cases in Jefferson County, the associate judges appointed by the judges of the district courts and the statutory county courts of Brazos County, Nueces County, or Williamson County, the magistrates appointed by the judges of the district courts and statutory county courts that give preference to criminal cases in Travis County, the criminal magistrates appointed by the Brazoria County Commissioners Court, the criminal magistrates appointed by the Burnet County Commissioners Court, the magistrates appointed by the El Paso Council of Judges, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the associate judges appointed by the judges of the statutory probate courts under Chapter 54A, Government Code, the associate judges appointed by the judge of a district court under Chapter 54A, Government Code, the magistrates appointed under Subchapter JJ, Chapter 54, Government Code, the magistrates appointed by the Collin County Commissioners Court, the magistrates appointed by the Fort Bend County Commissioners Court [~~as added by H.B. No. 2132, Acts of the 82nd Legislature, Regular Session, 2011~~], the justices of the peace, and the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

SECTION 5.02. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The Court of Criminal Appeals;
2. Courts of appeals;
3. The district courts;
4. The criminal district courts;

5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;

6. The county courts;

7. All county courts at law with criminal jurisdiction;

8. County criminal courts;

9. Justice courts;

10. Municipal courts; ~~and~~

11. The magistrates appointed by the judges of the district courts of Lubbock County; and

12. The magistrates appointed by the El Paso Council of Judges.

SECTION 5.03. Chapter 54, Government Code, is amended by adding Subchapter B to read as follows:

**SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS**

Sec. 54.101. APPOINTMENT. (a) The Commissioners Court of Bell County may select masters to serve the justice courts of Bell County having jurisdiction in truancy matters.

(b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each master position and shall determine whether the position is full-time or part-time.

(c) A master appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.102. JURISDICTION. A master appointed under this subchapter has concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct in accordance with Section 65.004, Family Code.

Sec. 54.103. POWERS AND DUTIES. (a) The Commissioners Court of Bell County shall establish the powers and duties of a master appointed under this subchapter.

(b) An order of referral may limit the use or power of a master.

(c) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(d) A master may administer oaths.

Sec. 54.104. JUDICIAL IMMUNITY. A master has the same judicial immunity as a district judge.

Sec. 54.105. TRAINING. A master appointed under this subchapter must successfully complete all training a justice of the peace is required to complete under state law.

Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an attorney, party, witness, or any other person fails to comply with a summons or order, the master may certify that failure in writing to the referring court for appropriate action.

Sec. 54.107. WITNESSES. (a) A witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37, Penal Code.

(b) A witness referred to the court under Section 54.106 is subject to the same penalties and orders that may be imposed on a witness appearing in a hearing before the court.

SECTION 5.04. Chapter 54, Government Code, is amended by adding Subchapter MM to read as follows:

SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

Sec. 54.2201. AUTHORIZATION; APPOINTMENT; TERMINATION; ELIMINATION. (a) The Commissioners Court of Collin County by majority vote may appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) An order appointing a magistrate must be signed by the county judge of Collin County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment begins.

(c) A magistrate may be terminated by a majority vote of the Commissioners Court of Collin County.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Collin County.

Sec. 54.2202. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

(2) have resided in Collin County for at least the four years preceding the person's appointment; and

(3) have been licensed to practice law in this state for at least four years.

(b) A magistrate appointed under Section 54.2201 must take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2203. COMPENSATION. A magistrate is entitled to the compensation set by the Commissioners Court of Collin County. The compensation shall be paid from the general fund of the county.

Sec. 54.2204. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2205. PROCEEDING THAT MAY BE REFERRED. (a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) If the magistrate is acting as an associate judge under Section 54.2216, the magistrate may hear any case referred under Section 54A.106.

(e) A magistrate may not preside over a criminal trial on the merits, regardless of whether the trial is before a jury.

(f) A magistrate may not hear any jury trial on the merits.

Sec. 54.2206. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge or justice of the peace must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2207. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

(8) swear witnesses for hearings;  
(9) make findings of fact on evidence;  
(10) formulate conclusions of law;  
(11) rule on a pretrial motion;  
(12) recommend the rulings, orders, or judgment to be made in a case;  
(13) regulate proceedings in a hearing;  
(14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;  
(15) select a jury;  
(16) accept a negotiated plea on a probation revocation;  
(17) conduct a contested probation revocation hearing;  
(18) sign a dismissal in a misdemeanor case;  
(19) enter an order of dismissal or non-suit on agreement of the parties in a civil case;

(20) in any case referred under Section 54.2205(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilt and impose or suspend the sentence; or

(B) defer adjudication of guilt;

(21) conduct initial juvenile detention hearings if approved by the juvenile board of Collin County; and

(22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section 12.45, Penal Code.

(c) Except as provided by Sections 54.2205(e) and (f), a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Sec. 54.2208. FORFEITURES. Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Sec. 54.2209. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Sec. 54.2210. CLERK. (a) The district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2211. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2212. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2213. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2214. COSTS OF MAGISTRATE. The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines the nonprevailing party is able to pay those costs, the court shall assess the magistrate's costs against the nonprevailing party.

Sec. 54.2215. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2216. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate appointed under this subchapter may act as a civil associate judge under Subchapter B, Chapter 54A. To the extent of any conflict with this subchapter, a magistrate acting as an associate judge shall comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.



SECTION 5.05. Chapter 54, Government Code, is amended by adding Subchapter NN to read as follows:

SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) The Commissioners Court of Kerr County may authorize the judges of the district and statutory county courts in Kerr County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Kerr County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Kerr County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Kerr County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Kerr County.

Sec. 54.2302. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

(2) have resided in Kerr County for at least the two years preceding the person's appointment; and

(3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.2301 must take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2303. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Kerr County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Kerr County as established by the annual budget of Kerr County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. The per-hour salary is determined by dividing the annual salary by a 2,000 work-hour year. The local administrative judge of the district courts serving Kerr County shall approve the number of hours for which a part-time magistrate is to be paid.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54.2304. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2305. TERMINATION OF EMPLOYMENT. (a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Kerr County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Kerr County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

(2) the final date of the magistrate's employment.

Sec. 54.2306. JURISDICTION; RESPONSIBILITY; POWERS. (a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Kerr County Juvenile Board.

(f) With the express authorization of a justice of the peace, a magistrate may exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) A magistrate may:

(1) issue notices of the setting of a case for a hearing;

(2) conduct hearings;

(3) compel production of evidence;

(4) hear evidence;

(5) issue summons for the appearance of witnesses;

(6) swear witnesses for hearings;

(7) regulate proceedings in a hearing; and

(8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Sec. 54.2307. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The Commissioners Court of Kerr County shall provide:

(1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and

(2) sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

SECTION 5.06. Chapter 54, Government Code, is amended by adding Subchapter OO to read as follows:

SUBCHAPTER OO. MAGISTRATES IN FORT BEND COUNTY

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; TERMINATION; ELIMINATION. (a) The Commissioners Court of Fort Bend County by majority vote may appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) An order appointing a magistrate must be signed by the county judge of Fort Bend County, and the order must state:

- (1) the magistrate's name; and
- (2) the date the magistrate's employment begins.

(c) A magistrate may be terminated by a majority vote of the Commissioners Court of Fort Bend County.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Fort Bend County.

Sec. 54.2402. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

- (1) be a citizen of the United States;
- (2) have resided in Fort Bend County for at least the four years preceding the person's appointment; and
- (3) have been licensed to practice law in this state for at least four years.

(b) A magistrate appointed under Section 54.2401 must take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2403. COMPENSATION. A magistrate is entitled to the compensation set by the Commissioners Court of Fort Bend County. The compensation shall be paid from the general fund of the county.

Sec. 54.2404. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2405. PROCEEDING THAT MAY BE REFERRED. (a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

- (1) a negotiated plea of guilty or no contest and sentencing before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
- (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
- (10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;
- (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary

and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) If the magistrate is acting as an associate judge under Section 54.2416, the magistrate may hear any case referred under Section 54A.106.

(e) A magistrate may not preside over a criminal trial on the merits, regardless of whether the trial is before a jury.

(f) A magistrate may not hear any jury trial on the merits.

Sec. 54.2406. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge or justice of the peace must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2407. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

(8) swear witnesses for hearings;

(9) make findings of fact on evidence;

(10) formulate conclusions of law;

(11) rule on a pretrial motion;

(12) recommend the rulings, orders, or judgment to be made in a case;

(13) regulate proceedings in a hearing;

(14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(15) select a jury;

(16) accept a negotiated plea on a probation revocation;

(17) conduct a contested probation revocation hearing;

(18) sign a dismissal in a misdemeanor case;

(19) enter an order of dismissal or nonsuit on agreement of the parties in a civil case;

(20) in any case referred under Section 54.2405(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilt and impose or suspend the sentence; or

(B) defer adjudication of guilt;

(21) conduct initial juvenile detention hearings if approved by the juvenile board of Fort Bend County; and

(22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section 12.45, Penal Code.

(c) Except as provided by Sections 54.2405(e) and (f), a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Sec. 54.2408. FORFEITURES. Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Sec. 54.2409. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Sec. 54.2410. CLERK. (a) The district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2411. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2412. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2413. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2414. COSTS OF MAGISTRATE. The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines the nonprevailing party is able to pay those costs, the court shall assess the magistrate's costs against the nonprevailing party.

Sec. 54.2415. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2416. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate appointed under this subchapter may act as a civil associate judge under Subchapter B, Chapter 54A. To the extent of any conflict with this subchapter, a magistrate acting as an associate judge shall comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

#### ARTICLE 6. DISTRICT AND COUNTY ATTORNEYS

SECTION 6.01. Section 43.105(a), Government Code, is amended to read as follows:

(a) The voters of Montgomery County elect a district attorney for the 9th Judicial District who represents the state in that district court only in that county. The district attorney also acts as district attorney for the 410th and 457th Judicial Districts [~~District in Montgomery County~~].

SECTION 6.02. Section 43.108, Government Code, is amended to read as follows:

Sec. 43.108. 21ST JUDICIAL DISTRICT. (a) The voters of Washington County [~~and Burleson counties~~] elect a district attorney for the 21st Judicial District who represents the state in that district court only in that county [~~those counties~~].

(b) The district attorney also represents the state and performs the duties of district attorney before the 335th District Court in Washington County [~~and Burleson counties~~].

SECTION 6.03. (a) Section 43.123, Government Code, is amended to read as follows:

Sec. 43.123. 38TH JUDICIAL DISTRICT. (a) The voters of the 38th Judicial District elect a district attorney.

(b) The district attorney of the 38th Judicial District also represents the state and performs the duties of the district attorney before the 454th Judicial District. This subsection expires January 1, 2021.

(b) Effective January 1, 2021, Section 44.001, Government Code, is amended to read as follows:

Sec. 44.001. ELECTION. The voters of each of the following counties elect a criminal district attorney: Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jackson, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum.

(c) Effective January 1, 2021, Subchapter B, Chapter 44, Government Code, is amended by adding Section 44.263 to read as follows:

Sec. 44.263. MEDINA COUNTY. (a) The criminal district attorney of Medina County must meet the following qualifications:

(1) be at least 30 years old;

(2) have been a practicing attorney in this state for at least five years; and

(3) have been a resident of Medina County for at least one year before

election or appointment.

(b) The criminal district attorney has all the powers, duties, and privileges in Medina County that are conferred by law on county and district attorneys in the various counties and districts.

(c) The criminal district attorney shall attend each term and session of the district and inferior courts of Medina County, except municipal courts, held for the transaction of criminal business and shall exclusively represent the state in all criminal matters before those courts.

(d) The criminal district attorney shall represent Medina County in any court in which the county has pending business. This subsection does not require the criminal district attorney to represent the county in a delinquent tax suit or condemnation proceeding and does not prevent the county from retaining other legal counsel in a civil matter at any time it considers appropriate.

(e) The criminal district attorney shall collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(f) The criminal district attorney is entitled to receive in equal monthly installments compensation from the state equal to the amount paid by the state to district attorneys. The state compensation shall be paid by the comptroller as appropriated by the legislature. The Commissioners Court of Medina County shall pay the criminal district attorney an additional amount so that the total compensation of the criminal district attorney equals at least 90 percent of the total salary paid to the judge of the 454th District Court in Medina County. The compensation paid by the county shall be paid in semiweekly or bimonthly installments, as determined by the commissioners court.

(g) The criminal district attorney or the Commissioners Court of Medina County may accept gifts and grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting effective prosecution, crime prevention or suppression, rehabilitation of offenders, substance abuse education, treatment and prevention, or crime victim assistance programs in Medina County. The criminal district attorney shall account for and report to the commissioners court all gifts or grants accepted under this subsection.

(h) The criminal district attorney, for the purpose of conducting affairs of the office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel that the commissioners court may authorize. The salary of a staff member is an amount recommended by the criminal district attorney and approved by the commissioners court. The commissioners court shall pay the salaries of the staff in equal semiweekly or bimonthly installments from county funds.

(i) The criminal district attorney shall, with the advice and consent of the commissioners court, designate one or more individuals to act as an assistant criminal district attorney with exclusive responsibility for assisting the commissioners court. An individual designated as an assistant criminal district attorney under this subsection must have extensive experience in representing public entities and knowledge of the laws affecting counties, including the open meetings and open records laws under Chapters 551 and 552.

(j) Medina County is entitled to receive from the state an amount equal to the amount provided in the General Appropriations Act to district attorneys for the payment of staff salaries and office expenses.

(k) The legislature may provide for additional staff members to be paid from state funds if it considers supplementation of the criminal district attorney's staff to be necessary.



(l) The criminal district attorney and assistant criminal district attorney may not engage in the private practice of law or receive a fee for the referral of a case.

(d) Effective January 1, 2021, the office of county attorney of Medina County is abolished.

(e) Notwithstanding Section 41.010, Government Code, the initial vacancy in the office of the criminal district attorney of Medina County shall be filled by election. The office of the criminal district attorney of Medina County exists for purposes of the primary and general elections in 2020. The qualified voters of Medina County shall elect the initial criminal district attorney of Medina County at the general election in 2020 for a four-year term of office.

(f) The criminal district attorney of Medina County retains all powers, duties, and privileges in Medina County that were previously held by the office of the district attorney of the 38th Judicial District and the office of the county attorney of Medina County, including all powers, duties, and privileges in all pending matters of the county and district attorney and all pending matters before any court.

SECTION 6.04. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.126 to read as follows:

Sec. 45.126. BURLESON COUNTY. In Burleson County, the county attorney of Burleson County shall perform the duties imposed on and have the powers conferred on district attorneys by general law and is entitled to be compensated by the state in the manner and amount set by general law relating to the salary paid to district attorneys by the state.

SECTION 6.05. Effective September 1, 2019, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Burleson, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 6.06. Effective January 1, 2021, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Burleson, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

SECTION 6.07. Effective January 1, 2025, Section 46.002, Government Code, is amended to read as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

(1) the district attorneys for Kenedy and Kleberg Counties and for the 1st, 2nd, 8th, 9th, 18th, 21st, 23rd, 24th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th, 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 79th, 81st, 83rd, 84th, 85th, 88th, 90th, 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th, 123rd, 132nd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th, 271st, 286th, 287th, 293rd, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th judicial districts;

(2) the criminal district attorneys for the counties of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell, Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland, Fannin, Galveston, Grayson, Gregg, Harrison, Hays,

Hidalgo, Jasper, Jefferson, Kaufman, Kendall, Lubbock, McLennan, Madison, Medina, Navarro, Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith, Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wichita, Wood, and Yoakum; and

(3) the county attorneys performing the duties of district attorneys in the counties of Andrews, Aransas, Burleson, Callahan, Cameron, Castro, Colorado, Crosby, Ellis, Falls, Freestone, Gonzales, Guadalupe, Lamar, Lamb, Lampasas, Lavaca, Lee, Limestone, Marion, Milam, Morris, Ochiltree, Oldham, Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb, and Willacy.

#### ARTICLE 7. COURT REPORTERS AND BAILIFFS

SECTION 7.01. Section 322.003, Business & Commerce Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as otherwise provided in Subsections [Subsection] (b) and (e), this chapter applies to electronic records and electronic signatures relating to a transaction.

(e) This chapter does not apply to the transmission, preparation, completion, enforceability, or admissibility of a document in any form that is:

(1) produced by a court reporter appointed under Chapter 52, Government Code, or a court reporter certified under or a shorthand reporting firm registered under Chapter 154, Government Code, for use in the state or federal judicial system; or

(2) governed by rules adopted by the supreme court, including rules governing the electronic filing system established by the supreme court.

SECTION 7.02. Subchapter B, Chapter 51, Civil Practice and Remedies Code, is amended by adding Section 51.017 to read as follows:

Sec. 51.017. SERVICE OF NOTICE ON COURT REPORTER. (a) In addition to requirements for service of notice of appeal imposed by Rule 25.1(e), Texas Rules of Appellate Procedure, notice of appeal, including an interlocutory appeal, must be served on each court reporter responsible for preparing the reporter's record.

(b) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

SECTION 7.03. Chapter 52, Government Code, is amended by adding Subchapter B to read as follows:

#### SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS

Sec. 52.011. PROVISION OF SIGNED CERTIFICATION. On request of a court reporter who reported a deposition, a court reporting firm shall provide the reporter with a copy of the document related to the deposition, known as the further certification, that the reporter has signed or to which the reporter's signature has been applied.

SECTION 7.04. Section 53.002(d), Government Code, is amended to read as follows:

(d) The judges of the 15th, ~~and~~ 59th, and 397th district courts and the judges of the statutory county courts in Grayson County may each appoint a bailiff.

SECTION 7.05. Section 53.004(c), Government Code, is amended to read as follows:

(c) A bailiff in the 15th, ~~or~~ 59th, or 397th district court or a statutory county court in Grayson County must be a citizen of the United States ~~[and a resident of Grayson County]~~.

SECTION 7.06. Section 53.009(g), Government Code, is amended to read as follows:

(g) Each bailiff appointed by a judge of the 15th, ~~or~~ 59th, or 397th district court or appointed by a statutory county court judge in Grayson County is entitled to receive from the county a salary set by the judge ~~[equal to the salary of a jailer employed by the Grayson County sheriff].~~

SECTION 7.07. Section 154.001(a), Government Code, is amended by adding Subdivisions (1-a) and (3-a) to read as follows:

(1-a) "Apprentice court reporter" means a person to whom an apprentice court reporter certification is issued as authorized by Section 154.1011.

(3-a) "Provisional court reporter" means a court reporter to whom a provisional certification is issued as authorized by Section 154.1011.

SECTION 7.08. Sections 154.101(b), (c), and (e), Government Code, are amended to read as follows:

(b) A person may not engage in shorthand reporting in this state unless the person is certified as:

(1) a shorthand reporter by the supreme court under this section; or

(2) an apprentice court reporter or provisional court reporter certified as authorized by Section 154.1011, subject to the terms of the person's certification.

(c) A certification issued under this section ~~[chapter]~~ must be for one or more of the following methods of shorthand reporting:

(1) written shorthand;

(2) machine shorthand;

(3) oral stenography; or

(4) any other method of shorthand reporting authorized by the supreme court.

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the supreme court.

SECTION 7.09. (a) Subchapter C, Chapter 154, Government Code, is amended by adding Sections 154.1011 and 154.1012 to read as follows:

Sec. 154.1011. APPRENTICE COURT REPORTER AND PROVISIONAL COURT REPORTER CERTIFICATIONS. (a) Subject to Section 152.101, the commission by rule may provide for:

(1) the certification of an apprentice court reporter who may engage in court reporting only:

(A) under the direct supervision of a certified court reporter; and

(B) for the types of legal proceedings authorized by commission rule;

and

(2) the provisional certification of a court reporter, including a court reporter described by Section 154.1012(f), that allows a person to engage in court reporting only in accordance with the terms and for the period expressly authorized by commission rule.

(b) Rules adopted under Subsection (a) may allow for the issuance of a certification under Section 154.101 to:

(1) a certified apprentice court reporter who satisfactorily completes the apprenticeship and passes Part A of the examination required by Section 154.103; or

(2) a court reporter who holds a provisional certification on the reporter's completion of the terms of the commission's conditional approval.

Sec. 154.1012. RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a court reporter certification or a shorthand reporting firm registration for an applicant after reviewing the applicant's credentials and determining the applicant holds a certification, registration, or license issued by another jurisdiction that has certification, registration, or licensing requirements substantially equivalent to those of this state.

(b) The commission shall develop and periodically update on a schedule established by the commission a list of states that have certification, registration, or licensing requirements for court reporters and shorthand reporting firms substantially equivalent to those of this state.

(c) The commission shall certify to the supreme court the name of each qualified applicant who:

(1) holds a certification, registration, or license to engage in court reporting issued by another state that, as determined by the commission:

(A) has certification, registration, or licensing requirements to engage in court reporting that are substantially equivalent to the requirements of this state for a court reporter governed by this chapter and Chapter 52; or

(B) is included on the list developed by the commission under Subsection (b); and

(2) before certification in this state:

(A) passes Part B of the examination required by Section 154.103; and

(B) provides proof acceptable to the commission that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years.

(d) A reciprocity agreement approved by the supreme court under Section 152.202(b) must require an applicant who holds a certification, registration, or license to engage in court reporting issued by another state and who applies for certification as a court reporter in this state to:

(1) pass Part B of the examination required by Section 154.103;

(2) provide proof acceptable to the commission that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years; and

(3) hold a certification, registration, or license that the commission determines is at least equivalent to the registered professional reporter designation or similar designation.

(e) A person who applies for certification as a court reporter in this state and meets the requirements under Subsection (c) is not required to meet the requirement under Subsection (d)(3).

(f) Subject to Section 152.101, the commission may adopt rules requiring the issuance of a provisional certification under Section 154.1011 to an applicant described by Subsection (c) or (d) that authorizes the applicant to serve as a court reporter in this state for a limited time and under conditions the commission considers reasonably necessary to protect the public interest.

(b) In developing rules under Section 154.1011, Government Code, as added by this section, the Judicial Branch Certification Commission shall:

(1) establish a stakeholder work group to receive input; and

(2) solicit comments from the Texas Court Reporters Association, the Texas Deposition Reporters Association, court reporting schools, and other interested parties.

(c) Not later than June 1, 2020, the Judicial Branch Certification Commission shall develop the list required by Section 154.1012(b), Government Code, as added by this section.

(d) Not later than January 1, 2020, the Judicial Branch Certification Commission shall communicate with the appropriate regulatory officials in each state to inquire whether the state desires to enter into a reciprocity agreement with this state as authorized by Section 152.202(b), Government Code. Not later than April 1, 2020, the commission shall submit a report on the results of the inquiry to the Texas Supreme Court or the court's designee.

SECTION 7.10. Section 154.102, Government Code, is amended to read as follows:

Sec. 154.102. APPLICATION FOR EXAMINATION. If applicable, a [A] person seeking certification must file an application for examination with the commission not later than the 30th day before the date fixed for the examination. The application must be accompanied by the required fee.

SECTION 7.11. Section 154.104, Government Code, is amended to read as follows:

Sec. 154.104. CERTIFICATION TO SUPREME COURT. (a) The commission shall certify to the supreme court the name of each qualified applicant for certification under Section 154.101 who has passed the examination.

(b) The commission shall certify to the supreme court the name of each applicant who meets the qualifications for certification as:

(1) an apprentice court reporter; or

(2) a provisional court reporter.

SECTION 7.12. Section 154.105(a), Government Code, is amended to read as follows:

(a) On certification under Section 154.101 or as a provisional court reporter, a shorthand reporter may use the title "Certified Shorthand Reporter" or the abbreviation "CSR."

SECTION 7.13. Section 154.107, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Section 152.2015 and Subsection (c) of this section, a shorthand reporting firm shall pay a registration or renewal fee in an amount equal to the fee for court reporter certification under Section 154.101 in lieu of the fee required for a shorthand reporting firm registration if a certified court reporter of the firm:

- (1) has an ownership interest in the firm of more than 50 percent; and
- (2) maintains actual control of the firm.

SECTION 7.14. Subchapter C, Chapter 154, Government Code, is amended by adding Section 154.108 to read as follows:

Sec. 154.108. CONTINUING EDUCATION. Subject to Section 152.101, the commission by rule shall require each court reporter who holds a certification issued by the commission and at least one person who has management responsibility for a shorthand reporting firm registered in this state to complete continuing professional education.

SECTION 7.15. Section 154.110(a), Government Code, is amended to read as follows:

(a) After receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153, the commission shall revoke, suspend, or refuse to renew the shorthand reporter's certification or issue a reprimand to the reporter for:

- (1) fraud or corruption;
- (2) dishonesty;
- (3) wilful or negligent violation or failure of duty;
- (4) incompetence;
- (5) fraud or misrepresentation in obtaining certification;
- (6) a final conviction of a felony or misdemeanor that directly relates to the duties and responsibilities of a certified shorthand reporter, as determined by supreme court rules;
- (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
- (8) engaging in the practice of shorthand reporting while certification is suspended;
- (9) unprofessional conduct, including giving directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;
- (10) entering into or providing services under a prohibited contract described by Section 154.115; or
- (11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle~~]; or~~

~~[(12) other sufficient cause].~~

SECTION 7.16. (a) Section 154.111, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (g) to read as follows:

(a) After receiving a complaint and giving the shorthand reporting firm or affiliate office notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153, the commission shall reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:

(1) fraud or corruption;

(2) dishonesty;

(3) conduct on the part of an officer, director, or managerial employee of the shorthand reporting firm or affiliate office if the officer, director, or managerial employee orders, encourages, or permits conduct that the officer, director, or managerial employee knows or should have known violates this subtitle;

(4) conduct on the part of an officer, director, or managerial employee or agent of the shorthand reporting firm or affiliate office who has direct supervisory authority over a person for whom the officer, director, employee, or agent knows or should have known violated this subtitle and knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the person's actions;

(5) fraud or misrepresentation in obtaining registration;

(6) a final conviction of an officer, director, or managerial employee of a shorthand reporting firm or affiliate office for a felony or misdemeanor that is directly related to the provision of court reporting services, as determined by supreme court rules;

(7) engaging the services of a reporter that the shorthand reporting firm or affiliate office knew or should have known was using a method for which the reporter is not certified;

(8) knowingly providing court reporting services while the shorthand reporting firm's or affiliate office's registration is suspended or engaging the services of a shorthand reporter whose certification the shorthand reporting firm or affiliate office knew or should have known was suspended;

(9) unprofessional conduct, including:

(A) ~~[a pattern of]~~ giving directly or indirectly or benefiting from or being employed as a result of giving any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year; or

(B) repeatedly committing to provide at a specific time and location court reporting services for an attorney in connection with a legal proceeding and unreasonably failing to fulfill the commitment under the terms of that commitment;

(10) entering into or providing services under a prohibited contract described by Section 154.115; or

(11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle; ~~or~~

~~[(12) other sufficient cause].~~

(b) Nothing in Subsection (a)(9)(A) ~~[(a)(9)]~~ shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.



(g) The commission by rule shall define the conditions under which a shorthand reporting firm's or affiliate office's repeated failure to fulfill a commitment to provide court reporting services as described by Subsection (a)(9)(B) is considered unprofessional conduct and grounds for disciplinary action.

(b) In developing rules under Section 154.111(g), Government Code, as added by this section, the Judicial Branch Certification Commission shall:

(1) establish a stakeholder work group to receive input; and

(2) solicit comments from the Texas Court Reporters Association, the Texas Deposition Reporters Association, court reporting schools, and other interested parties.

SECTION 7.17. Section 154.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person commits an offense if the person provides shorthand reporting firm services in this state in violation of Section 154.106. Each day of violation constitutes a separate offense.

SECTION 7.18. Section 154.115(b), Government Code, is amended to read as follows:

(b) Subsections (a)(2) and (3) do ~~[This section does]~~ not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state.

#### ARTICLE 8. JUVENILE BOARDS

SECTION 8.01. Section 152.0941, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Sections 152.0002, 152.0004, and 152.0005~~[, 152.0006, 152.0007, and 152.0008]~~ do not apply to the juvenile board of Goliad County.

(d) The juvenile board of Goliad County and the juvenile boards of one or more counties that are adjacent to or in close proximity to Goliad County may agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Juvenile boards operating together may appoint one fiscal officer to receive and disburse funds for the boards.

SECTION 8.02. Section 152.0991(a), Human Resources Code, is amended to read as follows:

(a) The juvenile board of Grimes County is composed of the county judge, ~~[and]~~ the district judges in Grimes County, and the judge of each county court at law in the county.

SECTION 8.03. Section 152.2411, Human Resources Code, is amended by amending Subsections (b) and (f) and adding Subsection (g) to read as follows:

(b) The juvenile board shall elect one of its members as ~~[court judge is the]~~ chairman of the board [and its chief administrative officer].

(f) Sections 152.0002, 152.0004, and 152.0005~~[, 152.0006, 152.0007, and 152.0008]~~ do not apply to the juvenile board of Victoria County.

(g) The juvenile board of Victoria County and the juvenile boards of one or more counties that are adjacent to or in close proximity to Victoria County may agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Juvenile boards operating together may appoint one fiscal officer to receive and disburse funds for the boards.

ARTICLE 9. THE OFFICE OF COURT ADMINISTRATION OF THE TEXAS  
JUDICIAL SYSTEM

SECTION 9.01. (a) Section 22A.002(d), Government Code, is amended to read as follows:

(d) The ~~comptroller [Office of Court Administration of the Texas Judicial System]~~ shall pay from funds appropriated to the comptroller's judiciary section the travel expenses and other incidental costs related to convening a special three-judge district court under this chapter.

(b) The change in law made by this section applies only to a travel expense or other incidental cost incurred on or after the effective date of this Act. A travel expense or other incidental cost incurred before the effective date of this Act is governed by the law in effect on the date the travel expense or other incidental cost was incurred, and the former law is continued in effect for that purpose.

SECTION 9.02. (a) Sections 51.607(a) and (b), Government Code, are amended to read as follows:

(a) Following each regular session of the legislature, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ shall identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of a court cost or fee collected by the clerk of a district, county, statutory county, municipal, or justice court from a party to a civil case or a defendant in a criminal case, including a filing or docketing fee, jury fee, cost on conviction, or fee or charge for services or to cover the expenses of a public official or agency. This subsection does not apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case, including restitution or damages.

(b) The Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ shall prepare a list of each court cost or fee covered by Subsection (a) to be imposed or changed and shall publish the list in the Texas Register not later than August 1 after the end of the regular session of the legislature at which the law imposing or changing the amount of the cost or fee was enacted. The office ~~[comptroller]~~ shall include with the list a statement describing the operation of this section and stating the date the imposition or change in the amount of the court cost or fee will take effect under Subsection (c).

(b) The change in law made by this section applies only to a law imposing or changing the amount of a court cost or fee that takes effect on or after the effective date of this Act.

SECTION 9.03. Subchapter C, Chapter 72, Government Code, is amended by adding Sections 72.033 and 72.034 to read as follows:

Sec. 72.033. LIST OF NEW OR AMENDED COURT COSTS AND FEES.  
The office biennially shall prepare and publish a list of new or amended court costs and fees as required by Section 51.607.

Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE. (a) In this section:

(1) "Public information" means citation, other related public or legal notice that a person, including a party to a cause of action, is required to publish under a statute or rule, and any other information that the person submits for publication on the public information Internet website to effectuate service of citation by publication.

(2) "Public information Internet website" means the official statewide Internet website developed and maintained by the office under this section for the purpose of providing citation by publication.

(b) The office shall develop and maintain a public information Internet website that allows a person to easily publish public information on the Internet website or the office to post public information on the Internet website on receipt from the person.

(c) The public information Internet website shall allow the public to easily access, search, and sort the public information.

(d) The supreme court by rule shall establish procedures for the submission of public information to the public information Internet website by a person who is required to publish the information.

SECTION 9.04. (a) The Texas Supreme Court shall adopt the rules necessary to implement Section 72.034, Government Code, as added by this article, not later than June 1, 2020.

(b) The Office of Court Administration of the Texas Judicial System shall develop the public information Internet website for the purposes of providing citation by publication as required by Section 72.034, Government Code, as added by this article, not later than June 1, 2020.

SECTION 9.05. Section 121.002, Government Code, is amended by amending Subsections (c) and (d) and adding Subsections (f) and (g) to read as follows:

(c) Notwithstanding any other law, a specialty court program may not operate until the judge, magistrate, or coordinator:

(1) provides to the Office of Court Administration of the Texas Judicial System ~~criminal justice division of the governor's office~~:

(A) written notice of the program;

(B) any resolution or other official declaration under which the program was established; and

(C) a copy of the applicable strategic plan that incorporates duties related to supervision that will be required under the program; and

(2) receives from the office ~~division~~ written verification of the program's compliance with Subdivision (1).

(d) A specialty court program shall:

(1) comply with all programmatic best practices recommended by the Specialty Courts Advisory Council under Section 772.0061(b)(2) and approved by the Texas Judicial Council; and

(2) report to the criminal justice division of the governor's office and the Texas Judicial Council any information required by the division or council regarding the performance of the program.

(f) The Office of Court Administration of the Texas Judicial System shall:

(1) on request provide technical assistance to the specialty court programs;

(2) coordinate with an entity funded by the criminal justice division of the governor's office that provides services to specialty courts;

(3) monitor the specialty court programs for compliance with programmatic best practices as required by Subsection (d); and

(4) notify the criminal justice division of the governor's office if a specialty court program fails to comply with programmatic best practices as required by Subsection (d).

(g) The Office of Court Administration of the Texas Judicial System shall coordinate with and provide information to the criminal justice division of the governor's office on request of the division.

SECTION 9.06. (a) The Office of Court Administration of the Texas Judicial System shall contract with the National Center for State Courts to conduct a study of the caseloads of the district and statutory county courts in this state. The study must concentrate on the weighted caseload of each court, considering the nature and complexity of the cases heard.

(b) Not later than December 1, 2020, the National Center for State Courts shall report the results of the study required by Subsection (a) of this section to the Office of Court Administration of the Texas Judicial System. Not later than January 1, 2021, the office shall file a report on those results with the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing committees of the senate and house of representatives with jurisdiction over the judicial system.

#### ARTICLE 10. ELECTRONIC PUBLICATION, SERVICE, AND DISPLAY OF LEGAL DOCUMENTS

SECTION 10.01. Sections 9.160(a), (b), and (c), Business Organizations Code, are amended to read as follows:

(a) Except as provided by Section 17.032, Civil Practice and Remedies Code, if [H] process in an action under this subchapter is returned not found, the attorney general shall publish notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper in the county in which the registered office of the foreign filing entity in this state is located. The notice must contain:

- (1) a statement of the pendency of the action;
- (2) the title of the court;
- (3) the title of the action; and
- (4) the earliest date on which default judgment may be entered by the court.

(b) Notice under this section must be published on the public information Internet website for at least two consecutive weeks and in a newspaper at least once a week for two consecutive weeks. Notice may be published [beginning] at any time after the citation has been returned.

(c) The attorney general may include in a [one] published notice the name of each foreign filing entity against which an action for involuntary revocation is pending in the same court.

SECTION 10.02. Sections 11.310(a) and (b), Business Organizations Code, are amended to read as follows:

(a) Except as provided by Section 17.032, Civil Practice and Remedies Code, if [H] process in an action under this subchapter is returned not found, the attorney general shall publish notice on the public information Internet website maintained as

required by Section 72.034, Government Code, and in a newspaper in the county in which the registered office of the filing entity in this state is located. The notice must contain:

- (1) a statement of the pendency of the action;
- (2) the title of the court;
- (3) the title of the action; and
- (4) the earliest date on which default judgment may be entered by the court.

(b) Notice under this section must be published on the public information Internet website for at least two consecutive weeks and in a newspaper at least once a week for two consecutive weeks. Notice may be published [beginning] at any time after the citation has been returned.

SECTION 10.03. Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.032 to read as follows:

Sec. 17.032. CITATION BY PUBLICATION. (a) Notwithstanding any statute or rule requiring a person to publish citation or notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation, the person may publish the citation or notice only on the public information Internet website if:

(1) the person files a statement of inability to afford payment of court costs under the Texas Rules of Civil Procedure;

(2) the total cost of the required publication exceeds the greater of \$200 each week or the amount set by the supreme court under Subsection (b); or

(3) the county in which the publication of the citation or notice is required does not have any newspaper published, printed, or generally circulated in the county.

(b) The supreme court shall adjust for inflation the maximum amount of publication costs established in Subsection (a)(2).

SECTION 10.04. (a) Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.033 to read as follows:

Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA PRESENCE. (a) If substituted service of citation is authorized under the Texas Rules of Civil Procedure, the court, in accordance with the rules adopted by the supreme court under Subsection (b), may prescribe as a method of service an electronic communication sent to the defendant through a social media presence.

(b) The supreme court shall adopt rules to provide for the substituted service of citation by an electronic communication sent to a defendant through a social media presence.

(b) The Texas Supreme Court shall adopt rules under Section 17.033, Civil Practice and Remedies Code, as added by this section, not later than December 31, 2020.

(c) Section 17.033, Civil Practice and Remedies Code, as added by this section, applies only to an action commenced on or after the effective date of the rules adopted by the Supreme Court of Texas under that section.

SECTION 10.05. Sections 51.054(a) and (b), Estates Code, are amended to read as follows:

(a) Except as provided by Section 17.032, Civil Practice and Remedies Code, citation [Citation] or notice to a person to be served by publication shall be published one time on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation in the county in which the proceeding is pending. The publication must be made at least 10 days before the return day of the service, excluding the date of publication.

(b) The date of service of citation or notice by publication is the earlier of:

(1) the date the citation or notice is published on the public information Internet website under Subsection (a); or

(2) the date of publication printed on the newspaper in which the citation or notice is published.

SECTION 10.06. Section 51.103(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

(1) if the service is made by a sheriff or constable, the return of service;

(2) if the service is made by a private person, the person's affidavit;

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate or affidavit, as applicable, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

(A) an affidavit:

(i) made by the Office of Court Administration of the Texas Judicial System or an employee of the office;

(ii) that contains or to which is attached a copy of the published citation or notice; and

(iii) that states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code; and

(B) ~~an affidavit:~~

(i) ~~(A)~~ made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;

(ii) ~~(B)~~ that contains or to which is attached a copy of the published citation or notice; and

(iii) ~~(C)~~ that states the date of publication printed on the newspaper in which the citation or notice was published.

SECTION 10.07. Sections 1051.054(a) and (b), Estates Code, are amended to read as follows:

(a) Except as provided by Section 17.032, Civil Practice and Remedies Code, citation [Citation] or notice to a person to be served by publication shall be published one time on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation in the county in which the proceeding is pending. The publication must be made at least 10 days before the return day of the citation or notice, excluding the date of publication.

(b) The date of service of citation or notice by publication is the earlier of:

(1) the date the citation or notice is published on the public information Internet website under Subsection (a); or

(2) the date of publication printed on the newspaper in which the citation or notice is published.

SECTION 10.08. Section 1051.153(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

(1) if the service is made by a sheriff or constable, the return of service;

(2) if the service is made by a private person, the person's affidavit;

(3) if the service is made by mail:

(A) the certificate of the county clerk making the service, or the affidavit of the guardian or other person making the service that states that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

(A) an affidavit that:

(i) is made by the Office of Court Administration of the Texas Judicial System or an employee of the office;

(ii) contains or to which is attached a copy of the published citation or notice; and

(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code; and

(B)[7] an affidavit that:

(i) [(A)] is made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;

(ii) [(B)] contains or to which is attached a copy of the published citation or notice; and

(iii) [(C)] states the date of publication printed on the newspaper in which the citation or notice was published.

SECTION 10.09. Section 3.305, Family Code, is amended to read as follows:

Sec. 3.305. CITATION BY PUBLICATION. (a) Except as provided by Section 17.032, Civil Practice and Remedies Code, if [H] the residence of the respondent, other than a respondent reported to be a prisoner of war or missing on public service, is unknown, citation shall be published on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation published in the county in which the petition was filed. [If that county has no newspaper of general circulation, citation shall be published in a newspaper of general circulation in an adjacent county or in the nearest county in which a newspaper of general circulation is published.]

(b) The notice shall be published on the public information Internet website for at least two consecutive weeks before the hearing and in a newspaper once a week for two consecutive weeks before the hearing. Neither [5, but the first] notice may [not] be initially published after the 20th day before the date set for the hearing.

SECTION 10.10. Sections 102.010(a), (b), and (e), Family Code, are amended to read as follows:

(a) Except as provided by Section 17.032, Civil Practice and Remedies Code, citation [Citation] may be served [by publication as in other civil cases] to persons entitled to service of citation who cannot be notified by personal service or registered or certified mail and to persons whose names are unknown by publication on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation published in the county in which the petition was filed.

(b) Citation by publication shall be published not later than the 20th day before the date set for the hearing [one time]. [If the name of a person entitled to service of citation is unknown, the notice to be published shall be addressed to "All Whom It May Concern."] One or more causes to be heard on a certain day may be included in one notice and hearings may be continued from time to time without further notice.

(e) In a suit filed under Chapter 161 or 262 in which the last name of the respondent is unknown, the court may order substituted service of citation by publication, including publication by posting the citation at the courthouse door for a specified time, if the court finds and states in its order that the method of substituted service is as likely as citation by publication on the public information Internet website maintained as required by Section 72.034, Government Code, or in a newspaper in the manner described by Subsection (b) to give the respondent actual notice of the suit. If the court orders that citation by publication shall be completed by posting the citation at the courthouse door for a specified time, service must be completed on, and the answer date is computed from, the expiration date of the posting period. If the court orders another method of substituted service of citation by publication, service shall be completed as directed by the court.

SECTION 10.11. Effective September 1, 2019, Subchapter D, Chapter 51, Government Code, is amended by adding Section 51.3032 to read as follows:

Sec. 51.3032. ELECTRONIC DISPLAY OF OFFICIAL AND LEGAL NOTICES BY DISTRICT CLERK. A district clerk may post an official and legal notice by electronic display, instead of posting a physical document, in the manner provided for a county clerk by Section 82.051, Local Government Code.

SECTION 10.12. Section 715.006(c), Health and Safety Code, is amended to read as follows:

(c) Except as provided by Section 17.032, Civil Practice and Remedies Code, if [H] the address or identity of a plot owner is not known and cannot be ascertained with reasonable diligence, service by publication shall be made on the plot owner by publishing notice on the public information Internet website maintained as required by Section 72.034, Government Code, and at least three times in a newspaper of general circulation in the county in which the cemetery is located. [If there is not a newspaper of general circulation in the county in which the cemetery is located, the notice may be published in a newspaper of general circulation in an adjoining county.]

SECTION 10.13. Except as otherwise provided by this article, this article takes effect June 1, 2020.



## ARTICLE 11. NOTARIZATION REQUIREMENTS

SECTION 11.01. Section 31.008(d), Family Code, is amended to read as follows:

(d) The ~~Notwithstanding Section 132.001, Civil Practice and Remedies Code, the~~ waiver must be sworn before a notary public who is not an attorney in the suit or conform to the requirements for an unsworn declaration under Section 132.001, Civil Practice and Remedies Code. This subsection does not apply if the party executing the waiver is incarcerated.

SECTION 11.02. Section 45.107(d), Family Code, is amended to read as follows:

(d) The ~~Notwithstanding Section 132.001, Civil Practice and Remedies Code, the~~ waiver must be sworn before a notary public who is not an attorney in the suit or conform to the requirements for an unsworn declaration under Section 132.001, Civil Practice and Remedies Code. This subsection does not apply if the party executing the waiver is incarcerated.

## ARTICLE 12. COURT GRANT PROGRAMS

SECTION 12.01. (a) Section 22.017, Government Code, is amended to read as follows:

Sec. 22.017. GRANTS BY COMMISSIONS ESTABLISHED BY SUPREME COURT ~~[FOR CHILD PROTECTION]~~. (a) In this section:

(1) [;] "Children's commission" means the Permanent Judicial Commission for Children, Youth and Families established by the supreme court.

(2) "Mental health commission" means the Texas Judicial Commission on Mental Health established by the supreme court.

(b) The children's commission shall develop and administer a program to provide grants from available funds for initiatives that will:

(1) improve well-being, safety, and permanency outcomes in child protection cases; or

(2) [;] enhance due process for the parties[;] or ~~increase~~ the timeliness of resolution in ~~[child protection]~~ cases involving the welfare of a child.

(c) The children's commission may develop and administer a program to provide grants from available funds for:

(1) initiatives designed to prevent or minimize the involvement of children in the juvenile justice system or promote the rehabilitation of children involved in the juvenile justice system; and

(2) any other initiatives identified by the children's commission or the supreme court to improve the administration of justice for children.

(d) To be eligible for a grant administered by the children's commission under this section, a prospective recipient must:

(1) use the grant money to:

(A) improve well-being, safety, or permanency outcomes in child protection cases;

(B) [;] enhance due process for the parties or the ~~[; or increase]~~ timeliness of resolution in ~~[child protection]~~ cases involving the welfare of a child;

(C) prevent or minimize the involvement of children in the juvenile justice system or promote the rehabilitation of children involved in the juvenile justice system; or

(D) accomplish any other initiatives identified by the children's commission or the supreme court to improve the administration of justice for children; and

(2) apply for the grant in accordance with procedures developed by the children's commission and comply with any other requirements of the supreme court.

(e) The mental health commission may develop and administer a program to provide grants from available funds for initiatives that will improve the administration of justice for individuals with mental health needs or an intellectual or developmental disability.

(f) To be eligible for a grant administered by the mental health commission under this section, a prospective recipient must:

(1) use the grant money to improve the administration of justice for individuals with mental health needs or an intellectual or developmental disability; and

(2) apply for the grant in accordance with procedures developed by the mental health commission and comply with any other requirements of the supreme court.

(g) ~~(d)~~ If the children's commission or the mental health commission awards a grant under this section, the commission administering the grant shall:

- (1) direct the comptroller to distribute the grant money; and
- (2) monitor the use of the grant money.

(h) ~~(e)~~ The children's commission and the mental health commission may accept gifts, grants, and donations for purposes of this section. ~~[The commission may not use state funds to provide a grant under this section or to administer the grant program.]~~

(b) As soon as practicable after September 1, 2019, the Texas Supreme Court shall establish the Texas Judicial Commission on Mental Health.

#### ARTICLE 13. REPEALERS AND TRANSITIONS

SECTION 13.01. The following provisions of the Estates Code are repealed:

- (1) Section 51.054(c); and
- (2) Section 1051.054(c).

SECTION 13.02. The following provisions of the Government Code are repealed:

- (1) Section 25.1312(b-1);
- (2) Section 43.111(c);
- (3) Subchapter C, Chapter 75;
- (4) Section 832.001(b);
- (5) Section 835.103;
- (6) Section 837.001(b); and
- (7) Section 840.104.

SECTION 13.03. The Office of Court Administration of the Texas Judicial System is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not

appropriate money specifically for that purpose, the office may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

#### ARTICLE 14. EFFECTIVE DATE

SECTION 14.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

#### Floor Amendment No. 1

Amend **CSSB 891** (house committee printing) as follows:

(1) On page 31, strike lines 6 through 15 and substitute the following:

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) The Commissioners Court of Fort Bend County may authorize the judges of the district and statutory county courts in Fort Bend County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Fort Bend County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Fort Bend County.

(c) An order appointing a magistrate must be signed by the local administrative judge and must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(2) Strike page 46, line 13 through page 47, line 15.

(3) On page 49, line 14, between "judge" and "~~equal~~", insert "within the budget guidelines established by the Commissioners Court of Grayson County".

(4) On page 51, lines 23 and 24, strike "or a shorthand reporting firm registration".

(5) On page 52, line 6, strike "and shorthand reporting firms".

(6) Strike "registration," in each of the following places it appears:

(A) page 51, lines 26 and 27;

(B) page 52, lines 5, 10, and 13; and

(C) page 53, lines 1 and 10.

(7) On page 60, line 5, strike "154.115(b)" and substitute "154.115".

(8) On page 60 between lines 6 and 7, insert the following:

Sec. 154.115. PROHIBITED CONTRACTS. (a) A court reporter or shorthand reporting firm may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

(1) undermines the impartiality of the court reporter;

(2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;

(3) requires a court reporter to provide any service not made available to all parties to an action; ~~or~~

(4) gives or appears to give an exclusive advantage to any party; or

(5) restricts an attorney's choice in the selection of a court reporter or shorthand reporting firm.

(9) On page 65, line 22, strike "courts" and substitute "court programs".

(10) On page 65, line 25, strike "(d)" and substitute "(d)(1)".

(11) On page 66, line 1, strike "(d)" and substitute "(d)(1)".

(12) Add the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumber subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2. \_\_\_\_\_. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court:

(A) in family law cases and proceedings;

(B) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(C) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;  
and

(D) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. Appeals from justice courts and other courts of inferior jurisdiction in Reeves County must be made directly to a county court at law.

(c) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections.

(e) A [The] judge of a county court at law in Reeves County shall be paid an annual salary equal to the amount that is \$1,000 less than [that does not exceed 90 percent of] the [total] salary paid by the state to a district judge in the county. The salary shall be paid in the same manner and from the same fund as prescribed by law

~~for the county judge [out of the county treasury on order of the commissioners court. The judge is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance].~~

(f) A county court at law may not issue writs of habeas corpus in felony cases.

(g) The district clerk serves as clerk of a county court at law in the [family law] cases described by Subsection (a). The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases described by Subsections (a)(1)(A) and (2) and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases [and proceedings, and the county clerk serves as clerk of the court in all other matters].

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of 6 members unless the constitution requires a 12-member jury. Failure to object before a 6-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(i) If any cause or proceeding is lodged with the district clerk and the district clerk files, docket, or assigns the cause or proceeding in or to a county court at law that does not have subject matter jurisdiction over the cause or proceeding, the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error. That clerical error must be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to the county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment [Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts. If a family law case is tried before a jury, the jury shall be composed of 12 members].

(13) Add the following appropriately numbered SECTION to ARTICLE 8 of the bill and renumber SECTIONS of that ARTICLE accordingly:

SECTION 8.\_\_\_\_. Section 152.0811, Human Resources Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (d) to read as follows:

(a) The juvenile board of Fayette County is composed of:

(1) the county judge;

(2) ~~and~~ the judge of each ~~a~~ district court in Fayette County;

(3) the judge of each statutory county court in Fayette County; and

(4) a public member only if the total number of board members described by Subdivisions (1)-(3) is fewer than three or is an even number ~~[as determined by the commissioners court].~~

(a-1) A public member who serves on the board must be appointed by a majority of the other members of the board. The public member serves a two-year term.

(b) The commissioners court may pay the juvenile board members [~~additional annual~~] compensation of [~~not more than~~] \$1,200 annually for the [~~added~~] duties imposed on the members. The [~~additional~~] compensation shall be paid in equal monthly installments from the general fund or any other available fund of the county.

(d) The board member who has the greatest number of years of judicial service and is willing to serve is the chair of the board.

(14) Add the following appropriately numbered subdivision to SECTION 13.02 of the bill (page 79, between lines 26 and 27) and renumber subsequent subdivisions of that SECTION accordingly:

( ) Section 25.1972(k);

(15) Add the following appropriately numbered SECTIONS to ARTICLE 13 of the bill and renumber SECTIONS of that ARTICLE accordingly:

SECTION 13.\_\_\_\_. The following provisions of the Code of Criminal Procedure are repealed:

(1) Article 103.003(b-1); and

(2) Article 103.0033.

SECTION 13.\_\_\_\_. The following provisions of the Local Government Code are repealed:

(1) Section 133.058(e); and

(2) Section 133.103(c-1).

(16) Insert the following appropriately numbered ARTICLES and SECTIONS to the bill and renumber subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . CASES BROUGHT BY ATTORNEY GENERAL

SECTION \_\_\_\_ .01. Section 402.006(c), Government Code, is amended to read as follows:

(c) In a case in which the state is entitled to recover a penalty or damages the attorney general is entitled, in addition to any other remedy available by law and on behalf of the state, to reasonable attorney's fees and court costs.

ARTICLE \_\_\_\_ . VISITING JUDGES

SECTION \_\_\_\_ .01. Section 25.0022, Government Code, is amended by adding Subsections (v) and (w) to read as follows:

(v) A judge who is assigned under this section to a court in a county other than the county in which the judge serves is not an employee of the other county.

(w) A former or retired judge who is assigned under this section is not an employee of the county in which the assigned court is located.

SECTION \_\_\_\_ .02. Section 74.061, Government Code, is amended by adding Subsections (l) and (m) to read as follows:

(l) A judge of a district, statutory probate, constitutional county, or statutory county court who is assigned under this chapter to a court in a county other than the county in which the judge serves is not an employee of the other county.

(m) A former or retired judge or an active judge or justice of the supreme court, the court of criminal appeals, or a court of appeals who is assigned under this chapter is not an employee of the county in which the assigned court is located.

SECTION \_\_\_\_ .03. Subchapter A, Chapter 75, Government Code, is amended by adding Section 75.004 to read as follows:

Sec. 75.004. EMPLOYEE STATUS. A former or retired judge or justice who is assigned under this subchapter is not an employee of the county in which the assigned court is located.

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

Amend **CSSB 891** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 2.\_\_\_\_. (a) Section 25.1972, Government Code, is amended by amending Subsections (a), (e), (g), and (i) and adding Subsections (b), (c), (f), and (h) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (c), a county court at law in Reeves County has:

(1) the jurisdiction provided by the constitution and by general law for district courts, including concurrent jurisdiction with the district court:

(A) in family law cases and proceedings;

(B) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(C) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought; and

(D) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law has original concurrent jurisdiction with the justice courts in all civil and criminal matters prescribed by law for justice courts. Appeals from justice courts and other courts of inferior jurisdiction in Reeves County must be made directly to a county court at law.

(c) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections.

(e) A ~~The~~ judge of a county court at law in Reeves County shall be paid an annual salary equal to the amount that is \$1,000 less than ~~[that does not exceed 90 percent of]~~ the ~~[total]~~ salary paid by the state to a district judge in the county. The salary shall be paid in the same manner and from the same fund as prescribed by law for the county judge ~~[out of the county treasury on order of the commissioners court. The judge is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance].~~

(f) A county court at law may not issue writs of habeas corpus in felony cases.

(g) The district clerk serves as clerk of a county court at law in the ~~[family law]~~ cases described by Subsection (a). The district clerk shall establish a separate docket for each county court at law. In matters of concurrent jurisdiction with the district court, the district clerk shall charge the same fees as are allowed in district court cases, except that in cases described by Subsections (a)(1)(A) and (2) and in misdemeanor cases other than those involving official misconduct, the clerk may not charge higher fees than the fees charged by county clerks for similar cases ~~[and proceedings, and the county clerk serves as clerk of the court in all other matters].~~

(h) If a jury trial is requested in a case that is in a county court at law's jurisdiction, the jury shall be composed of 6 members unless the constitution requires a 12-member jury. Failure to object before a 6-member jury is seated and sworn constitutes a waiver of a 12-member jury.

(i) If any cause or proceeding is lodged with the district clerk and the district clerk files, docket, or assigns the cause or proceeding in or to a county court at law that does not have subject matter jurisdiction over the cause or proceeding, the filing, docketing, or assignment of the cause or proceeding in or to a county court at law is considered a clerical error. That clerical error must be corrected by a judgment or order nunc pro tunc. The cause or proceeding is considered filed, docketed, or assigned to the district court of the local administrative judge in the first instance rather than to the county court at law. The judge of a county court at law who acts in the cause or proceeding is considered assigned to the district court of the local administrative judge for that purpose and has all the powers of the judge of that district court under the assignment ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings are governed by this section and the laws and rules pertaining to district courts. If a family law case is tried before a jury, the jury shall be composed of 12 members].~~

(b) Section 25.1972(k), Government Code, is repealed.

### Floor Amendment No. 1 on Third Reading

Amend **SB 891** on third reading as follows:

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

ARTICLE \_\_\_\_\_. RETIRED AND FORMER JUDGES

SECTION \_\_\_\_\_.01. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:



(1) have served as an active judge for at least 96 months in a district, statutory probate, statutory county, or appellate court;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge has not:

(A) in the preceding 10 years [the judge has never] been publicly reprimanded or censured by the State Commission on Judicial Conduct in relation to behavior on the bench or judicial duties, provided the judge served as an active judge for at least four terms of office; or [and]

(B) been convicted of a felony or a crime involving domestic violence or moral turpitude [the judge:

~~(i) did not resign or retire from office after the State Commission on Judicial Conduct notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge as provided in Section 33.022 and before the final disposition of that investigation; or~~

~~(ii) if the judge did resign from office under circumstances described by Subparagraph (i), was not publicly reprimanded or censured as a result of the investigation];~~

(5) annually demonstrate that the judge has completed in the past state fiscal year the educational requirements for active district, statutory probate, and statutory county court judges; and

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years.

SECTION \_\_\_\_.02. Section 74.055(c), Government Code, as amended by this Act, applies only to the appointment of a retired or former judge that occurs on or after the effective date of this Act. The appointment of a retired or former judge before the effective date of this Act is governed by the law in effect when the judge was appointed, and that law is continued in effect for that purpose.

(2) In SECTION 13.02 of the bill, insert the following appropriately numbered subdivision and renumber subsequent subdivisions of the SECTION accordingly:

( ) Section 74.055(f);

The amendments were read.

Senator Huffman moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 891** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Zaffirini, Flores, and Schwertner.

**SENATE BILL 1257 WITH HOUSE AMENDMENTS**

Senator Huffman called **SB 1257** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 1257** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the investigation and prosecution of criminal offenses involving the trafficking of persons.

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

SECTION 1. Article 13.12, Code of Criminal Procedure, is amended to read as follows:

Art. 13.12. **TRAFFICKING OF PERSONS, FALSE IMPRISONMENT, KIDNAPPING, AND SMUGGLING OF PERSONS.** (a) Venue for trafficking of persons, false imprisonment, kidnapping, and smuggling of persons is in:

- (1) the county in which the offense was committed; or
- (2) any county through, into, or out of which the person trafficked, falsely imprisoned, kidnapped, or transported may have been taken.

(b) If a defendant commits an offense under Chapter 20A, Penal Code, that is part of a criminal episode, as defined by Section 3.01, Penal Code, all of the offenses arising out of the same criminal episode may be prosecuted in any county that has venue over an offense constituting part of that criminal episode.

SECTION 2. Chapter 20A, Penal Code, is amended by adding Section 20A.05 to read as follows:

Sec. 20A.05. FORWARDING OF CASE INFORMATION ON COMPLETION OF INVESTIGATION BY CERTAIN STATE AGENCIES. On completion of an investigation of an offense under this chapter that is conducted by a state agency other than the office of the attorney general, the state agency shall forward copies of each offense report prepared in the investigation and all other case information to:

- (1) the appropriate local county or district attorney; and
- (2) the attorney general.

SECTION 3. Title 5, Penal Code, is amended by adding Chapter 20B to read as follows:

CHAPTER 20B. CONCURRENT JURISDICTION IN CASES INVOLVING  
TRAFFICKING OF PERSONS

Sec. 20B.01. DEFINITION. In this chapter, "criminal episode" has the meaning assigned by Section 3.01.

Sec. 20B.02. PROSECUTION BY ATTORNEY GENERAL IN MULTIJURISDICTIONAL CASES AUTHORIZED. (a) The attorney general may prosecute an offense under Chapter 20A if the offense or any element of the offense:

- (1) occurs in more than one county in this state; or
- (2) occurs in a county in this state as well as in another state or country.

(b) The attorney general may prosecute any other offense that occurs in this state and arises out of the same criminal episode as an offense described by Subsection (a).

(c) The attorney general may appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under this section.

(d) The authority to prosecute prescribed by this section does not affect the authority derived from other law to prosecute the same offenses.

Sec. 20B.03. SINGLE JURISDICTIONAL CASE: CONCURRENT JURISDICTION FOLLOWING LOCAL PROSECUTOR'S RIGHT OF FIRST REFUSAL. (a) This section does not apply to an offense described by Section 20B.02(a).

(b) Not later than the 30th day after the date a local county or district attorney becomes aware of conduct that may constitute an offense under Chapter 20A, the local county or district attorney shall notify the attorney general in writing of the conduct. The notice provided under this subsection must describe the conduct that may constitute an offense under Chapter 20A and must describe or otherwise identify each person suspected at that time of having engaged in the conduct.

(c) If a local county or district attorney described by Subsection (b) determines that the attorney will not pursue a criminal investigation of the applicable conduct or will not prosecute a criminal charge in relation to that conduct, the local county or district attorney shall notify the attorney general of that determination not later than the 30th day after the date of the determination. On receipt of notice under this subsection, the attorney general may begin a criminal investigation of the applicable conduct and may prosecute:

(1) any offense under Chapter 20A relating to the attorney general's investigation of that conduct; and

(2) any other offense arising out of the same criminal episode.

Sec. 20B.04. EXPIRATION. This chapter expires September 1, 2031.

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

SECTION 5. This Act takes effect September 1, 2019.

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

Amend **CSSB 1257** (house committee report) as follows:

(1) On page 2, line 14, strike "The" and substitute "With the consent of the appropriate local county or district attorney or attorneys, the".

(2) On page 2, line 20, strike "The" and substitute "With the consent of the appropriate local county or district attorney or attorneys, the".

(3) On page 2, starting on line 26, strike proposed Subsection (d).

(4) On page 3, strike lines 2 through 26.

The amendments were read.

Senator Huffman moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1257** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Creighton, Nelson, Alvarado, and Flores.

### **SENATE BILL 668 WITH HOUSE AMENDMENT**

Senator Hughes called **SB 668** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

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

Amend **SB 668** (house committee printing) as follows:

- (1) On page 12, line 21, strike "allow" and substitute "require".
- (2) On page 12, line 23, strike "up to" and substitute "not later than".
- (3) Strike page 13, lines 2 through 15, and substitute the following:

Sec. 12.1101. NOTIFICATION OF CHARTER APPLICATION OR REQUEST FOR EXPANSION [ESTABLISHMENT OF CAMPUS]. (a) The commissioner by rule shall adopt a procedure for providing notice to the following persons on receipt by the commissioner of an application for a charter for an open-enrollment charter school under Section 12.110 or a request for approval of an expansion amendment to a charter under Section 12.114 [of notice of the establishment of a campus as authorized under Section 12.101(b-4)]:

(1) the superintendent and the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as determined by the commissioner; and

(2) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as determined by the commissioner.

(b) Before a charter holder requests approval for an expansion amendment establishing a new open-enrollment charter school campus as required by Section 12.114(e), the charter holder must notify the individuals listed in Subsection (a) that the charter holder will request the expansion amendment. Notice required under this subsection must be made not later than 18 months before the date on which the campus is anticipated to open.

(4) Strike SECTION 2.03 of the bill (page 13, lines 16 through 22), and substitute the following:

SECTION 2.03. Section 12.114, Education Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) Except as provided by Subsection (e), a charter holder may submit a request for approval for an expansion amendment up to 18 months before the date on which the expansion will be effective.

(e) A charter holder shall submit a request for an expansion amendment establishing a new open-enrollment charter school campus not later than 16 months before the date on which the campus is anticipated to open.

(f) A request for approval of an expansion amendment does not obligate the charter holder to complete the proposed expansion.

The amendment was read.

Senator Hughes moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 668** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Paxton, Campbell, Fallon, and Hall.

### **SENATE BILL 944 WITH HOUSE AMENDMENTS**

Senator Watson called **SB 944** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

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

Amend **SB 944** (house committee report) as follows:

(1) On page 6, line 20, strike "The" and substitute "Except as otherwise provided by this Act, the".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber SECTIONS of the bill as appropriate:

SECTION \_\_\_\_ . Section 552.108, Government Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The exceptions to disclosure provided by Subsections (a)(2) and (b)(2) do not apply to information, records, or notations if:

(1) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or

(2) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation.

(e) The exceptions to disclosure provided by Subsections (a)(2) and (b)(2) do not apply to a letter, memorandum, or document regarding a police officer's alleged misconduct in the police officer's personnel file under Section 143.089, Local Government Code, if:

(1) a person who is a subject of the letter, memorandum, or document, other than the police officer, is deceased or incapacitated; or

(2) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document.

(f) A governmental body that releases information, records, or notations to a family member of a deceased or incapacitated person who is a subject of the information, record, or notation is not considered to have voluntarily made that information available to the public for purposes of Section 552.007 and does not waive the ability to assert in the future that the information is excepted from required disclosure under this section or other law.

SECTION \_\_\_\_\_. Section 143.089(g), Local Government Code, is amended to read as follows:

(g) A fire or police department may maintain a personnel file on a fire fighter or police officer employed by the department for the department's use, but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer, other than information relating to a police officer's alleged misconduct in the police officer's personnel file, as permitted by Section 552.108, Government Code. The department shall refer to the director or the director's designee a person or agency that requests information that is maintained in the fire fighter's or police officer's personnel file.

SECTION \_\_\_\_\_. Sections 552.108(d), (e), and (f), Government Code, as added by this Act, and Section 143.089(g), Local Government Code, as amended by this Act, apply to information, records, notations, letters, memoranda, and documents collected, made, assembled, or maintained before, on, or after the effective date of this Act.

### **Floor Amendment No. 3**

Amend **SB 944** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1177 to read as follows:

Sec. 552.1177. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATED TO HUMANE DISPOSITION OF ANIMAL. (a) Except as provided by Subsection (b), information is confidential and excepted from the requirements of Section 552.021 if the information relates to the name, address, telephone number, e-mail address, driver's license number, social security number, or other personally identifying information of a person who obtains ownership or control of an animal from a municipality or county making a humane disposition of the animal under a municipal ordinance or an order of the commissioners court.

(b) A governmental body may disclose information made confidential by Subsection (a) to a governmental entity, or to a person who under a contract with a governmental entity provides animal control services, animal registration services, or related services to the governmental entity, for purposes related to the protection of public health and safety.

(c) A governmental entity or other person that receives information under Subsection (b):

- (1) must maintain the confidentiality of the information;
- (2) may not disclose the information under this chapter; and

(3) may not use the information for a purpose that does not directly relate to the protection of public health and safety.

(d) A governmental body, by providing public information under Subsection (b) that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future.

The amendments were read.

Senator Watson moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 944** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Watson, Chair; Hancock, Nichols, Campbell, and Paxton.

### **SENATE BILL 621 WITH HOUSE AMENDMENTS**

Senator Nichols called **SB 621** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

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

Amend **SB 621** (house committee printing) as follows:

(1) On page 5, strike lines 14 through 16 and substitute the following:

(A) has:

(i) completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice; or

(ii) successfully completed a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program, as described by Section 1301.3542;

(2) On page 22, between lines 12 and 13, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_ . Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3542 to read as follows:

Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a) Notwithstanding Section 1301.354, a person who successfully completes a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program in accordance with Subchapter F, Chapter 29, Education Code, may apply for and take an examination for a license as a tradesman plumber-limited license holder. The department may not require the person to register

as a plumber's apprentice, pay any fee, or comply with Section 1301.354 or any other requirement of this chapter that applies to a person's eligibility to apply for and take the examination.

(b) A student of any age enrolled in a high school is eligible to take the sequence of courses described by Subsection (a) without registering as a plumber's apprentice, paying any registration fee, or complying with Section 1301.354 or any other requirement of this chapter that applies to enrolling or participating in those courses.

(c) If an applicant described by Subsection (a) successfully passes the examination for a license as a tradesman plumber-limited license holder, the department shall issue the license to the applicant.

(d) The commission shall develop the courses described by Subsection (a). The courses must be approved by the State Board of Education.

(e) The courses must include an appropriate number of hours of classroom instruction and a practical component. The department may credit on-the-job training toward meeting the requirements under the practical component.

(f) A person may not provide instruction in a career and technology education program described by this section unless the person is licensed under this chapter as a master plumber, journeyman plumber, or plumbing inspector.

(g) A person described by Subsection (f) may provide the instruction in a full-time or part-time capacity as an employee, contractor, or volunteer of a high school.

(h) The commission may adopt rules necessary to implement this section, including procedures to verify a student's successful completion of the sequence of courses described by Subsection (a).

(3) On page 26, between lines 13 and 14, insert the following:

(d) A person who is employed by, under contract with, or engaged as a volunteer by a school to provide instruction in a career and technology education program described by Section 1301.3542 and provides meaningful course instruction in the program, as determined in accordance with rules adopted under Section 1301.407, is not required to pay a fee to renew the person's license under this chapter.

(4) On page 26, strike lines 14 and 15 and substitute the following:

SECTION 35. Section 1301.404, Occupations Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsection (g) to read as follows:

(5) On page 27, between lines 16 and 17, insert the following:

(g) A person who is employed by, under contract with, or engaged as a volunteer by a school to provide instruction in a career and technology education program described by Section 1301.3542 and provides meaningful course instruction in the program, as determined in accordance with rules adopted under Section 1301.407, may renew the person's license and any endorsement without complying with Subsection (b) if the person completes the hours of continuing professional education required by that subsection every three years.

(6) On page 28, between lines 26 and 27, insert the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_ . Subchapter H, Chapter 1301, Occupations Code, is amended by adding Section 1301.407 to read as follows:



Sec. 1301.407. PROCEDURES FOR VERIFYING CERTAIN EXEMPTIONS. The commission, in consultation with the State Board of Education, may adopt rules as necessary to verify whether a person qualifies for an exemption from the required renewal fee, as described by Section 1301.401(d), or an exemption from required continuing professional education, as described by Section 1301.404(g), including rules for obtaining and evaluating written verification from the applicable school of the person's provision of meaningful course instruction in a career and technology education program described by Section 1301.3542.

(7) Renumber the SECTIONS of the bill accordingly.

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

Amend **SB 621** (house committee printing) as follows:

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

SECTION \_\_\_\_\_. Section 1301.003, Occupations Code, is amended to read as follows:

Sec. 1301.003. APPLICATION OF SUNSET ACT. The Texas State Board of Plumbing Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2021 [~~2019~~].

(2) On page 44, strike line 20 and renumber the subdivisions of SECTION 59 of the bill accordingly.

(3) On page 46, line 13, strike "2020" and substitute "2022".

(4) On page 47, line 1, strike "2020" and substitute "2022".

(5) On page 47, line 22, strike "2019" and substitute "2021".

(6) On page 47, line 23, strike "2020" and substitute "2022".

(7) On page 47, line 26, strike "2020" and substitute "2022".

(8) On page 48, line 1, strike "2019" and substitute "2021".

(9) On page 48, line 3, strike "2020, and after September 1, 2020," and substitute "2022, and after September 1, 2022,".

(10) On page 48, line 6, strike "2019" and substitute "2021".

(11) On page 48, line 21, strike "2019" and substitute "2021".

(12) On page 48, line 26, strike "2023" and substitute "2025".

(13) On page 49, line 2, strike "2019" and substitute "2021".

(14) On page 49, line 19, strike "2019" and substitute "2021".

(15) On page 49, line 25, strike "2019" and substitute "2021".

The amendments were read.

Senator Nichols moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 621** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Birdwell, Watson, Hall, and Hancock.

**SENATE BILL 1511 WITH HOUSE AMENDMENT**

Senator Nichols called **SB 1511** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Floor Amendment No. 1**

Amend **SB 1511** (house committee printing) as follows:

(1) On page 2, line 6, strike "and".

(2) On page 2, line 11, between "asset" and the underlined period, insert the following:  
; and

(4) requiring the battleship to be returned to the San Jacinto Battleground State Historic Site after repairs have been completed

The amendment was read.

Senator Nichols moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1511** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Bettencourt, Birdwell, Kolkhorst, and Miles.

**SENATE BILL 604 WITH HOUSE AMENDMENTS**

Senator Buckingham called **SB 604** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 604** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. Section 1001.005, Transportation Code, is amended to read as follows:

Sec. 1001.005. SUNSET PROVISION. The department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2031 ~~[2019]~~.

SECTION 1.02. Section 1001.030, Transportation Code, is amended to read as follows:

Sec. 1001.030. BOARD MEMBER TRAINING ~~[ON DEPARTMENT AND CERTAIN LAWS RELATING TO DEPARTMENT]~~. (a) ~~A~~ A ~~[To be eligible to take office as a member of the board, a]~~ person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes ~~[must complete at least one course of]~~ a training program that complies with this section.

(b) The training program must provide the person with information ~~[to the person]~~ regarding:

(1) the law governing department operations ~~[this subchapter]~~;  
 (2) the board's programs, functions, and rules and the budget of ~~[operated by]~~ the department;

(3) the scope of and limitations on the rulemaking authority ~~[role and functions]~~ of the board ~~[department]~~;

(4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the board regulates;

(B) restricts advertising by persons in a profession or business the board regulates;

(C) affects the price of goods or services provided by persons in a profession or business the board regulates; or

(D) restricts participation in a profession or business the board regulates ~~[rules of the department with an emphasis on the rules that relate to disciplinary and investigatory authority];~~

~~(5) [the current budget for the department;~~

~~(6)] the results of the most recent formal audit of the department;~~

~~(6) [(7)] the requirements of [the]~~

(A) laws relating to open meetings, public information, ~~[law, Chapter 551, Government Code;~~

~~[(B) open records law, Chapter 552, Government Code; and~~

[(C)] administrative procedure [law], and disclosure of conflicts of interest; and

(B) other laws applicable to members of the board in performing their duties ~~[Chapter 2001, Government Code;~~

~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials]; and~~

(7) [(9)] any applicable ethics policies adopted by the department ~~[board]~~ or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after [as provided by the General Appropriations Act and as if] the person qualifies for office [were a member of the board].

(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 1.03. Section 1001.041(a), Transportation Code, is amended to read as follows:

(a) Subject to the General Appropriations Act or other law, the executive director shall appoint deputies, assistants, and other personnel, including a general counsel, as necessary to carry out the powers and duties of the department under this code, other applicable vehicle laws of this state, and other laws granting jurisdiction or applicable to the department.

SECTION 1.04. Section 1001.0411, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In accordance with Section 1001.041(a), the executive director shall hire and oversee a general counsel to advise the department.

SECTION 1.05. Section 1001.042, Transportation Code, is amended to read as follows:

Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate [define] the policy-making responsibilities of the board and the management [respective] responsibilities of the executive director, including the appointment of department staff, and the staff of the department.

SECTION 1.06. Chapter 1003, Transportation Code, is amended by adding Sections 1003.0055 and 1003.008 to read as follows:

Sec. 1003.0055. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department shall maintain information about parties to and the subject matter of the complaint and a summary of the results of the review or investigation of the complaint and the disposition of the complaint.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department shall periodically notify the parties to the complaint of the status of the complaint until final disposition.

Sec. 1003.008. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The department shall:

(1) coordinate the implementation of the policy developed under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 1.07. The following provisions are repealed:

(1) Section 2110.002(c), Government Code; and

(2) Section 1001.031(a-1), Transportation Code.

SECTION 1.08. (a) Except as provided by Subsection (b) of this section, Section 1001.030, Transportation Code, as amended by this Act, applies to a member of the board of the Texas Department of Motor Vehicles who is appointed before, on, or after the effective date of this Act.

(b) A member of the board of the Texas Department of Motor Vehicles who, before the effective date of this Act, completed the training program required by Section 1001.030, Transportation Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 1001.030, Transportation Code, as amended by this Act. 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, 2019, until the member completes the additional training.

## ARTICLE 2. LICENSING

SECTION 2.01. Section 2301.251(a), Occupations Code, is amended to read as follows:

(a) Unless a person holds a license issued under this chapter authorizing the activity, the person may not:

(1) engage in business as, serve in the capacity of, or act as a dealer, manufacturer, distributor, converter, ~~representative,~~ vehicle lessor, or vehicle lease facilitator in this state; or

(2) perform or offer to perform repair services on a motor vehicle under a franchise and a motor vehicle manufacturer's warranty, regardless of whether the person sells or offers to sell motor vehicles at the same location.

SECTION 2.02. Section 2301.258, Occupations Code, is amended to read as follows:

Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR MANUFACTURER'S, DISTRIBUTOR'S, OR CONVERTER'S~~[ , OR REPRESENTATIVE'S ]~~ LICENSE. An application for a manufacturer's, distributor's, or converter's~~[ , or representative's ]~~ license must be on a form prescribed by the department. The application must include information the department determines necessary to fully determine the qualifications of an applicant, including financial

resources, business integrity and experience, facilities and personnel for serving franchised dealers, and other information the department determines pertinent to safeguard the public interest and welfare.

SECTION 2.03. Section 2301.264(a), Occupations Code, is amended to read as follows:

(a) The annual fees for a license issued under this chapter are:

(1) \$900 for a manufacturer or distributor, plus \$20 for each dealer franchised by the manufacturer or distributor;

(2) for a franchised dealer:

(A) \$175, if the dealer sold fewer than 201 new motor vehicles during the preceding calendar year;

(B) \$275, if the dealer sold more than 200 but fewer than 401 new motor vehicles during the preceding calendar year;

(C) \$400, if the dealer sold more than 400 but fewer than 801 new motor vehicles during the preceding calendar year;

(D) \$500, if the dealer sold more than 800 but fewer than 1,201 new motor vehicles during the preceding calendar year;

(E) \$625, if the dealer sold more than 1,200 but fewer than 1,601 new motor vehicles during the preceding calendar year;

(F) \$750, if the dealer sold more than 1,600 new motor vehicles during the preceding calendar year; and

(G) \$100 for each location separate from the dealership at which the dealer does not offer motor vehicles for sale but performs warranty service work on vehicles the dealer is franchised and licensed to sell;

(3) ~~[\$100 for a representative;~~

~~[(4)]~~ \$375 for a converter;

~~(4) [(5)]~~ for a vehicle lessor:

(A) \$175, if the lessor leased 200 or fewer motor vehicles during the preceding calendar year;

(B) \$275, if the lessor leased more than 200 but fewer than 401 motor vehicles during the preceding calendar year;

(C) \$400, if the lessor leased more than 400 but fewer than 801 motor vehicles during the preceding calendar year;

(D) \$500, if the lessor leased more than 800 but fewer than 1,201 motor vehicles during the preceding calendar year;

(E) \$625, if the lessor leased more than 1,200 but fewer than 1,601 motor vehicles during the preceding calendar year; and

(F) \$750, if the lessor leased more than 1,600 motor vehicles during the preceding calendar year; and

(5) ~~[(6)]~~ \$375 for a vehicle lease facilitator.

SECTION 2.04. Section 2301.304, Occupations Code, is amended to read as follows:

Sec. 2301.304. PROCEDURE FOR RENEWAL OF CERTAIN LICENSES.

The holder of a manufacturer's, distributor's, or converter's~~[- or representative's]~~ license may apply for a renewal of the license by complying with the application process specified by this chapter and board rule.

SECTION 2.05. Section 2301.709, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) The board shall adopt rules and policies that establish standards for reviewing a case under this subchapter. The rules and policies must:

(1) specify the role of division personnel in managing contested cases before the board or a person delegated power from the board under Section 2301.154, including advising on procedural matters;

(2) specify appropriate conduct and discussion by the board or a person delegated power from the board under Section 2301.154 regarding proposals for decision issued by administrative law judges;

(3) specify clear expectations limiting arguments and discussion under Subsection (b) to evidence in the record of the contested case hearing held by the administrative law judge;

(4) address ex parte communications; and

(5) distinguish between using industry expertise and representing or advocating for an industry when reviewing a case under this subchapter.

SECTION 2.06. Subchapter Q, Chapter 2301, Occupations Code, is amended by adding Section 2301.807 to read as follows:

Sec. 2301.807. REFUND. If, after a proceeding under this chapter and board rules, the board determines that a person is violating or has violated this chapter or a rule adopted or order issued under this chapter, the board may order the person to pay a refund to the buyer or lessee of the motor vehicle that is the subject of the proceeding.

SECTION 2.07. Section 2302.101, Occupations Code, is amended to read as follows:

Sec. 2302.101. [~~LICENSE REQUIRED FOR~~] SALVAGE VEHICLE DEALER LICENSE. (a) Unless a person holds a salvage vehicle dealer license issued under this chapter, the person may not:

(1) act as a salvage vehicle dealer or rebuilder; or

(2) store or display a motor vehicle as an agent or escrow agent of an insurance company.

(b) A person who holds a salvage vehicle dealer license issued under this chapter may perform any of the activities of a salvage vehicle dealer, including:

(1) buying salvage motor vehicles and nonrepairable motor vehicles or selling salvage motor vehicles and nonrepairable motor vehicles that have been issued a salvage vehicle title or nonrepairable vehicle title, as appropriate;

(2) engaging in the business of selling nonrepairable motor vehicles or salvage motor vehicles at auction, including wholesale auction;

(3) offering or negotiating to sell or buy salvage motor vehicles or nonrepairable motor vehicles owned by a license holder and to be purchased or sold by another license holder;

(4) acting as the agent or representative of a license holder in performing an act described by Subdivision (3); and

(5) acquiring and repairing, rebuilding, or reconstructing for operation on a public highway more than five salvage motor vehicles in a calendar year.

SECTION 2.08. Section 2302.103, Occupations Code, is amended to read as follows:

Sec. 2302.103. APPLICATION FOR SALVAGE VEHICLE DEALER LICENSE. ~~[(a)]~~ To apply for a salvage vehicle dealer license, a person must submit to the department an application on a form prescribed by the department and the application fee.

~~[(b) An applicant may apply for a salvage vehicle dealer license with an endorsement in one or more of the following classifications:~~

- ~~[(1) new automobile dealer;~~
- ~~[(2) used automobile dealer;~~
- ~~[(3) salvage pool operator;~~
- ~~[(4) salvage vehicle broker; or~~
- ~~[(5) salvage vehicle rebuilder.]~~

SECTION 2.09. Section 2302.151, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A license issued under this chapter is valid for the period prescribed by the board ~~[expires on the first anniversary of the date of issuance].~~

(c) If the board prescribes the term of a license under this chapter for a period other than one year, the board shall prorate the applicable fee required under this chapter as necessary to reflect the term of the license.

SECTION 2.10. Section 2302.351(b), Occupations Code, is amended to read as follows:

(b) If a salvage vehicle dealer or ~~or~~ an employee of the dealer acting in the course of employment ~~[or a salvage vehicle agent operating under the dealer's license]~~ is convicted of more than one offense under Section 2302.353(a), the district attorney for a county in which the dealer's salvage business is located may bring an action in that county to enjoin the dealer's business operations for a period of at least one year.

SECTION 2.11. Subchapter H, Chapter 2302, Occupations Code, is amended by adding Section 2302.355 to read as follows:

Sec. 2302.355. CEASE AND DESIST ORDER. If it appears to the board that a person who is not licensed under this chapter is violating this chapter or a rule or order adopted under this chapter, the board, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

SECTION 2.12. Section 503.029, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department by rule shall:

(1) establish education and training requirements, to be provided by an education and training program approved by the department, for an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer; and

(2) require the applicant under Subdivision (1) to establish that the applicant completed the education and training required under that subdivision.

SECTION 2.13. Subchapter F, Chapter 643, Transportation Code, is amended by adding Section 643.257 to read as follows:



Sec. 643.257. REFUND BY MOTOR CARRIERS TRANSPORTING HOUSEHOLD GOODS. The department may order a motor carrier that violates this chapter or a rule or order adopted under this chapter to pay a refund to a consumer who paid the motor carrier to transport household goods.

SECTION 2.14. Sections 2301.264(c), 2302.001(6), 2302.102, and 2302.107, Occupations Code, are repealed.

SECTION 2.15. (a) The changes in law made by this Act to Chapters 2301 and 2302, Occupations Code, do not affect the validity of a proceeding pending before a court or other governmental entity on the effective date of this Act.

(b) An offense or other violation of law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

(c) On the effective date of this Act, a representative's license issued under Chapter 2301, Occupations Code, as that law existed immediately before the effective date of this Act, expires.

(d) On the effective date of this Act, a salvage vehicle agent license issued under former Section 2302.107, Occupations Code, expires.

(e) Section 2302.151(a), Occupations Code, as amended by this Act, applies only to a license issued or renewed on or after September 1, 2019. A license issued or renewed before that date 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.

### ARTICLE 3. REGISTRATION AND TITLING

SECTION 3.01. Section 520.004, Transportation Code, is amended to read as follows:

Sec. 520.004. DEPARTMENT RESPONSIBILITIES. The department has jurisdiction over the registration and titling of, and the issuance of license plates to, motor vehicles in compliance with the applicable statutes. The department by rule:

- (1) shall provide services that are reasonable, adequate, and efficient;
- (2) shall establish standards for uniformity and service quality for counties and dealers licensed under Section 520.005; ~~and~~
- (3) may conduct public service education campaigns related to the department's functions; and
- (4) shall establish a risk-based system of monitoring and preventing fraudulent activity related to vehicle registration and titling in order to efficiently allocate resources and personnel.

SECTION 3.02. Section 520.005, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) Each county assessor-collector shall make available to motor vehicle dealers the electronic system designed by the department that allows a motor vehicle dealer to submit a title and registration application online in the name of the purchaser of a motor vehicle.

SECTION 3.03. Subchapter A, Chapter 520, Transportation Code, is amended by adding Sections 520.0075, 520.010, and 520.011 to read as follows:

Sec. 520.0075. CONTRACTING STANDARDS FOR TAX ASSESSOR-COLLECTOR. (a) In this section, "deputy" means a deputy classified as a full service deputy by a board rule adopted under Section 520.0071.

(b) Notwithstanding Section 262.023, Local Government Code, a county tax assessor-collector who awards a contract to a deputy for the performance of registration and titling services must comply with standard state contracting practices as if the county tax assessor-collector were a state agency, including requirements related to:

(1) purchase methods and competitive bidding under Sections 2155.062 and 2155.063, Government Code;

(2) determining the best value for the county under Sections 2155.074, 2155.075, and 2155.0755, Government Code;

(3) contracting standards and oversight under Chapter 2261, Government Code; and

(4) contract management under Chapter 2262, Government Code.

(c) A contract described by Subsection (b) must:

(1) specify an expiration date and renewal or extension terms for the contract; and

(2) include performance criteria and measures necessary to evaluate the performance of the deputy under the contract.

(d) A county tax assessor-collector shall monitor and evaluate the performance of a deputy awarded a contract described by this section and use that information in determining whether to renew or extend the contract or award a new contract.

Sec. 520.010. AUDIT AND INVESTIGATION RELATED TO REGISTRATION AND TITLING SERVICES. (a) The department may:

(1) audit or perform a compliance review of a person performing registration or titling services;

(2) investigate any provision of state functions related to registration or titling; and

(3) access any records needed to conduct the audit, compliance review, or investigation.

(b) A county tax assessor-collector may:

(1) audit, perform a compliance review of, or investigate a person providing registration or titling services in the county in which the assessor-collector is located; and

(2) access any records needed to conduct the audit, compliance review, or investigation.

(c) The department's authority under Subsection (a) is not limited by a similar audit, compliance review, or investigation conducted by a county tax assessor-collector under Subsection (b).

Sec. 520.011. AUDIT OF COUNTY TAX ASSESSOR-COLLECTOR. The comptroller, in coordination with the department, may include, as part of the comptroller's regular audits of state revenue collection by county tax assessor-collector offices, the review of processes relating to a county's collection and remittance of revenue included in an audit.

SECTION 3.04. Chapter 520, Transportation Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. AUTOMATED REGISTRATION AND TITLING SYSTEM

Sec. 520.021. RULES AND POLICIES. The department may adopt rules and policies for the maintenance and use of the department's automated registration and titling system.

Sec. 520.022. ACCESS TO SYSTEM. The department has the sole authority to determine access to the department's automated registration and titling system.

Sec. 520.023. TRAINING. (a) The department shall implement a training program providing information on the:

(1) department's automated registration and titling system; and

(2) identification of fraudulent activity related to vehicle registration and titling.

(b) The department shall require a person performing registration or titling services to complete the training under Subsection (a).

SECTION 3.05. (a) Each county tax assessor-collector who has, before the effective date of this Act, entered into a contract described by Section 520.0075, Transportation Code, as added by this Act, shall rebid the contract using the contracting standards provided under that section not later than March 31, 2020.

(b) In order to assist a county tax assessor-collector in the rebidding of contracts under Subsection (a) of this section, the Texas Department of Motor Vehicles shall provide guidance and recommendations on contracting practices to the county tax assessor-collector.

SECTION 3.06. Not later than December 1, 2019, the Texas Department of Motor Vehicles shall adopt rules to implement the training program required by Section 520.023, Transportation Code, as added by this Act.

SECTION 3.07. Not later than March 1, 2020, the Texas Department of Motor Vehicles shall, in coordination with county tax assessor-collectors and in accordance with Subchapter C, Chapter 520, Transportation Code, as added by this Act, develop, adopt, and implement rules that create clear criteria for the suspension or denial of access to the department's automated registration and titling system if a county tax assessor-collector suspects abuse, fraud, or waste relating to the system by an employee of the assessor-collector's or a person deputized under Section 520.0071, Transportation Code.

SECTION 3.08. Not later than September 1, 2020, each county tax assessor-collector shall make available the electronic system to motor vehicle dealers as required by Section 520.005(e), Transportation Code, as added by this Act.

ARTICLE 4. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

SECTION 4.01. Subtitle M, Title 7, Transportation Code, is amended by adding Chapter 1006, and a heading is added to that chapter to read as follows:

CHAPTER 1006. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

SECTION 4.02. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter A, and a heading is added to that subchapter to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 4.03. Section 1, Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is transferred to Subchapter A, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.001, Transportation Code, reenacted, and amended to read as follows:

Sec. 1006.001 [1]. DEFINITIONS. In this chapter [article]:

(1) "Authority" means the Motor Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority.

(2) "Economic motor vehicle theft" means motor vehicle burglary or theft committed for financial gain.

(3) "Insurer" means any insurance company writing any form of motor vehicle insurance in this state, including an interinsurance or reciprocal exchange, mutual company, mutual association, or Lloyd's plan [~~"Department" means the Texas Department of Motor Vehicles~~].

(4) [~~"Director" means the executive director of the Texas Department of Transportation.~~]

[(5)] "Motor vehicle" means a self-propelled vehicle or a vehicle, trailer, or semitrailer designed for use with a self-propelled vehicle. The term does not include a vehicle that runs exclusively on fixed rails or tracks or a piece of equipment operated solely on private property.

(5) "Motor vehicle burglary or theft" includes economic motor vehicle theft.

SECTION 4.04. Section 2, Article 4413(37), Revised Statutes, is transferred to Subchapter A, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.002, Transportation Code, and amended to read as follows:

Sec. 1006.002 [2]. ESTABLISHMENT. The Motor Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority is established in the department [~~Texas Department of Motor Vehicles~~]. The authority is not an advisory body to the department [~~Texas Department of Motor Vehicles~~].

SECTION 4.05. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. COMPOSITION AND ADMINISTRATION

SECTION 4.06. Sections 3(a), (b), (c), (d), (i), (j), and (k), Article 4413(37), Revised Statutes, are transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Sections 1006.051 and 1006.052, Transportation Code, and amended to read as follows:

Sec. 1006.051. AUTHORITY MEMBERSHIP. (a) The authority is composed of seven members.

(b) The governor, with the advice and consent of the senate, shall appoint the following six members:

- (1) two representatives of motor vehicle insurance consumers;
- (2) two representatives of insurance companies writing motor vehicle insurance in this state; and
- (3) two representatives of law enforcement.

(c) The public safety director of the Department of Public Safety or the director's designee serves ex officio as the seventh member of the authority.

(d) Appointments to the authority shall be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 1006.052. ELIGIBILITY RESTRICTIONS. (a) ~~(†)~~ A person is not eligible for appointment as a representative of motor vehicle insurance consumers under Section 1006.051(b)(1) ~~[Subsection (b)(1) of this section]~~ if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of motor vehicle insurance or law enforcement;

(2) is an officer, employee, or paid consultant of a Texas trade association in the field of motor vehicle insurance or law enforcement;

(3) is employed by or participates in the management of a business entity or other organization receiving funds from the authority;

(4) owns or controls, directly or indirectly, more than a 10 percent ~~[10 percent]~~ interest in a business entity or other organization receiving funds from the authority; or

(5) uses or receives a substantial amount of tangible goods, services, or funds from the authority, other than reimbursement authorized by law for service on the board of the authority.

(b) ~~(†)~~ For purposes of Subsection (a)(2) ~~[(†)(2) of this section]~~, "[a] Texas trade association" means ~~[is]~~ a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist the association's ~~[its]~~ members and the members' ~~[its]~~ industry or profession in dealing with mutual business or professional problems and in promoting the members' ~~[their]~~ common interest.

(c) ~~(†)~~ A person may not serve as a member of the authority ~~[or act as the general counsel to the authority]~~ if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to ~~[law enforcement or]~~ motor vehicle insurance or law enforcement.

SECTION 4.07. Section 3(e), Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.053, Transportation Code, and amended to read as follows:

Sec. 1006.053. TERM OF OFFICE; VACANCY. (a) ~~(e)~~ The six members of the authority appointed by the governor serve staggered six-year terms, with the terms of two members expiring February 1 of each odd-numbered year.

(b) If there is a vacancy during a term, the governor shall appoint a replacement who meets the requirements of the vacant office to fill the unexpired term.

SECTION 4.08. Section 5(a), Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.054, Transportation Code, and amended to read as follows:

Sec. 1006.054. PRESIDING OFFICER. ~~[(a)]~~ The governor shall designate a member of the authority as the presiding officer of the authority to serve in that capacity at the pleasure of the governor.

SECTION 4.09. Sections 3(f), (g), (h), and (l), Article 4413(37), Revised Statutes, are transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Sections 1006.055 and 1006.056, Transportation Code, and amended to read as follows:

Sec. 1006.055. GROUNDS FOR REMOVAL. (a) ~~[(a)]~~ It is a ground for removal from the authority if a member:

(1) does not have at the time of appointment the qualifications required by Section 1006.051(b) ~~[(b)]~~ or is disqualified under Section 1006.052 ~~[(i) or (k) of this section]~~;

(2) does not maintain during service on the authority the qualifications required by Section 1006.051(b) ~~[(b)]~~ or becomes disqualified under Section 1006.052 ~~[(i) or (k) of this section]~~;

(3) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term ~~[(for which the member is appointed)]~~; or

(4) is absent from more than half of the regularly scheduled authority meetings that the member is eligible to attend during a calendar year.

~~[(b)]~~ ~~[(g)]~~ The validity of an action of the authority is not affected by the fact that it is taken when a ground for removal of a member of the authority exists.

~~[(c)]~~ ~~[(h)]~~ If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the authority of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest officer of the authority, who shall notify the governor and the attorney general that a potential ground for removal exists.

Sec. 1006.056. INFORMATION ON QUALIFICATIONS AND CONDUCT. ~~[(a)]~~ The executive director or the executive director's designee shall provide to members of the authority, as often as necessary, information regarding the members' ~~[(their)]~~ qualifications for office under this chapter ~~[(article)]~~ and their responsibilities under applicable laws relating to standards of conduct for state officers.

SECTION 4.10. Sections 5(c), (d), and (e), Article 4413(37), Revised Statutes, are transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.057, Transportation Code, and amended to read as follows:

Sec. 1006.057. MEMBER TRAINING. (a) A ~~[(e) To be eligible to take office as a member of the authority, a]~~ person who is appointed to and qualifies for office as a member of the authority may not vote, deliberate, or be counted as a member in attendance at a meeting of the authority until the person completes ~~[(must complete at least one course of)]~~ a training program that complies with this section ~~[(Subsection (d))]~~.

~~[(b)]~~ ~~[(d)]~~ The training program ~~[(required by Subsection (e))]~~ must provide the person with information ~~[(to the person)]~~ regarding:

(1) the law governing authority operations [~~enabling legislation that created the authority and its policymaking body to which the member is appointed to serve~~];

(2) the programs, functions, rules, and budget of [~~operated by~~] the authority;

(3) the scope of and limitations on the rulemaking authority [~~role and functions~~] of the authority;

(4) [~~the rules of the authority and the department;~~

[~~5) the current budget for the authority;~~

[~~6) the results of the most recent formal audit of the authority;~~

5) [7) the requirements of [the

(A) laws relating to open meetings, public information, [law, Chapter 551, Government Code;

[~~B) open records law, Chapter 552, Government Code; and~~

[~~C) administrative procedure [law], and disclosure of conflicts of interest; and~~

(B) other laws applicable to members of the authority in performing their duties [Chapter 2001, Government Code;

[~~8) the requirements of the conflict of interest laws and other laws relating to public officials]; and~~

6) [9) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) [~~e) A person appointed to the authority is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program, regardless of whether the attendance at the program occurs before or after [required by Subsection (e) as provided by the General Appropriations Act and as if] the person qualifies for office [were a member of the authority].~~

(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 authority. Each member of the authority shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 4.11. Section 4, Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.058, Transportation Code, and amended to read as follows:

Sec. 1006.058 [4]. REIMBURSEMENT FOR EXPENSES. A member of the authority is not entitled to compensation for service on the authority but is entitled to reimbursement for expenses incurred in performing the member's duties at the rate provided by [it] the General Appropriations Act.

SECTION 4.12. Sections 6(e), (f), and (g), Article 4413(37), Revised Statutes, are transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Sections 1006.059 and 1006.060, Transportation Code, and amended to read as follows:

Sec. 1006.059. PERSONNEL AND SERVICES. (a) [~~e) The authority may be provided various services only by or through the department as needed to carry out the authority's [its] purposes, powers, and duties. These services may include[, but are not limited to,] legal services not provided by the attorney general, fiscal services,~~

administrative services, and personnel services. ~~[Except as provided by this section, the authority may enter into contracts in its own name and on its own behalf with recipients of grants for purposes of this article.]~~

(b) ~~(f)~~ The department shall provide personnel and services to the authority as agreed by the authority and the department.

Sec. 1006.060. DIVISION OF RESPONSIBILITIES. ~~(g)~~ The authority shall, in coordination with the department, develop and implement policies that clearly separate the policymaking responsibilities of the authority and the management responsibilities of the department.

SECTION 4.13. Section 5(b), Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.061, Transportation Code, and amended to read as follows:

Sec. 1006.061. MEETINGS. ~~(h)~~ The authority shall meet at the call of the presiding officer ~~(chairman)~~ or at the call of four members.

SECTION 4.14. Section 6(h), Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.062, Transportation Code, and amended to read as follows:

Sec. 1006.062. PUBLIC TESTIMONY. ~~(i)~~ The authority shall develop and implement policies that provide the public with a reasonable opportunity to appear before the authority and to speak on any issue under the ~~(its)~~ jurisdiction of the authority.

SECTION 4.15. Subchapter B, Chapter 1006, Transportation Code, as added by this Act, is amended by adding Section 1006.063 to read as follows:

Sec. 1006.063. LOBBYIST PROHIBITION: GENERAL COUNSEL. A person may not act as the general counsel to the authority if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to motor vehicle insurance or law enforcement.

SECTION 4.16. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter C, and a heading is added to that subchapter to read as follows:

#### SUBCHAPTER C. POWERS AND DUTIES

SECTION 4.17. Sections 6(a), (b), (c), and (d), Article 4413(37), Revised Statutes, are transferred to Subchapter C, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.101, Transportation Code, and amended to read as follows:

Sec. 1006.101. GENERAL POWERS AND DUTIES. (a) The authority shall adopt rules to implement the authority's ~~(its)~~ powers and duties.

(b) The authority may solicit and accept gifts and grants.

(c) The authority may only use ~~(only)~~ staff of the department and may delegate authority to the staff as needed.

(d) Not later than April 1 of each year, the authority shall report on the authority's ~~(its)~~ activities to the lieutenant governor and the speaker of the house of representatives.



SECTION 4.18. Section 7, Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is transferred to Subchapter C, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.102, Transportation Code, reenacted, and amended to read as follows:

Sec. 1006.102 [7]. PLAN OF OPERATION. (a) The authority shall develop and implement a plan of operation. The plan of operation must be updated biennially and filed with the legislature not later than [~~on or before~~] December 1 of each even-numbered year.

(b) The plan of operation must include:

(1) an assessment of the scope of the problems of motor vehicle burglary or theft and fraud-related motor vehicle crime [~~economic motor vehicle theft~~], including particular areas of the state where the problems are greatest;

(2) an analysis of various methods of combating the problems of motor vehicle burglary or theft and fraud-related motor vehicle crime [~~economic motor vehicle theft~~];

(3) a plan for providing financial support to combat motor vehicle burglary or theft and fraud-related motor vehicle crime [~~economic motor vehicle theft~~]; and

(4) an estimate of the funds required to implement the plan of operation.

SECTION 4.19. Section 12, Article 4413(37), Revised Statutes, is transferred to Subchapter C, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.103, Transportation Code, and amended to read as follows:

Sec. 1006.103 [~~12~~]. ADVISORY COMMITTEES. (a) The authority may establish advisory committees to advise the authority [~~it~~] on any matter under the jurisdiction of the authority.

(b) Section 2110.008, Government Code, does not apply to an advisory committee established under this section if the advisory committee is:

(1) established for a specific and immediate need; and

(2) dissolved before the first anniversary of the date the committee is created.

(c) A member of an advisory committee may not be compensated by the authority for committee service but is entitled to reimbursement for actual and necessary expenses incurred in the performance of committee service.

SECTION 4.20. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter D, and a heading is added to that subchapter to read as follows:

#### SUBCHAPTER D. FINANCIAL PROVISIONS

SECTION 4.21. Sections 6(j) and (k), Article 4413(37), Revised Statutes, are transferred to Subchapter D, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.151, Transportation Code, and amended to read as follows:

Sec. 1006.151. GRANTS. (a) Subject to the requirements of this section, the authority may enter into contracts in the authority's own name and on the authority's own behalf with recipients of grants for purposes of this chapter.

(b) [~~+~~] The authority shall:

(1) develop and periodically update [use] standard performance measures for each category of grants provided by the authority for use in [order to] assessing [asses] grantee success in achieving the purposes of this chapter [article]; and

(2) ensure that grants are used to help increase:

(A) the recovery rate of stolen motor vehicles;

(B) the clearance rate of:

(i) motor vehicle burglaries and thefts; and

(ii) fraud-related motor vehicle crimes; and

(C) the number of persons arrested for motor vehicle burglary and theft and fraud-related motor vehicle crime.

(c) [4.] The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, and the number of fraud-related motor vehicle crimes committed in the state rather than based on geographic distribution.

(d) The authority shall, in consultation with the department, annually update the performance measures developed under Subsection (b).

SECTION 4.22. Sections 6A and 10, Article 4413(37), Revised Statutes, are transferred to Subchapter D, Chapter 1006, Transportation Code, as added by this Act, redesignated as Sections 1006.152 and 1006.153, Transportation Code, and amended to read as follows:

Sec. 1006.152 [6A]. REFUNDS [POWER TO REFUND]. (a) The authority may make determinations regarding the sufficiency of payments made by an [“insurer” (as defined under Section 10 of this article)] of fees collected under [pursuant to] Section 1006.153 [10 of this article].

(b) Pursuant to a [such] determination made under Subsection (a), the authority may:

(1) notify the comptroller that payments made by an insurer are sufficient; and

(2) request the comptroller to draw warrants on the funds available to the authority for the purpose of refunding money [monies] to an insurer.

(c) The authority shall make the determination under [Subsection (b) of] this section as follows:

(1) the two members of the authority who are representatives of insurance companies writing motor vehicle insurance in this state shall recuse themselves; and

(2) the remaining five members of the authority shall make the determination by a simple majority vote.

(d) Determinations made under this section shall be performed in accordance with procedures set forth in rules adopted by the authority. The question of eligibility for a refund is not a contested case under [within the meaning of the Administrative Procedure Act (Chapter 2001, Government Code)].

(e) A [Except as provided by Subsection (f), a] request for a refund made under this section must be made not later than four years after the date the payment was made to the authority under Section 1006.153 [10 of this article].

Sec. 1006.153 [10]. FEE IMPOSED ON INSURER. (a) In this section, [-

~~(1) "Insurer" means any insurance company writing any form of motor vehicle insurance in this state, including an interinsurance or reciprocal exchange, mutual company, mutual association, or Lloyd's plan.~~

~~(2)~~ "motor [~~Motor~~] vehicle years of insurance" means the total number of years or portions of years during which a motor vehicle is covered by insurance.

(b) An insurer shall pay to the authority a fee equal to \$2 multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. The fee shall be paid not later than:

(1) March 1 of each year for a policy delivered, issued, [~~delivered,~~] or renewed from July 1 through December 31 of the previous calendar year; and

(2) August 1 of each year for a policy delivered, issued, [~~delivered,~~] or renewed from January 1 through June 30 of that year.

(c) The fee imposed by this section is in addition to any other fee or tax imposed by law on an insurer.

(d) The authority shall notify the Texas Department [~~State Board~~] of Insurance of any insurer that fails to pay the fee required by this section, and the Texas Department of Insurance [~~board~~] may for that reason revoke the insurer's certificate of authority.

(e) Fifty percent of each fee collected under Subsection (b) may be appropriated only to the authority for the purposes of this chapter [~~article~~].

SECTION 4.23. Section 8, Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is transferred to Subchapter D, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.154, Transportation Code, reenacted, and amended to read as follows:

Sec. 1006.154 [~~8~~]. USE OF APPROPRIATED FUNDS. (a) Money appropriated to the department for authority purposes shall be used by the authority to pay the department for administrative costs and to achieve the purposes of this chapter [~~article~~], including:

~~(1) [establishing and funding the motor vehicle registration program required by Section 9 of this article;~~

~~(2)~~ providing financial support to law enforcement agencies for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams;

~~(2)~~ [~~3~~] providing financial support to law enforcement agencies, local prosecutors, judicial agencies, and neighborhood, community, business, and nonprofit organizations for programs designed to reduce the incidence of economic motor vehicle theft and fraud-related motor vehicle crime;

~~(3)~~ [~~4~~] conducting educational programs designed to inform motor vehicle owners of methods of preventing motor vehicle burglary or theft and fraud-related motor vehicle crime;

~~(4)~~ [~~5~~] providing equipment, for experimental purposes, to assist motor vehicle owners in preventing motor vehicle burglary or theft; and

~~(5)~~ [~~6~~] establishing a uniform program to prevent stolen motor vehicles from entering Mexico.

(b) In any fiscal year, the amount of the administrative expenses of the authority, including salaries, travel and marketing expenses, and other overhead expenses may not exceed eight percent of the total expenditures of the authority.

(c) The cost of personnel and services provided to the authority by the department and by the attorney general may be paid only from appropriations made for authority purposes. Appropriations made for authority purposes may not be used for any other purpose.

SECTION 4.24. Section 6(i), Article 4413(37), Revised Statutes, is transferred to Subchapter D, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.155, Transportation Code, and amended to read as follows:

Sec. 1006.155. ANNUAL FINANCIAL REPORT. [(+) ] The authority shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the authority during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided by ~~the~~ the General Appropriations Act.

SECTION 4.25. Section 981.073(b), Insurance Code, is amended to read as follows:

(b) A domestic surplus lines insurer is not subject to:

(1) Section 38.003;

(2) Chapter 462;

(3) Chapter 463;

(4) Chapter 501;

(5) Section 981.051;

(6) Section 981.101(b);

(7) Chapter 2007;

(8) Chapter 2301;

(9) Chapter 2251; and

(10) Chapter 1006, Transportation Code [~~Article 4413(37), Revised Statutes~~].

SECTION 4.26. Section 201.805(a), Transportation Code, is amended to read as follows:

(a) The department shall annually publish in appropriate media and on the department's Internet website in a format that allows the information to be read into a commercially available electronic database a statistical comparison of department districts and the following information, calculated on a per capita basis considering the most recent census data and listed for each county and for the state for each fiscal year:

(1) the number of square miles;

(2) the number of vehicles registered;

(3) the population;

(4) daily vehicle miles;

(5) the number of centerline miles and lane miles;

(6) construction, maintenance, and contracted routine and preventive maintenance expenditures;

- (7) combined construction, maintenance, and contracted routine and preventive maintenance expenditures;
- (8) the number of district and division office construction and maintenance employees;
- (9) information regarding grant programs, including:
- (A) Motor Vehicle Crime [~~Automobile Theft~~] Prevention Authority grants;
  - (B) Routine Airport Maintenance Program grants;
  - (C) Public Transportation Grant Program grants;
  - (D) Medical Transportation Program grants; and
  - (E) aviation grants or aviation capital improvement grants;
- (10) approved State Infrastructure Bank loans;
- (11) Texas Traffic Safety Program grants and expenditures;
- (12) the dollar amount of any pass-through toll agreements;
- (13) the percentage of highway construction projects completed on time;
- (14) the percentage of highway construction projects that cost:
- (A) more than the contract amount; and
  - (B) less than the contract amount; and
- (15) a description of real property acquired by the department through the exercise of eminent domain, including the acreage of the property and the location of the property.

SECTION 4.27. Section 1001.151(c), Transportation Code, is amended to read as follows:

(c) Money appropriated to the department for Motor Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority purposes and other revenue collected or received by the Motor Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority may not be deposited into the fund.

SECTION 4.28. The following provisions are repealed:

- (1) Sections 9 and 11, Article 4413(37), Revised Statutes;
  - (2) the headings to Sections 3, 5, and 6, Article 4413(37), Revised Statutes;
- and
- (3) the heading to Article 4413(37), Revised Statutes.

SECTION 4.29. (a) Except as provided by Subsection (b) of this section, Section 1006.057, Transportation Code, as transferred, redesignated, and amended by this Act, applies to a person who is appointed before, on, or after the effective date of this Act to the Automobile Burglary and Theft Prevention Authority or Motor Vehicle Crime Prevention Authority, as applicable.

(b) A member of the Motor Vehicle Crime Prevention Authority who, before the effective date of this Act, completed the training program required by Sections 5(c), (d), and (e), Article 4413(37), Revised Statutes, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 1006.057, Transportation Code, as transferred, redesignated, and amended by this Act. A member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the authority held on or after December 1, 2019, until the member completes the additional training.

SECTION 4.30. (a) On the effective date of this Act:

(1) the name of the Automobile Burglary and Theft Prevention Authority is changed to the Motor Vehicle Crime Prevention Authority, and all powers, duties, rights, and obligations of the Automobile Burglary and Theft Prevention Authority are the powers, duties, rights, and obligations of the Motor Vehicle Crime Prevention Authority;

(2) a member of the Automobile Burglary and Theft Prevention Authority is a member of the Motor Vehicle Crime Prevention Authority; and

(3) any appropriation for the Automobile Burglary and Theft Prevention Authority is an appropriation for the Motor Vehicle Crime Prevention Authority.

(b) On and after the effective date of this Act, a reference in law to the Automobile Burglary and Theft Prevention Authority is a reference to the Motor Vehicle Crime Prevention Authority.

(c) The Motor Vehicle Crime Prevention Authority is the authority formerly known as the Automobile Burglary and Theft Prevention Authority in all respects. All personnel, equipment, data, documents, facilities, contracts, items, other property, rules, decisions, and proceedings of or involving the Automobile Burglary and Theft Prevention Authority are unaffected by the change in the name of the authority.

#### ARTICLE 5. STUDY ON IMPOSING FEES ON ALTERNATIVELY FUELED VEHICLES

SECTION 5.01. DEFINITIONS. In this article:

(1) "Alternatively fueled vehicle" has the meaning assigned by Section 502.004, Transportation Code.

(2) "Conventional vehicle" means a vehicle, as defined by Section 502.001, Transportation Code, that is exclusively powered by gasoline or diesel fuel.

(3) "Motor fuel taxes" means the motor fuel taxes imposed under Chapter 162, Tax Code.

SECTION 5.02. STUDY AND REPORT. (a) Using existing funds, the Texas Department of Motor Vehicles shall organize a study on:

(1) the impact of the alternatively fueled vehicles industry on the state;

(2) the options available to the state for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes; and

(3) the feasibility and desirability of establishing a fee for alternatively fueled vehicles.

(b) The study organized under Subsection (a) of this section shall be conducted by:

(1) the Texas Department of Motor Vehicles;

(2) the Public Utility Commission of Texas;

(3) the Texas Department of Transportation;

(4) the Department of Public Safety of the State of Texas; and

(5) the Texas Commission on Environmental Quality.

(c) The study must examine:

(1) the current revenue generated from motor fuel taxes imposed on a conventional vehicle and each type of alternatively fueled vehicle for each mile the vehicle is operated;

(2) the net revenue generated by fees and taxes paid by owners of alternatively fueled vehicles and conventional vehicles for the use of the vehicle, including motor vehicle registration fees under Chapter 502, Transportation Code, motor fuel taxes, and taxes, fees, and surcharges on the retail sale of electricity consumed by alternatively fueled vehicles;

(3) the methods to determine the average number of miles traveled in this state by alternatively fueled vehicles and conventional vehicles each year;

(4) the type and amount of fees by which other states generate revenue from alternatively fueled vehicles and conventional vehicles;

(5) alternative methods for determining and collecting road use fees from owners of alternatively fueled vehicles, including methods that consider the weight of and the number of miles traveled by an alternatively fueled vehicle;

(6) the projected revenue to the state for each method examined under Subdivision (5) of this subsection;

(7) the projected impact of alternatively fueled vehicles on the state highway system, including the maintenance required because of the impact;

(8) the projected direct environmental benefit of alternatively fueled vehicles on vehicle emissions in this state; and

(9) the projected impact of alternatively fueled vehicles to the state's power grids and electricity markets.

(d) Not later than December 1, 2020, the Texas Department of Motor Vehicles shall prepare and submit to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature a written report that includes a summary of the results of the study conducted under this section and any legislative recommendations based on the study.

SECTION 5.03. EXPIRATION DATE. This article expires September 1, 2021.

#### ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. This Act takes effect September 1, 2019.

### Floor Amendment No. 1

Amend **CSSB 604** (house committee report) as follows:

(1) Strike SECTION 2.12 of the bill (page 13, lines 4-14).

(2) Add the following appropriately numbered SECTIONS to ARTICLE 2 of this bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 2. \_\_. Subchapter B, Chapter 503, Transportation Code, is amended by adding Section 503.0296 to read as follows:

Sec. 503.0296. INDEPENDENT MOTOR VEHICLE DEALER EDUCATION AND TRAINING REQUIREMENT. (a) The department by rule shall require that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed by the department. The education and training must include information on the laws and board rules applicable to an independent motor vehicle dealer, including the consequences of violating those laws and rules.

(b) An applicant described by Subsection (a) who satisfies the education and training required under this section is not required to complete additional education and training under this section for the subsequent renewal of the applicant's general distinguishing number.

SECTION 2. \_\_. As soon as practicable after the effective date of this Act, the Texas Department of Motor Vehicles shall adopt rules as required by Section 503.0296, Transportation Code, as added by this Act.

### Floor Amendment No. 2

Amend Amendment No. 1 by Paddie (Barcode No. 861654) to **CSSB 604** on page 1 as follows:

- (1) On line 12, between "developed" and "by", insert "or approved".
- (2) On line 25, immediately following the period, insert the following:

A rule adopted by the department as required by that section may not require a person to complete the education and training developed or approved under that section if the person, on the effective date of this Act, has held an independent motor vehicle dealer's general distinguishing number issued under Chapter 503, Transportation Code, for at least 10 years.

### Floor Amendment No. 3

Amend **CSSB 604** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

#### ARTICLE \_\_. DIGITAL LICENSE PLATES

SECTION \_\_.01. Chapter 504, Transportation Code, is amended by adding Subchapter B-1 to read as follows:

#### SUBCHAPTER B-1. DIGITAL LICENSE PLATES

Sec. 504.151. DEFINITIONS. In this subchapter:

- (1) "Digital license plate" means an electronic display that is designed to:
  - (A) display the information required to be included on a physical license plate; and
  - (B) be placed on the rear of a vehicle registered under Chapter 502 in lieu of a physical license plate issued under this chapter.

(2) "Digital license plate provider" means a person engaged in the business of providing digital license plate hardware and services to vehicle owners, including the sale or lease of and issuance of digital license plates.

Sec. 504.152. APPLICABILITY OF OTHER LAW. Except as otherwise provided by this subchapter or a rule adopted under this subchapter, a digital license plate issued under this subchapter is subject to the laws of this state applicable to a physical license plate.

Sec. 504.153. RULES. The board shall adopt rules as necessary to implement and administer this subchapter.

Sec. 504.154. DIGITAL LICENSE PLATES AUTHORIZED. (a) The board by rule shall allow a vehicle registered under Chapter 502 to be equipped with a digital license plate that is placed on the rear of the vehicle in lieu of a physical license plate issued under this chapter. The rule must require the owner of a vehicle issued a digital license plate to obtain a physical license plate to be placed on the front of the vehicle unless the vehicle is of a class of vehicles that is not required to display two license plates, as provided by other law.



(b) The department may contract with digital license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates.

(c) Notwithstanding any other law, a rule adopted under this subchapter may:

(1) authorize the display of the vehicle's registration insignia on a digital license plate issued for the vehicle in lieu of attaching the registration insignia to the inside of the vehicle's windshield as required by Section 502.059;

(2) establish a fee in an amount necessary to cover any administrative costs incurred that relate to the issuance of a digital license plate and exceed the administrative costs incurred for the issuance of a physical license plate; or

(3) prohibit a digital license plate provider from contracting with the department under Subchapter J.

Sec. 504.155. DIGITAL LICENSE PLATES REQUIREMENTS AND PERMISSIVE FUNCTIONALITY. (a) The board by rule shall set the specifications and requirements for digital license plates, including requirements for the placement of digital license plates. The design of and information displayed on a digital license plate must be approved by the department.

(b) A digital license plate issued under this subchapter must:

(1) meet the specifications and requirements adopted under Subsection (a);

(2) include the information required to be included on a physical license plate and legibly display that information at all times and in all light conditions, provided that the license plate may display the information in a smaller typeface when the vehicle is parked; and

(3) have wireless connectivity capability.

(c) In adopting rules under Subsection (a), the board shall consult with the Department of Public Safety. Except as otherwise provided by this subsection and Section 2001.036, Government Code, a rule adopted under Subsection (a) takes effect on the 31st day after the date on which the rule is filed in the office of the secretary of state. A rule adopted under Subsection (a) does not take effect if, not later than the 30th day after the date on which the rule is filed in the office of the secretary of state, the public safety director of the Department of Public Safety submits to the office of the secretary of state written notification invalidating the rule.

(d) A rule adopted under this subchapter may:

(1) authorize the use of a digital license plate for electronic toll collection or to display a parking permit; or

(2) establish procedures for displaying on a digital license plate:

(A) an emergency alert or other public safety alert issued by a governmental entity, including an alert authorized under Subchapter L, M, or P, Chapter 411, Government Code;

(B) vehicle manufacturer safety recall notices;

(C) static logo displays, including unique displays for fleet vehicles; or

(D) advertising approved by the department.

Sec. 504.156. DIGITAL LICENSE PLATE PROVIDER POWERS AND DUTIES. A digital license plate provider with whom the department contracts under Section 504.154:

(1) shall maintain an inventory of the digital license plates issued by the provider in this state;

(2) shall make available a digital version of each specialty license plate authorized by this chapter, other than personalized license plates authorized for marketing and sale under Subchapter J, provided that:

(A) each issuance of a specialty license plate with restricted distribution, including a license plate authorized under Subchapter C, D, E, or F, must be approved by the department; and

(B) the provider shall remit to the department in the manner prescribed by the department all money:

(i) payable to the department; or

(ii) required to be used or deposited in the manner prescribed by the law establishing the license plate;

(3) may contract with the private vendor under Subchapter J to make available a digital version of a personalized license plate authorized for marketing and sale under that subchapter, provided that the contract shall conform with any applicable requirements of Subchapter J and the terms of the private vendor's contract with the department;

(4) shall, if a digital license plate displays a registration insignia as authorized by a rule adopted under Section 504.154(c)(1), promptly update the display of the registration insignia to reflect the current registration period for the vehicle and, on request of the department, suspend the display of the registration insignia or indicate on the license plate that the registration insignia for the vehicle is expired;

(5) may provide any service related to the issuance of a digital license plate that is authorized by board rule, including the sale, lease, and installation of and customer service for a digital license plate; and

(6) may charge a fee, payable in installments, for the issuance of a digital license plate or any additional services provided by the provider for that license plate.

Sec. 504.157. DEFENSE TO PROSECUTION OF CERTAIN OFFENSES. It is a defense to prosecution of an offense involving the operation of a motor vehicle and relating to the placement of a license plate or the display of a registration insignia that the vehicle was operated in compliance with rules issued under this subchapter governing the placement of a digital license plate or the display of a registration insignia on a digital license plate, as applicable.

SECTION .02. Not later than December 31, 2019, the board of the Texas Department of Motor Vehicles shall adopt the rules required by Subchapter B-1, Chapter 504, Transportation Code, as added by this Act, and any other rules necessary to implement and administer that subchapter.

#### **Floor Amendment No. 4**

Amend Amendment No. 3 by Paddie (Barcode No. 861652) to **CSSB 604** on page 3 as follows:

(1) On line 6, strike "and".

(2) On line 7, between "capability" and the underlined period, insert the following:

; and

(4) provide benefits to law enforcement that meet or exceed the benefits provided by physical license plates as of the time of enactment of this subchapter and as determined by the Department of Public Safety

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

Amend **CSSB 604** (house committee report) as follows:

(1) On page 6, strike lines 3-4, and substitute the following:

- (1) Section 2110.002(c), Government Code;
- (2) Section 2301.612, Occupations Code; and
- (3) Section 1001.031(a-1), Transportation Code.

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

SECTION 1. \_\_\_\_. Chapter 1004, Transportation Code, is amended by adding Section 1004.003 to read as follows:

Sec. 1004.003. CONFIDENTIALITY OF INFORMATION RELATED TO INVESTIGATIONS. Except as necessary to comply with Section 2301.202, Occupations Code, information obtained during an investigation of a person regulated under Chapter 2301 or 2302, Occupations Code, or Chapter 503 or 643 of this code is confidential and not subject to disclosure under Chapter 552, Government Code, until the investigation is dismissed or finally resolved.

#### **Floor Amendment No. 6**

Amend Amendment No. 5 by Canales to **CSSB 604** (Barcode No. 861648) on page 1 as follows:

(1) Strike lines 13-14, and substitute the following:

INVESTIGATIONS. Information obtained during an

(2) On line 18, between "resolved" and the underlined period, insert "only if the disclosure of that information would interfere with or jeopardize the investigation".

The amendments were read.

Senator Buckingham moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 604** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Birdwell, Nichols, Hall, and Watson.

#### **SENATE BILL 926 WITH HOUSE AMENDMENT**

Senator Hall called **SB 926** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 926** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the operation of a public school transportation system in certain counties.

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

SECTION 1. Section 34.007, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A board of county school trustees or a school district board of trustees may establish and operate an economical public school transportation system:

(1) in the county or district, as applicable; or

(2) outside the county or district, as applicable, if:

(A) the county or school district enters into an interlocal contract as provided by Chapter 791, Government Code; or

(B) for a county system or school district described by Subsection (a-1), students served by the county system or enrolled in the school district reside outside the county or district, as applicable.

(a-1) Subsection (a)(2)(B) applies only to a county system or school district located in a county that:

(1) has a population of:

(A) less than 40,000; or

(B) more than 285,000 and less than 300,000; and

(2) is adjacent to a county with a population of more than 3.3 million.

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, 2019.

The amendment was read.

Senator Hall moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 926** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Hall, Chair; Taylor, Creighton, Bettencourt, and Campbell.

**SENATE BILL 1096 WITH HOUSE AMENDMENTS**

Senator Perry called **SB 1096** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 1096** (house committee report) as follows:

(1) On page 1, line 6, strike "Subsection (i)" and substitute "Subsections (f), (g), (h), and (i)".

(2) On page 1, between lines 6 and 7, insert the following:

(f) The commission shall ensure that the care coordinator for a managed care organization that contracts with the commission to provide health care services to recipients under the STAR Kids managed care program offers a recipient's parent or legally authorized representative the opportunity to review the recipient's completed care needs assessment. The commission shall ensure the review does not delay the determination of the services to be provided to the recipient or the ability to authorize and initiate services. The commission shall require the parent's or representative's signature to verify the parent or representative received the opportunity to review the assessment with the care coordinator. The managed care organization may not delay the delivery of care pending the signature. The commission shall provide a parent or representative who disagrees with a care needs assessment an opportunity to dispute the assessment with the commission through a peer-to-peer review with the treating physician of choice.

(g) The commission, in consultation with stakeholders, shall redesign the care needs assessment used in the STAR Kids managed care program to ensure the assessment collects useable and actionable data pertinent to a child's physical, behavioral, and long-term care needs. This subsection expires September 1, 2021.

(h) The advisory committee or a successor committee shall provide recommendations to the commission for the redesign of the private duty nursing assessment tools used in the STAR Kids managed care program based on observations from other states to be more comprehensive and allow for the streamlining of the documentation for prior authorization of private duty nursing. This subsection expires September 1, 2021.

**Floor Amendment No. 2**

Amend **SB 1096** (house committee report) as follows:

(1) On page 1, line 13, strike "533.005(a)" and substitute "533.005".

(2) On page 1, line 13, immediately following "amended", insert "by amending Subsection (a) and adding Subsection (g)".

(3) On page 14, line 13, strike "and" and substitute "[~~and~~"]".

(4) On page 14, strike line 16 and substitute the following changes;

(27) a requirement that the managed care organization:

(A) not deny a reasonable prior authorization request or claim for a technical or minimal error; and

(B) not abuse the appeals process or any other review process to deter a recipient or provider from requesting health care services;

(28) a requirement that the managed care organization:

(A) automatically, without a request from a recipient or program, continue to provide the pre-reduction or pre-denial level of services to the recipient during an internal appeal or other review of a reduction in or denial of services, unless the recipient or the recipient's parent on behalf of the recipient opts out of the automatic continuation of services; and

(B) provide the commission and the recipient with a notice of continuing services;

(29) a requirement that the managed care organization comply with any applicable review procedure and comply with the reviewer's determination; and

(30) a requirement that the managed care organization pay liquidated damages for each substantiated failure to adhere to contractual requirements.

(g) The commission shall provide guidance and additional education to managed care organizations regarding requirements under federal law and Subsection (a)(28) to continue to provide services during an internal appeal, a Medicaid fair hearing, or any other review.

### **Floor Amendment No. 3**

Amend **SB 1096** (house committee report) on page 8, line 15, between "measures" and the semicolon, by inserting the following:

or, as applicable, the national core indicators adult consumer survey and the national core indicators child family survey for individuals with an intellectual or developmental disability

### **Floor Amendment No. 4**

Amend **SB 1096** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.00282, 533.00283, and 533.00284 to read as follows:

Sec. 533.00282. UTILIZATION REVIEW AND PRIOR AUTHORIZATION PROCEDURES. In addition to the requirements of Section 533.005, a contract between a managed care organization and the commission described by that section must require that:

(1) before issuing an adverse determination on a prior authorization request, the organization provide the physician requesting the prior authorization with a reasonable opportunity to discuss the request with another physician who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted;

(2) the organization review and issue determinations on prior authorization requests according to the following time frames:

(A) with respect to a recipient who is hospitalized at the time of the request:

(i) within one business day after receiving the request, except as provided by Subparagraphs (ii) and (iii);

(ii) within 72 hours after receiving the request if the request is submitted by a provider of acute care inpatient services for services or equipment necessary to discharge the recipient from an inpatient facility; or

(iii) within one hour after receiving the request if the request is related to poststabilization care or a life-threatening condition; or

(B) with respect to a recipient who is not hospitalized at the time of the request, within three business days after receiving the request; and

(3) the organization:

(A) have appropriate personnel reasonably available at a toll-free telephone number to respond to a prior authorization request between 6 a.m. and 6 p.m. central time Monday through Friday on each day that is not a legal holiday and between 9 a.m. and noon central time on Saturday, Sunday, and legal holidays;

(B) have a telephone system capable of receiving and recording incoming telephone calls for prior authorization requests after 6 p.m. central time Monday through Friday and after noon central time on Saturday, Sunday, and legal holidays; and

(C) have appropriate personnel to respond to each call described by Paragraph (B) not later than 24 hours after receiving the call.

Sec. 533.00283. ANNUAL REVIEW OF PRIOR AUTHORIZATION REQUIREMENTS. (a) Each managed care organization that contracts with the commission to provide health care services to recipients shall develop and implement a process to conduct an annual review of the organization's prior authorization requirements, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program. In conducting a review, the organization must:

(1) solicit, receive, and consider input from providers in the organization's provider network; and

(2) ensure that each prior authorization requirement is based on accurate, up-to-date, evidence-based, and peer-reviewed clinical criteria that distinguish, as appropriate, between categories, including age, of recipients for whom prior authorization requests are submitted.

(b) A managed care organization described by Subsection (a) may not impose a prior authorization requirement, other than a prior authorization requirement prescribed by or implemented under Section 531.073 for the vendor drug program, unless the organization has reviewed the requirement during the most recent annual review required under this section.

Sec. 533.00284. RECONSIDERATION FOLLOWING ADVERSE DETERMINATIONS ON CERTAIN PRIOR AUTHORIZATION REQUESTS. (a) In addition to the requirements of Section 533.005, a contract between a managed care organization and the commission for the organization to provide health care services to recipients must include a requirement that the organization establish a process for reconsidering an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation.

(b) The process for reconsidering an adverse determination on a prior authorization request under this section must:

(1) allow a provider to, not later than the seventh business day following the date of the determination, submit any documentation that the managed care organization identified as insufficient or inadequate;

(2) allow the physician requesting the prior authorization to discuss the request with another physician who practices in the same or a similar specialty, but not necessarily the same subspecialty, and has experience in treating the same category of population as the recipient on whose behalf the request is submitted; and

(3) require the managed care organization to, not later than the first business day following the date the provider submits sufficient and adequate documentation under Subdivision (1), amend the determination to approve the prior authorization request.

(c) An adverse determination on a prior authorization request is considered a denial of services in an evaluation of the managed care organization only if the determination is not amended under Subsection (b)(3).

(d) The process for reconsidering an adverse determination on a prior authorization request under this section does not affect:

(1) any related timelines, including the timeline for an internal appeal or a Medicaid fair hearing; or

(2) any rights of a recipient to appeal a determination on a prior authorization request.

SECTION \_\_\_\_\_. (a) Sections 533.00282 and 533.00284, Government Code, as added by this Act, apply only to a contract between the Health and Human Services Commission and a managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act.

(b) The Health and Human Services Commission shall seek to amend contracts entered into with managed care organizations under Chapter 533, Government Code, before the effective date of this Act to include the provisions required by Sections 533.00282 and 533.00284, Government Code, as added by this Act.

The amendments were read.

Senator Perry moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1096** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Kolkhorst, Buckingham, Flores, and Campbell.

### **SENATE BILL 1742 WITH HOUSE AMENDMENTS**

Senator Menéndez called **SB 1742** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.



### Floor Amendment No. 1 on Third Reading

Amend **SB 1742** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 843.321, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A health maintenance organization or health maintenance organization's agent that provides a notice under Subsection (a)(3) must provide the notice to a physician or provider, including a licensed clinical social worker, in a manner that is trackable and indicates the date and time the notice was sent, including:

(1) by certified mail, return receipt requested, to the physician's or provider's address; or

(2) by e-mail to an e-mail address specified by the physician or provider.

SECTION \_\_\_\_\_. Section 1301.136, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An insurer or insurer's agent that provides a notice under Subsection (a)(3) must provide the notice to a preferred provider, including a licensed clinical social worker, in a manner that is trackable and indicates the date and time the notice was sent, including:

(1) by certified mail, return receipt requested, to the preferred provider's address; or

(2) by e-mail to an e-mail address specified by the preferred provider.

SECTION \_\_\_\_\_. Chapter 1452, Insurance Code, is amended by adding Subchapter F to read as follows:

#### SUBCHAPTER F. CREDENTIALING OF PHYSICIANS AND PROVIDERS BY MANAGED CARE PLAN ISSUER

Sec. 1452.251. DEFINITIONS. In this subchapter:

(1) "Enrollee" means an individual who is eligible to receive health care services under a managed care plan.

(2) "Health benefit plan" means a plan that provides benefits for medical, surgical, or other treatment expenses incurred as a result of a health condition, a mental health condition, an accident, sickness, or substance abuse, including:

(A) 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:

(i) an insurance company;

(ii) a group hospital service corporation operating under Chapter 842;

(iii) a health maintenance organization operating under Chapter 843;

(iv) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;

(v) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

(vi) a stipulated premium company operating under Chapter 884;

(vii) a fraternal benefit society operating under Chapter 885;

(viii) a Lloyd's plan operating under Chapter 941; or

(ix) an exchange operating under Chapter 942;

(B) a small employer health benefit plan written under Chapter 1501;

(C) a health benefit plan issued under Chapter 1551, 1575, 1579, or 1601; or

(D) a health benefit plan issued under the Medicaid managed care program under Chapter 533, Government Code.

(3) "Health care practitioner" means an individual, other than a physician, who is licensed to provide and provides health care services.

(4) "Managed care plan" means a health benefit plan under which health care services are provided to enrollees through contracts with physicians or health care practitioners and that requires enrollees to use participating providers or that provides a different level of coverage for enrollees who use participating providers.

(5) "Participating provider" means a physician or health care practitioner who has contracted with a managed care plan issuer to provide services to enrollees.

(6) "Physician" means an individual licensed to practice medicine in this state.

Sec. 1452.252. PROMPT CREDENTIALING REQUIRED. A managed care plan issuer shall determine in a reasonable time in accordance with commissioner rule whether to credential a physician or health care practitioner who is not eligible for expedited credentialing under Subchapter C.

Sec. 1452.253. ELIGIBILITY REQUIREMENTS. To qualify for credentialing under this subchapter and payment under Section 1452.254, an applicant must:

(1) be licensed in this state by, and in good standing with, the Texas Medical Board or other appropriate licensing authority;

(2) submit all documentation and other information required by the issuer of the managed care plan as necessary to enable the issuer to begin the credentialing process required by the issuer to include the applicant in the issuer's managed care plan network; and

(3) agree to comply with the terms of the applicable managed care plan's participating provider contract.

Sec. 1452.254. PAYMENT OF APPLICANT DURING CREDENTIALING PROCESS. (a) On election by the applicant after receiving notice under Subsection (b) and on agreement to participating provider contract terms by the applicant and managed care plan issuer, and for payment purposes only, the issuer shall treat the applicant as if the applicant is a participating provider in the managed care plan network when the applicant provides services to the managed care plan's enrollees, including:

(1) authorizing the applicant to collect copayments from the enrollees; and

(2) making payments to the applicant.

(b) On receipt of a credentialing application, a managed care plan issuer shall provide notice to the applicant of the effect of failure to meet the issuer's credentialing requirements under Section 1452.255 if the applicant elects to be considered a participating provider under Subsection (a).

Sec. 1452.255. EFFECT OF FAILURE TO MEET CREDENTIALING REQUIREMENTS. If, on completion of the credentialing process, the managed care plan issuer determines that an applicant who made an election under Section 1452.254 does not meet the issuer's credentialing requirements:

(1) the managed care plan issuer may recover from the applicant an amount equal to the difference between payments for in-network benefits and out-of-network benefits; and

(2) the applicant may retain any copayments collected or in the process of being collected as of the date of the issuer's determination.

Sec. 1452.256. ENROLLEE HELD HARMLESS. An enrollee in the managed care plan is not responsible and shall be held harmless for the difference between in-network copayments paid by the enrollee to an applicant who is determined to be ineligible under Section 1452.255 and the managed care plan's charges for out-of-network services. The applicant may not charge the enrollee for any portion of the amount that is not paid or reimbursed by the enrollee's managed care plan.

Sec. 1452.257. LIMITATION ON MANAGED CARE PLAN ISSUER LIABILITY. A managed care plan issuer that complies with this subchapter is not subject to liability for damages arising out of or in connection with, directly or indirectly, the payment by the issuer of an applicant as if the applicant were a participating provider in the managed care plan network.

Sec. 1452.258. DEPARTMENT AUDIT. A managed care plan issuer shall make available all relevant information to the department to allow the department to audit the credentialing process to determine compliance with this subchapter.

Sec. 1452.259. PUBLIC INSURANCE COUNSEL REPORT. Using existing resources, the office of public insurance counsel shall create and publish an annual report on the counsel's Internet website of the largest managed care plan issuers in this state and include information for each issuer on:

(1) the issuer's network adequacy;

(2) the percentage of enrollees receiving a bill from an out-of-network provider due to provider charges unpaid by the issuer and the enrollee's responsibility under the managed care plan; and

(3) the impact of managed care plan issuer credentialing policies on network adequacy and enrollee payment of out-of-network charges.

SECTION \_\_\_\_\_. The heading to Chapter 1453, Insurance Code, is amended to read as follows:

CHAPTER 1453. DISCLOSURE OF REIMBURSEMENT GUIDELINES AND  
AMOUNTS UNDER MANAGED CARE PLAN

SECTION \_\_\_\_\_. Section 1453.001(1), Insurance Code, is amended to read as follows:

(1) "Health care provider" means:

(A) a hospital, emergency clinic, outpatient clinic, or other facility providing health care services; or

(B) an individual who is licensed in this state to provide health care services, including a physician who is licensed to practice medicine in this state.

SECTION \_\_\_\_\_. Chapter 1453, Insurance Code, is amended by adding Section 1453.004 to read as follows:

Sec. 1453.004. NOTICE OF CHANGE TO REIMBURSEMENT AMOUNT.

(a) A managed care entity shall provide to each health care provider, including a licensed clinical social worker, under contract with the managed care entity notice of any change to a reimbursement amount that will be paid to the health care provider for a good or service provided by the health care provider. The notice must be provided before the effective date of the change.

(b) The notice required by this section must be sent:

(1) directly to each health care provider that may be affected by the reimbursement amount change; and

(2) in a manner that is trackable and indicates the date and time the notice was sent, including:

(A) by certified mail, return receipt requested, to the provider's address;

or

(B) by e-mail to an e-mail address specified by the provider.

**Floor Amendment No. 2 on Third Reading**

Amend **SB 1742** (house committee printing) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION \_\_\_\_\_. Section 842.261, Insurance Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The listing required by Subsection (a) must meet the requirements of a provider directory under Sections 1451.504 and 1451.505. Notwithstanding Subsection (b), the group hospital service corporation is subject to the requirements of Sections 1451.504 and 1451.505, including, with respect to the listing, the time limits for updating the Internet site to reflect directory corrections and updates.

(c) The commissioner may adopt rules as necessary to implement this section. The rules may govern the form and content of the information required to be provided under this section [~~Subsection (a)~~].

SECTION \_\_\_\_\_. Section 843.2015, Insurance Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The listing required by Subsection (a) must meet the requirements of a provider directory under Sections 1451.504 and 1451.505. Notwithstanding Subsection (b), the health maintenance organization is subject to the requirements of Sections 1451.504 and 1451.505, including, with respect to the listing, the time limits for updating the Internet site to reflect directory corrections and updates.

(c) The commissioner may adopt rules as necessary to implement this section. The rules may govern the form and content of the information required to be provided under this section [~~Subsection (a)~~].

SECTION \_\_\_\_\_. Sections 1301.0056(a) and (d), Insurance Code, are amended to read as follows:

(a) The commissioner shall ~~may~~ examine an insurer to determine the quality and adequacy of a network used by a preferred provider benefit plan or an exclusive provider benefit plan offered by the insurer under this chapter. An insurer is subject to a qualifying examination of the insurer's preferred provider benefit plans and exclusive provider benefit plans and subsequent quality of care and network adequacy examinations by the commissioner at least once every three [~~five~~] years and whenever

the commissioner considers an examination necessary. Documentation provided to the commissioner during an examination conducted under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

(d) The department shall deposit an assessment collected under this section to the credit of the [~~Texas Department of Insurance operating~~] account with the Texas Treasury Safekeeping Trust Company described by Section 401.156. Money deposited under this subsection shall be used to pay the salaries and expenses of examiners and all other expenses relating to the examination of insurers under this section.

SECTION \_\_\_\_\_. Section 1301.1591, Insurance Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) The listing required by Subsection (a) must meet the requirements of a provider directory under Sections 1451.504 and 1451.505. Notwithstanding Subsection (b), the insurer is subject to the requirements of Sections 1451.504 and 1451.505, including, with respect to the listing, the time limits for updating the Internet site to reflect directory corrections and updates.

(c) The commissioner may adopt rules as necessary to implement this section. The rules may govern the form and content of the information required to be provided under this section [~~Subsection (a)~~].

SECTION \_\_\_\_\_. The heading to Section 1451.505, Insurance Code, is amended to read as follows:

Sec. 1451.505. ACCESSIBILITY AND ACCURACY OF PHYSICIAN AND HEALTH CARE PROVIDER DIRECTORY [~~ON INTERNET WEBSITE~~].

SECTION \_\_\_\_\_. Section 1451.505, Insurance Code, is amended by amending Subsections (d) and (e) and adding Subsections (d-1), (d-2), and (f) through (p) to read as follows:

(d) The health benefit plan issuer shall conduct an ongoing review of the directory and correct or update the information as necessary. Except as provided by Subsections (d-1), (d-2), and (f) [~~Subsection (e)~~], corrections and updates, if any, must be made not less than once each month.

(d-1) Except as provided by Subsection (d-2), the health benefit plan issuer shall update the directory to reflect a change in a physician's or provider's network participation status not later than two business days after the effective date of the change.

(d-2) If the termination of the physician's or health care provider's contract was not at the request of the physician or health care provider and the health benefit plan issuer is subject to Section 843.308 or 1301.160, the health benefit plan issuer shall update the directory to reflect the change in the physician's or provider's network participation status not later than two business days after the later of:

(1) the date of a formal recommendation under Section 843.306 or 1301.057, as applicable; or

(2) the effective date of the termination.

(e) The health benefit plan issuer shall conspicuously display in at least 10-point boldfaced font in the directory required by Section 1451.504 a notice that an individual may report an inaccuracy in the directory to the health benefit plan issuer or the department. The health benefit plan issuer shall include in the notice:

(1) an e-mail address and a toll-free telephone number to which any individual may report any inaccuracy in the directory to the health benefit plan issuer; and

(2) an e-mail address and Internet website address or link for the appropriate complaint division of the department.

(f) Notwithstanding any other law, if ~~the~~ the health benefit plan issuer receives an oral or written ~~a~~ report from any person that specifically identified directory information may be inaccurate, the issuer shall:

(1) immediately:

(A) inform the individual of the individual's right to report inaccurate directory information to the department; and

(B) provide the individual with an e-mail address and Internet website address or link for the appropriate complaint division of the department;

(2) investigate the report and correct the information, as necessary, not later than:

(A) the second business ~~seventh~~ day after the date the report is received if the report concerns the health benefit plan issuer's representation of the network participation status of the physician or health care provider; or

(B) the fifth day after the date the report is received if the report concerns any other type of information in the directory; and

(3) promptly enter the report in the log required under Subsection (h).

(g) A health benefit plan issuer that receives an oral report that specifically identified directory information may be inaccurate may not require the individual making the oral report to file a written report to trigger the time limits and requirements of this section.

(h) The health benefit plan issuer shall create and maintain for inspection by the department a log that records all reports regarding inaccurate network directories or listings. The log required under this subsection must include supporting information as required by the commissioner by rule, including:

(1) the name of the person, if known, who reported the inaccuracy and whether the person is an insured, enrollee, physician, health care provider, or other individual;

(2) the alleged inaccuracy that was reported;

(3) the date of the report;

(4) steps taken by the health benefit plan issuer to investigate the report, including the date each of the steps was taken;

(5) the findings of the investigation of the report;

(6) a copy of the health benefit plan issuer's correction or update, if any, made to the network directory as a result of the investigation, including the date of the correction or update;

(7) proof that the health benefit plan issuer made the disclosure required by Subsection (f)(1); and

(8) the total number of reports received each month for each network offered by the health benefit plan issuer.

(i) A health benefit plan issuer shall submit the log required by Subsection (h) at least once annually on a date specified by the commissioner by rule and as otherwise required by Subsection (l).

(j) A health benefit plan issuer shall retain the log for three years after the last entry date unless the commissioner by rule requires a longer retention period.

(k) The following elements of a log provided to the department under this section are confidential and are not subject to disclosure as public information under Chapter 552, Government Code:

(1) personally identifiable information or medical information about the individual making the report; and

(2) personally identifiable information about a physician or health care provider.

(l) If, in any 30-day period, the health benefit plan issuer receives three or more reports that allege the health benefit plan issuer's directory inaccurately represents a physician's or a health care provider's network participation status and that are confirmed by the health benefit plan issuer's investigation, the health benefit plan issuer shall immediately report that occurrence to the commissioner and provide to the department a copy of the log required by Subsection (h).

(m) The department shall review a log submitted by a health benefit plan issuer under Subsection (i) or (l). If the department determines that the health benefit plan issuer appears to have engaged in a pattern of maintaining an inaccurate network directory, the commissioner shall examine the health benefit plan issuer's compliance with Subsections (d-1) and (d-2).

(n) A health benefit plan issuer examined under this section shall pay the cost of the examination in an amount determined by the commissioner.

(o) The department shall collect an assessment in an amount determined by the commissioner from the health benefit plan issuer at the time of the examination to cover all expenses attributable directly to the examination, including the salaries and expenses of department employees and all reasonable expenses of the department necessary for the administration of this section. The department shall deposit an assessment collected under this section to the credit of the account with the Texas Treasury Safekeeping Trust Company described by Section 401.156.

(p) Money deposited under this section shall be used to pay the salaries and expenses of examiners and all other expenses related to the examination of a health benefit plan issuer under this section.

SECTION \_\_\_\_\_. The heading to Chapter 1467, Insurance Code, is amended to read as follows:

CHAPTER 1467. OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION;  
NETWORK ADEQUACY

SECTION \_\_\_\_\_. The heading to Subchapter D, Chapter 1467, Insurance Code, is amended to read as follows:

SUBCHAPTER D. COMPLAINTS; CONSUMER PROTECTION; NETWORK  
ADEQUACY

SECTION \_\_\_\_\_. Subchapter D, Chapter 1467, Insurance Code, is amended by adding Sections 1467.152 and 1467.153 to read as follows:

Sec. 1467.152. NETWORK ADEQUACY EXAMINATIONS AND FEES. (a) At the beginning of each calendar year, the department shall review mediation request information collected by the department for the preceding calendar year to identify the two insurers with the highest percentage of claims that are subject to mediation requests under this chapter in comparison to other insurers offering health benefit plans subject to mediation for the reviewed year.

(b) Not later than May 1 of each year, the department shall examine any insurer identified under Subsection (a) to determine the quality and adequacy of networks offered by the insurer.

(c) Documentation provided to the commissioner during an examination conducted under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

(d) An insurer examined under this section shall pay the cost of the examination in an amount determined by the commissioner.

(e) The department shall collect an assessment in an amount determined by the commissioner from the insurer at the time of the examination to cover all expenses attributable directly to the examination, including the salaries and expenses of department employees and all reasonable expenses of the department necessary for the administration of this section. The department shall deposit an assessment collected under this section to the credit of the account with the Texas Treasury Safekeeping Trust Company described by Section 401.156.

(f) Money deposited under this section shall be used to pay the salaries and expenses of examiners and all other expenses related to the examination of an insurer under this section.

(g) An examination conducted by the department under this section is in addition to any examination of an insurer required by other law, including Section 1301.0056.

(h) The commissioner shall publish and make available on the department's Internet website for at least 10 years after the date of the examination information regarding an examination under this section, including:

(1) the name of an insurer and health benefit plan whose networks were examined under this section; and

(2) each year in which the insurer was subject to an examination under this section.

Sec. 1467.153. TERMINATION WITHOUT CAUSE. (a) In this section, "termination without cause" means the termination of the provider network or preferred provider contract between a physician, practitioner, health care provider, or facility and an insurer for a reason other than:

(1) at the request of the physician, practitioner, health care provider, or facility; or

(2) fraud or a material breach of contract.



(b) An insurer shall notify the department on the 15th day of each month of the total number of terminations without cause made by the insurer during the preceding month with respect to a health benefit plan that is subject to this chapter. The notification shall include information identifying:

(1) the type and number of physicians, practitioners, health care providers, or facilities that were terminated;

(2) the location of the physician, practitioner, health care provider, or facility that was terminated; and

(3) each health benefit plan offered by the insurer that is affected by the termination.

(c) The department may investigate any insurer notifying the department of a significant number of terminations without cause with respect to a health benefit plan subject to this chapter. The investigation must emphasize terminations without cause that:

(1) may impact the quality or adequacy of a health benefit plan's network;  
or

(2) occur within the first three months after an open enrollment period closes.

(d) Except for good cause shown, the department shall impose an administrative penalty in accordance with Chapter 84 on an insurer if the department makes a determination that the terminations without cause made by an insurer caused, wholly or partly, an inadequate network to be used by a health benefit plan that is offered by the insurer. The department may not grant a waiver from any related network adequacy requirements to an insurer offering a health benefit plan with an inadequate network caused, wholly or partly, by terminations without cause made by the insurer.

(e) Personally identifiable information regarding a physician or practitioner included in documentation provided to or collected by the department under this section is confidential and is not subject to disclosure as public information under Chapter 552, Government Code.

### **Floor Amendment No. 3 on Third Reading**

Amend **SB 1742** (house committee report) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 843.348, Insurance Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) Nothing in Subsection (g) may be construed to:

(1) authorize a provider to provide health care services outside of the scope of the provider's practice as defined by applicable state law; or

(2) require the health maintenance organization to pay for a health care service provided outside of the scope of a provider's practice as defined by applicable state law.

SECTION \_\_\_\_\_. The heading to Chapter 1217, Insurance Code, is amended to read as follows:

CHAPTER 1217. ~~[STANDARD REQUEST FORM FOR]~~ PRIOR  
AUTHORIZATION OF HEALTH CARE OR DENTAL CARE SERVICES

SECTION \_\_\_\_\_. Chapter 1217, Insurance Code, is amended by adding Section 1217.008 to read as follows:

Sec. 1217.008. PROHIBITION OF DENIAL OF PAYMENT FOR PREAUTHORIZED HEALTH CARE OR DENTAL CARE SERVICES. (a) If a health benefit plan issuer has given prior authorization for health care or dental care services, the health benefit plan issuer may not deny or reduce payment to the physician, dentist, or health care provider for those services based on medical necessity or appropriateness of care unless the physician, dentist, or health care provider materially misrepresented the proposed health care or dental care services or substantially failed to perform the proposed health care or dental care services.

(b) Nothing in this section limits the liability of a physician, dentist, or health care provider:

(1) in an action brought under Chapter 36, Human Resources Code; or

(2) for a violation of state or federal law governing medical assistance under Chapter 32, Human Resources Code, including medical assistance delivered through a managed care model or health benefits provided under the state child health plan program under Chapter 62, Health and Safety Code.

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

(1) a denial, recoupment, or suspension of or reduction in a payment to a physician, dentist, or health care provider made by a managed care organization under the direction of the Health and Human Services Commission's office of the inspector general, under the office's authority to prevent, detect, audit, inspect, review, and investigate fraud, waste, and abuse in the provision and delivery of all health and human services in the state under Section 531.102, Government Code; or

(2) a recovery by a managed care organization under Section 531.1131, Government Code.

(d) Nothing in Subsection (a) may be construed to:

(1) authorize a health care provider to provide health care services outside of the scope of the health care provider's practice as defined by applicable state law; or

(2) require the health benefit plan issuer to pay for a health care service provided outside of the scope of a health care provider's practice as defined by applicable state law.

SECTION \_\_\_\_\_. Section 1301.135, Insurance Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Nothing in Subsection (f) may be construed to:

(1) authorize a health care provider to provide medical care or health care services outside of the scope of the health care provider's practice as defined by applicable state law; or

(2) require the insurer to pay for a medical care or health care service provided outside of the scope of a health care provider's practice as defined by applicable state law.

**Floor Amendment No. 4 on Third Reading**

Amend **SB 1742** (house committee printing) on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

SECTION \_\_. Section 843.010, Insurance Code, is amended to read as follows:

Sec. 843.010. APPLICABILITY OF CERTAIN PROVISIONS TO GOVERNMENTAL HEALTH BENEFIT PLANS. Sections 843.306(f), 843.322, and 843.363(a)(4) do not apply to coverage under:

(1) the child health plan program under Chapter 62, Health and Safety Code, or the health benefits plan for children under Chapter 63, Health and Safety Code; or

(2) a Medicaid program, including a Medicaid managed care program operated under Chapter 533, Government Code.

SECTION \_\_. Subchapter I, Chapter 843, Insurance Code, is amended by adding Section 843.322 to read as follows:

Sec. 843.322. USE OF EXTRAPOLATION PROHIBITED. (a) In this section, "extrapolation" means a mathematical process or technique used by a health maintenance organization in the audit of a participating physician or provider to estimate audit results or findings for a larger batch or group of claims not reviewed by the health maintenance organization.

(b) A health maintenance organization may not use extrapolation to complete an audit of a participating physician or provider. Any additional payment due a participating physician or provider or any refund due the health maintenance organization must be based on the actual overpayment or underpayment and may not be based on an extrapolation.

SECTION \_\_. Subchapter B, Chapter 1301, Insurance Code, is amended by adding Section 1301.0642 to read as follows:

Sec. 1301.0642. USE OF EXTRAPOLATION PROHIBITED. (a) In this section, "extrapolation" means a mathematical process or technique used by an insurer in the audit of a preferred or nonpreferred provider to estimate audit results or findings for a larger batch or group of claims not reviewed by the insurer.

(b) An insurer may not use extrapolation to complete an audit of a preferred or nonpreferred provider. Any additional payment due a preferred or nonpreferred provider or any refund due the insurer must be based on the actual overpayment or underpayment and may not be based on an extrapolation.

(c) If a payment for which a patient has signed an agreement to pay is due a preferred or nonpreferred provider, the patient is considered to have assumed full financial responsibility for the payment, and the payment may not be used as a basis for a claim of nonpayment against the insurer.

SECTION \_\_. Section 843.010, Insurance Code, as amended by this Act, and Sections 843.322 and 1301.0642, Insurance Code, as added by this Act, apply only to the audit of a physician or provider under a contract with an insurer or health maintenance organization entered into or renewed on or after the effective date of this Act.

### Floor Amendment No. 5 on Third Reading

Amend **SB 1742** (house committee printing) on third reading as follows:

(1) Add the following appropriately numbered ARTICLE heading to the bill, transfer SECTIONS 1, 2, 3, and 4 of the bill to that ARTICLE, and renumber those SECTIONS accordingly:

ARTICLE \_\_. PHYSICIAN AND HEALTH CARE PROVIDER DIRECTORIES

(2) On page 3, line 24, strike "Act" and substitute "article".

(3) Add the following appropriately numbered ARTICLES to the bill:

ARTICLE \_\_. REGULATION OF UTILIZATION REVIEW, INDEPENDENT REVIEW, AND PEER REVIEW AND PREAUTHORIZATION REQUIREMENTS

SECTION \_\_.01. Section 533.005, Government Code, is amended by adding Subsection (e) to read as follows:

(e) In addition to the requirements under Subsection (a), a contract described by that subsection must require the managed care organization to comply with Section 4201.156, Insurance Code.

SECTION \_\_.02. Section 843.348(b), Insurance Code, is amended to read as follows:

(b) A health maintenance organization that uses a preauthorization process for health care services shall provide each participating physician or provider, not later than the fifth ~~[10th]~~ business day after the date a request is made, a list of health care services that ~~[do not]~~ require preauthorization and information concerning the preauthorization process.

SECTION \_\_.03. Subchapter J, Chapter 843, Insurance Code, is amended by adding Sections 843.3481, 843.3482, 843.3483, and 843.3484 to read as follows:

Sec. 843.3481. POSTING OF PREAUTHORIZATION REQUIREMENTS. (a) A health maintenance organization that uses a preauthorization process for health care services shall make the requirements and information about the preauthorization process readily accessible to enrollees, physicians, providers, and the general public by posting the requirements and information on the health maintenance organization's Internet website.

(b) The preauthorization requirements and information described by Subsection (a) must:

(1) be posted:

(A) conspicuously in a location on the Internet website that does not require the use of a log-in or other input of personal information to view the information; and

(B) in a format that is easily searchable and accessible;

(2) be written in plain language that is easily understandable by enrollees, physicians, providers, and the general public;

(3) include a detailed description of the preauthorization process and procedure; and

(4) include an accurate and current list of the health care services for which the health maintenance organization requires preauthorization that includes the following information specific to each service:

(A) the effective date of the preauthorization requirement;

(B) a list or description of any supporting documentation that the health maintenance organization requires from the physician or provider ordering or requesting the service to approve a request for that service;

(C) the applicable screening criteria using Current Procedural Terminology codes and International Classification of Diseases codes; and

(D) statistics regarding preauthorization approval and denial rates for the service in the preceding year and for each previous year the preauthorization requirement was in effect, including statistics in the following categories:

(i) physician or provider type and specialty, if any;

(ii) indication offered;

(iii) reasons for request denial;

(iv) denials overturned on internal appeal;

(v) denials overturned on external appeal; and

(vi) total annual preauthorization requests, approvals, and denials

for the service.

Sec. 843.3482. CHANGES TO PREAUTHORIZATION REQUIREMENTS.

(a) Except as provided by Subsection (b), not later than the 60th day before the date a new or amended preauthorization requirement takes effect, a health maintenance organization that uses a preauthorization process for health care services shall provide each participating physician or provider written notice of the new or amended preauthorization requirement and disclose the new or amended requirement in the health maintenance organization's newsletter or network bulletin, if any.

(b) For a change in a preauthorization requirement or process that removes a service from the list of health care services requiring preauthorization or amends a preauthorization requirement in a way that is less burdensome to enrollees or participating physicians or providers, a health maintenance organization shall provide each participating physician or provider written notice of the change in the preauthorization requirement and disclose the change in the health maintenance organization's newsletter or network bulletin, if any, not later than the fifth day before the date the change takes effect.

(c) Not later than the fifth day before the date a new or amended preauthorization requirement takes effect, a health maintenance organization shall update its Internet website to disclose the change to the health maintenance organization's preauthorization requirements or process and the date and time the change is effective.

Sec. 843.3483. REMEDY FOR NONCOMPLIANCE; AUTOMATIC WAIVER. In addition to any other penalty or remedy provided by law, a health maintenance organization that uses a preauthorization process for health care services that violates this subchapter with respect to a required publication, notice, or response regarding its preauthorization requirements, including by failing to comply with any applicable deadline for the publication, notice, or response, waives the health maintenance organization's preauthorization requirements with respect to any health care service affected by the violation, and any health care service affected by the violation is considered preauthorized by the health maintenance organization.

Sec. 843.3484. EFFECT OF PREAUTHORIZATION WAIVER. A waiver of preauthorization requirements under Section 843.3483 may not be construed to:

(1) authorize a physician or provider to provide health care services outside of the physician's or provider's applicable scope of practice as defined by state law; or

(2) require the health maintenance organization to pay for a health care service provided outside of the physician's or provider's applicable scope of practice as defined by state law.

SECTION \_\_.04. Section 1301.135(a), Insurance Code, is amended to read as follows:

(a) An insurer that uses a preauthorization process for medical care or ~~and~~ health care services shall provide to each preferred provider, not later than the fifth ~~fourth~~ business day after the date a request is made, a list of medical care and health care services that require preauthorization and information concerning the preauthorization process.

SECTION \_\_.05. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Sections 1301.1351, 1301.1352, 1301.1353, and 1301.1354 to read as follows:

Sec. 1301.1351. POSTING OF PREAUTHORIZATION REQUIREMENTS.

(a) An insurer that uses a preauthorization process for medical care or health care services shall make the requirements and information about the preauthorization process readily accessible to insureds, physicians, health care providers, and the general public by posting the requirements and information on the insurer's Internet website.

(b) The preauthorization requirements and information described by Subsection (a) must:

(1) be posted:

(A) conspicuously in a location on the Internet website that does not require the use of a log-in or other input of personal information to view the information; and

(B) in a format that is easily searchable and accessible;

(2) be written in plain language that is easily understandable by insureds, physicians, health care providers, and the general public;

(3) include a detailed description of the preauthorization process and procedure; and

(4) include an accurate and current list of medical care and health care services for which the insurer requires preauthorization that includes the following information specific to each service:

(A) the effective date of the preauthorization requirement;

(B) a list or description of any supporting documentation that the insurer requires from the physician or health care provider ordering or requesting the service to approve a request for the service;

(C) the applicable screening criteria using Current Procedural Terminology codes and International Classification of Diseases codes; and

(D) statistics regarding the insurer's preauthorization approval and denial rates for the medical care or health care service in the preceding year and for each previous year the preauthorization requirement was in effect, including statistics in the following categories:

(i) physician or health care provider type and specialty, if any;

- (ii) indication offered;
- (iii) reasons for request denial;
- (iv) denials overturned on internal appeal;
- (v) denials overturned on external appeal; and
- (vi) total annual preauthorization requests, approvals, and denials

for the service.

(c) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1352. CHANGES TO PREAUTHORIZATION REQUIREMENTS.

(a) Except as provided by Subsection (b), not later than the 60th day before the date a new or amended preauthorization requirement takes effect, an insurer that uses a preauthorization process for medical care or health care services shall provide to each preferred provider written notice of the new or amended preauthorization requirement and disclose the new or amended requirement in the insurer's newsletter or network bulletin, if any.

(b) For a change in a preauthorization requirement or process that removes a service from the list of medical care or health care services requiring preauthorization or amends a preauthorization requirement in a way that is less burdensome to insureds, physicians, or health care providers, an insurer shall provide each preferred provider written notice of the change in the preauthorization requirement and disclose the change in the insurer's newsletter or network bulletin, if any, not later than the fifth day before the date the change takes effect.

(c) Not later than the fifth day before the date a new or amended preauthorization requirement takes effect, an insurer shall update its Internet website to disclose the change to the insurer's preauthorization requirements or process and the date and time the change is effective.

(d) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1353. REMEDY FOR NONCOMPLIANCE; AUTOMATIC WAIVER. (a) In addition to any other penalty or remedy provided by law, an insurer that uses a preauthorization process for medical care or health care services that violates this subchapter with respect to a required publication, notice, or response regarding its preauthorization requirements, including by failing to comply with any applicable deadline for the publication, notice, or response, waives the insurer's preauthorization requirements with respect to any medical care or health care service affected by the violation, and any medical care or health care service affected by the violation is considered preauthorized by the insurer.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

Sec. 1301.1354. EFFECT OF PREAUTHORIZATION WAIVER. (a) A waiver of preauthorization requirements under Section 1301.1353 may not be construed to:

(1) authorize a physician or health care provider to provide medical care or health care services outside of the physician's or health care provider's applicable scope of practice as defined by state law; or

(2) require the insurer to pay for a medical care or health care service provided outside of the physician's or health care provider's applicable scope of practice as defined by state law.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

SECTION \_\_.06. Section 4201.002(12), Insurance Code, is amended to read as follows:

(12) "Provider of record" means the physician or other health care provider with primary responsibility for the health care ~~[-, treatment, and]~~ services provided to or requested on behalf of an enrollee or the physician or other health care provider that has provided or has been requested to provide the health care services to the enrollee. The term includes a health care facility where the health care services are ~~[if treatment is]~~ provided on an inpatient or outpatient basis.

SECTION \_\_.07. Sections 4201.151 and 4201.152, Insurance Code, are amended to read as follows:

Sec. 4201.151. UTILIZATION REVIEW PLAN. A utilization review agent's utilization review plan, including reconsideration and appeal requirements, must be reviewed by a physician licensed to practice medicine in this state and conducted in accordance with standards developed with input from appropriate health care providers and approved by a physician licensed to practice medicine in this state.

Sec. 4201.152. UTILIZATION REVIEW UNDER ~~[DIRECTION OF]~~ PHYSICIAN. A utilization review agent shall conduct utilization review under the supervision and direction of a physician licensed to practice medicine in this ~~[by a]~~ state ~~[licensing agency in the United States]~~.

SECTION \_\_.08. Subchapter D, Chapter 4201, Insurance Code, is amended by adding Section 4201.1525 to read as follows:

Sec. 4201.1525. UTILIZATION REVIEW BY PHYSICIAN. (a) A utilization review agent that uses a physician to conduct utilization review may only use a physician licensed to practice medicine in this state.

(b) A payor that conducts utilization review on the payor's own behalf is subject to Subsection (a) as if the payor were a utilization review agent.

SECTION \_\_.09. Section 4201.153(d), Insurance Code, is amended to read as follows:

(d) Screening criteria must be used to determine only whether to approve the requested treatment. Before issuing an adverse determination, a utilization review agent must obtain a determination of medical necessity by referring a proposed ~~[A]~~ denial of requested treatment ~~[must be referred]~~ to:

(1) an appropriate physician, dentist, or other health care provider; or

(2) if the treatment is requested, ordered, provided, or to be provided by a physician, a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician ~~[to determine medical necessity]~~.

SECTION \_\_.10. Sections 4201.155, 4201.206, and 4201.251, Insurance Code, are amended to read as follows:



Sec. 4201.155. LIMITATION ON NOTICE REQUIREMENTS AND REVIEW PROCEDURES. (a) A utilization review agent may not establish or impose a notice requirement or other review procedure that is contrary to the requirements of the health insurance policy or health benefit plan.

(b) This section may not be construed to release a health insurance policy or health benefit plan from full compliance with this chapter or other applicable law.

Sec. 4201.206. OPPORTUNITY TO DISCUSS TREATMENT BEFORE ADVERSE DETERMINATION. (a) Subject to Subsection (b) and the notice requirements of Subchapter G, before an adverse determination is issued by a utilization review agent who questions the medical necessity, the ~~[e]~~ appropriateness, or the experimental or investigational nature~~[r]~~ of a health care service, the agent shall provide the health care provider who ordered, requested, provided, or is to provide the service a reasonable opportunity to discuss with a physician licensed to practice medicine in this state the patient's treatment plan and the clinical basis for the agent's determination.

(b) If the health care service described by Subsection (a) was ordered, requested, or provided, or is to be provided by a physician, the opportunity described by that subsection must be with a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician.

Sec. 4201.251. DELEGATION OF UTILIZATION REVIEW. A utilization review agent may delegate utilization review to qualified personnel in the hospital or other health care facility in which the health care services to be reviewed were or are to be provided. The delegation does not release the agent from the full responsibility for compliance with this chapter or other applicable law, including the conduct of those to whom utilization review has been delegated.

SECTION \_\_.11. Subchapter D, Chapter 4201, Insurance Code, is amended by adding Section 4201.156 to read as follows:

Sec. 4201.156. REVIEW PROCEDURES FOR EMERGENCY CARE CLAIMS. (a) Utilization review of an emergency care claim must be made by a utilization review agent who is a physician licensed under Subtitle B, Title 3, Occupations Code.

(b) With respect to an enrollee's emergency medical condition that is the basis for an emergency care claim, a utilization review agent:

(1) may not make an adverse determination for the emergency care claim predominantly based on the condition's classification under a Current Procedural Terminology or International Classification of Diseases code; and

(2) must review the enrollee's medical records.

SECTION \_\_.12. Sections 4201.252(a) and (b), Insurance Code, are amended to read as follows:

(a) Personnel employed by or under contract with a utilization review agent to perform utilization review must be appropriately trained and qualified and meet the requirements of this chapter and other applicable law, including licensing requirements.

(b) Personnel, other than a physician licensed to practice medicine in this state, who obtain oral or written information directly from a patient's physician or other health care provider regarding the patient's specific medical condition, diagnosis, or

treatment options or protocols must be a nurse, physician assistant, or other health care provider qualified and licensed or otherwise authorized by law and the appropriate licensing agency in this state to provide the requested service.

SECTION \_\_.13. Section 4201.356, Insurance Code, is amended to read as follows:

Sec. 4201.356. DECISION BY PHYSICIAN REQUIRED; SPECIALTY REVIEW. (a) The procedures for appealing an adverse determination must provide that a physician licensed to practice medicine in this state makes the decision on the appeal, except as provided by Subsection (b) or (c).

(b) For a health care service ordered, requested, provided, or to be provided by a physician, the procedures for appealing an adverse determination must provide that a physician licensed to practice medicine in this state who is of the same or a similar specialty as that physician makes the decision on appeal, except as provided by Subsection (c).

(c) If not later than the 10th working day after the date an appeal is denied the enrollee's health care provider states in writing good cause for having a particular type of specialty provider review the case, a health care provider who is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under consideration for review and who is licensed or otherwise authorized by the appropriate licensing agency in this state to manage the medical or dental condition, procedure, or treatment shall review the decision denying the appeal. The specialty review must be completed within 15 working days of the date the health care provider's request for specialty review is received.

SECTION \_\_.14. Sections 4201.357(a), (a-1), and (a-2), Insurance Code, are amended to read as follows:

(a) The procedures for appealing an adverse determination must include, in addition to the written appeal, a procedure for an expedited appeal of a denial of emergency care or a denial of continued hospitalization. That procedure must include a review by a health care provider who:

(1) has not previously reviewed the case; [~~and~~]

(2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal; and

(3) for a review of a health care service:

(A) ordered, requested, provided, or to be provided by a health care provider who is not a physician, is licensed or otherwise authorized by the appropriate licensing agency in this state to provide the service in this state; or

(B) ordered, requested, provided, or to be provided by a physician, is licensed to practice medicine in this state.

(a-1) The procedures for appealing an adverse determination must include, in addition to the written appeal and the appeal described by Subsection (a), a procedure for an expedited appeal of a denial of prescription drugs or intravenous infusions for which the patient is receiving benefits under the health insurance policy. That procedure must include a review by a health care provider who:

(1) has not previously reviewed the case; [~~and~~]

(2) is of the same or a similar specialty as the health care provider who would typically manage the medical or dental condition, procedure, or treatment under review in the appeal; and

(3) for a review of a health care service:

(A) ordered, requested, provided, or to be provided by a health care provider who is not a physician, is licensed or otherwise authorized by the appropriate licensing agency in this state to provide the service in this state; or

(B) ordered, requested, provided, or to be provided by a physician, is licensed to practice medicine in this state.

(a-2) An adverse determination under Section 1369.0546 is entitled to an expedited appeal. The physician or, if appropriate, other health care provider deciding the appeal must consider atypical diagnoses and the needs of atypical patient populations. The physician must be licensed to practice medicine in this state and the health care provider must be licensed or otherwise authorized by the appropriate licensing agency in this state.

SECTION \_\_.15. Section 4201.359, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) A physician described by Subsection (b)(2) must comply with this chapter and other applicable laws and be licensed to practice medicine in this state. A health care provider described by Subsection (b)(2) must comply with this chapter and other applicable laws and be licensed or otherwise authorized by the appropriate licensing agency in this state.

SECTION \_\_.16. Sections 4201.453 and 4201.454, Insurance Code, are amended to read as follows:

Sec. 4201.453. UTILIZATION REVIEW PLAN. A specialty utilization review agent's utilization review plan, including reconsideration and appeal requirements, must be:

(1) reviewed by a health care provider of the appropriate specialty who is licensed or otherwise authorized to provide the specialty health care service in this state; and

(2) conducted in accordance with standards developed with input from a health care provider of the appropriate specialty who is licensed or otherwise authorized to provide the specialty health care service in this state.

Sec. 4201.454. UTILIZATION REVIEW UNDER DIRECTION OF PROVIDER OF SAME SPECIALTY. A specialty utilization review agent shall conduct utilization review under the direction of a health care provider who is of the same specialty as the agent and who is licensed or otherwise authorized to provide the specialty health care service in this ~~state~~ [by a] state [licensing agency in the United States].

SECTION \_\_.17. Sections 4201.455(a) and (b), Insurance Code, are amended to read as follows:

(a) Personnel who are employed by or under contract with a specialty utilization review agent to perform utilization review must be appropriately trained and qualified and meet the requirements of this chapter and other applicable law of this state, including licensing laws.

(b) Personnel who obtain oral or written information directly from a physician or other health care provider must be a nurse, physician assistant, or other health care provider of the same specialty as the agent and who are licensed or otherwise authorized to provide the specialty health care service in this [by a] state [licensing agency in the United States].

SECTION \_\_.18. Sections 4201.456 and 4201.457, Insurance Code, are amended to read as follows:

Sec. 4201.456. OPPORTUNITY TO DISCUSS TREATMENT BEFORE ADVERSE DETERMINATION. Subject to the notice requirements of Subchapter G, before an adverse determination is issued by a specialty utilization review agent who questions the medical necessity, the [or] appropriateness, or the experimental or investigational nature[;] of a health care service, the agent shall provide the health care provider who ordered, requested, provided, or is to provide the service a reasonable opportunity to discuss the patient's treatment plan and the clinical basis for the agent's determination with a health care provider who is:

- (1) of the same specialty as the agent; and
- (2) licensed or otherwise authorized to provide the specialty health care service in this state.

Sec. 4201.457. APPEAL DECISIONS. A specialty utilization review agent shall comply with the requirement that a physician or other health care provider who makes the decision in an appeal of an adverse determination must be:

- (1) of the same or a similar specialty as the health care provider who would typically manage the specialty condition, procedure, or treatment under review in the appeal; and
- (2) licensed or otherwise authorized to provide the health care service in this state.

SECTION \_\_.19. Section 4202.002, Insurance Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The standards adopted under Subsection (b)(3) must:

- (1) ensure that personnel conducting independent review for a health care service are licensed or otherwise authorized to provide the same or a similar health care service in this state; and
- (2) be consistent with the licensing laws of this state.

SECTION \_\_.20. Section 408.0043, Labor Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), if a health care service is requested, ordered, provided, or to be provided by a physician, a person described by Subsection (a)(1), (2), or (3) who reviews the service with respect to a specific workers' compensation case must be of the same or a similar specialty as that physician.

SECTION \_\_.21. Subchapter B, Chapter 151, Occupations Code, is amended by adding Section 151.057 to read as follows:

Sec. 151.057. APPLICATION TO UTILIZATION REVIEW. (a) In this section:

- (1) "Adverse determination" means a determination that health care services provided or proposed to be provided to an individual in this state by a physician or at the request or order of a physician are not medically necessary or are experimental or investigational.

(2) "Payor" has the meaning assigned by Section 4201.002, Insurance Code.

(3) "Utilization review" has the meaning assigned by Section 4201.002, Insurance Code, and the term includes a review of:

(A) a step therapy protocol exception request under Section 1369.0546, Insurance Code; and

(B) prescription drug benefits under Section 1369.056, Insurance Code.

(4) "Utilization review agent" means:

(A) an entity that conducts utilization review under Chapter 4201, Insurance Code;

(B) a payor that conducts utilization review on the payor's own behalf or on behalf of another person or entity;

(C) an independent review organization certified under Chapter 4202, Insurance Code; or

(D) a workers' compensation health care network certified under Chapter 1305, Insurance Code.

(b) A person who does the following is considered to be engaged in the practice of medicine in this state and is subject to appropriate regulation by the board:

(1) makes on behalf of a utilization review agent or directs a utilization review agent to make an adverse determination, including:

(A) an adverse determination made on reconsideration of a previous adverse determination;

(B) an adverse determination in an independent review under Subchapter I, Chapter 4201, Insurance Code;

(C) a refusal to provide benefits for a prescription drug under Section 1369.056, Insurance Code; or

(D) a denial of a step therapy protocol exception request under Section 1369.0546, Insurance Code;

(2) serves as a medical director of an independent review organization certified under Chapter 4202, Insurance Code;

(3) reviews or approves a utilization review plan under Section 4201.151, Insurance Code;

(4) supervises and directs utilization review under Section 4201.152, Insurance Code; or

(5) discusses a patient's treatment plan and the clinical basis for an adverse determination before the adverse determination is issued, as provided by Section 4201.206, Insurance Code.

(c) For purposes of Subsection (b), a denial of health care services based on the failure to request prospective or concurrent review is not considered an adverse determination.

SECTION \_\_.22. Section 1305.351(d), Insurance Code, is amended to read as follows:

(d) A ~~Notwithstanding Section 4201.152, a~~ utilization review agent or an insurance carrier that uses doctors to perform reviews of health care services provided under this chapter, including utilization review, or peer reviews under Section 408.0231(g), Labor Code, may only use doctors licensed to practice in this state.

SECTION \_\_\_\_.23. Section 1305.355(d), Insurance Code, is amended to read as follows:

(d) The department shall assign the review request to an independent review organization. ~~An [Notwithstanding Section 4202.002, an]~~ independent review organization that uses doctors to perform reviews of health care services under this chapter may only use doctors licensed to practice in this state.

SECTION \_\_\_\_.24. Section 408.023(h), Labor Code, is amended to read as follows:

(h) ~~A [Notwithstanding Section 4201.152, Insurance Code, a]~~ utilization review agent or an insurance carrier that uses doctors to perform reviews of health care services provided under this subtitle, including utilization review, may only use doctors licensed to practice in this state.

SECTION \_\_\_\_.25. Section 413.031(e-2), Labor Code, is amended to read as follows:

(e-2) ~~An [Notwithstanding Section 4202.002, Insurance Code, an]~~ independent review organization that uses doctors to perform reviews of health care services provided under this title may only use doctors licensed to practice in this state.

SECTION \_\_\_\_.26. The changes in law made by this article to Chapters 843 and 1301, Insurance Code, apply only to a request for preauthorization of medical care or health care services made on or after January 1, 2020, under a health benefit plan delivered, issued for delivery, or renewed on or after that date. A request for preauthorization of medical care or health care services made before January 1, 2020, or on or after January 1, 2020, under a health benefit plan delivered, issued for delivery, or renewed before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_.27. The changes in law made by this article to Chapters 1305, 4201, and 4202, Insurance Code, Chapters 408 and 413, Labor Code, and Chapter 151, Occupations Code, apply only to utilization, independent, or peer review that was requested on or after the effective date of this Act. Utilization, independent, or peer review requested before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_.28. Section 4201.156, Insurance Code, as added by this article, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_.29. If before implementing any provision of this article a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

ARTICLE \_\_\_\_ . DISCLOSURES REGARDING CERTAIN PREAUTHORIZED  
MEDICAL AND HEALTH CARE SERVICES

SECTION \_\_\_\_ .01. Subchapter F, Chapter 843, Insurance Code, is amended by adding Section 843.2025 to read as follows:

Sec. 843.2025. DISCLOSURES CONCERNING CERTAIN PREAUTHORIZED SERVICES. (a) In this section:

(1) "Elective" means non-emergent, medically necessary, and able to be scheduled at least 24 hours in advance.

(2) "Facility-based provider" means a physician or provider who provides a health care service to a patient of a licensed medical facility and bills for the service provided.

(3) "Licensed medical facility" means:

(A) a hospital licensed under Chapter 241, Health and Safety Code;

(B) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code; or

(C) a birthing center licensed under Chapter 244, Health and Safety Code.

(4) "Preauthorization" has the meaning assigned by Section 843.348.

(b) A health maintenance organization that preauthorizes an enrollee's health care service shall provide a disclosure to the enrollee at the time the health maintenance organization issues a determination preauthorizing the service if the service:

(1) will be provided at a licensed medical facility;

(2) is elective; and

(3) must be preauthorized as a condition of payment by the health maintenance organization for the service.

(c) The disclosure provided to an enrollee under Subsection (b) must include:

(1) a statement of the name and network status of any facility-based provider that the health maintenance organization reasonably expects will provide and bill for the preauthorized service or any anesthesia, pathology, or radiology services associated with the preauthorized service;

(2) an estimate of:

(A) the payment that the health maintenance organization will make for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service; and

(B) the enrollee's financial responsibility, including any copayment or other out-of-pocket amount, for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service;

(3) a statement that the actual charges and payment for the preauthorized service and the enrollee's financial responsibility for the service may vary from the estimate provided by the health maintenance organization based on the enrollee's actual medical condition and other factors associated with the performance of the service;

(4) a statement substantially similar to the following: "This notice may not reflect all the physicians and health care providers who may be involved in and bill for your care. Despite your health maintenance organization's best efforts to disclose

all physicians and health care providers who we reasonably expect to participate in your care, circumstances, including facility scheduling, staff changes, or complications, or other factors associated with your care, may result in different or additional physicians or health care providers providing and billing for care provided to you."; and

(5) a statement that the enrollee may be personally liable for the amount charged for health care services provided to the enrollee depending on the enrollee's health benefit plan coverage.

(d) A general statement that some facility-based providers may be out-of-network does not satisfy the requirement in Subsection (c)(1).

SECTION \_\_.02. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Section 1301.1355 to read as follows:

Sec. 1301.1355. DISCLOSURES CONCERNING CERTAIN PREAUTHORIZED SERVICES. (a) In this section:

(1) "Elective" means non-emergent, medically necessary, and able to be scheduled at least 24 hours in advance.

(2) "Facility-based provider" means a physician or health care provider who provides a medical care or health care service to a patient of a licensed medical facility and bills for the service provided.

(3) "Licensed medical facility" means:

(A) a hospital licensed under Chapter 241, Health and Safety Code;

(B) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code; or

(C) a birthing center licensed under Chapter 244, Health and Safety Code.

(b) An insurer that preauthorizes an insured's medical care or health care service shall provide a disclosure to the insured at the time the insurer issues a determination preauthorizing the service if the service:

(1) will be provided at a licensed medical facility;

(2) is elective; and

(3) must be preauthorized as a condition of payment by the insurer for the service.

(c) The disclosure provided to an insured under Subsection (b) must include:

(1) a statement of the name and network status of any facility-based provider that the insurer reasonably expects will provide and bill for the preauthorized service or any anesthesia, pathology, or radiology services associated with the preauthorized service;

(2) an estimate of:

(A) the payment that the insurer will make for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service; and

(B) the insured's financial responsibility, including any copayment or other out-of-pocket amount, for the preauthorized service and any anesthesia, pathology, or radiology services associated with the preauthorized service;



(3) a statement that the actual charges and payment for the preauthorized service and the insured's financial responsibility for the service may vary from the estimate provided by the insurer based on the insured's actual medical condition and other factors associated with the performance of the service;

(4) a statement substantially similar to the following: "This notice may not reflect all the physicians and health care providers who may be involved in and bill for your care. Despite your insurer's best efforts to disclose all physicians and health care providers who we reasonably expect to participate in your care, circumstances, including facility scheduling, staff changes, or complications, or other factors associated with your care, may result in different or additional physicians or health care providers providing and billing for care provided to you."; and

(5) a statement that the insured may be personally liable for the amount charged for medical care or health care services provided to the insured depending on the insured's health benefit plan coverage.

(d) A general statement that some facility-based physicians or health care providers may be out-of-network does not satisfy the requirement in Subsection (c)(1).

SECTION \_\_.03. The changes in law made by this article apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2020.

(4) Add the following appropriately numbered ARTICLE heading to the bill, transfer SECTION 5 of the bill to that ARTICLE, and renumber that SECTION accordingly:

ARTICLE \_\_. EFFECTIVE DATE

The amendments were read.

Senator Menéndez moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1742** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Menéndez, Chair; Hancock, Zaffirini, Nichols, and Schwertner.

**SENATE BILL 601 WITH HOUSE AMENDMENT**

Senator Hall called **SB 601** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Amendment**

Amend **SB 601** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the continuation and functions of the Texas Veterans Commission.

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

SECTION 1. Section 434.002(a), Government Code, is amended to read as follows:

(a) The Texas Veterans Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2031 [2019].

SECTION 2. Section 434.0061, Government 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 commission operations [~~legislation that created the commission~~];

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission;

(4) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of a state policymaking body in performing their duties;

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission; and

(6) the scope of and limitations on the rulemaking authority of the 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 member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 3. Section 434.007, Government Code, is amended to read as follows:

Sec. 434.007. DUTIES. (a) The commission shall:

(1) compile federal, state, and local laws enacted to benefit members of the armed forces, veterans, and their families and dependents;

(2) collect information relating to services and facilities available to veterans;

(3) cooperate with veterans service agencies in the state;

(4) inform members and veterans of the armed forces, their families and dependents, and military and civilian authorities about the existence or availability of:

(A) educational training and retraining facilities;

(B) health, medical, rehabilitation, and housing services and facilities;

(C) employment and reemployment services;

(D) provisions of federal, state, and local law affording rights, privileges, and benefits to members and veterans of the armed forces and their families and dependents; and

(E) other similar, related, or appropriate matters;

(5) assist veterans and their families and dependents in presenting, proving, and establishing claims, privileges, rights, and benefits they may have under federal, state, or local law;

(6) cooperate with all government and private agencies securing services or benefits to veterans and their families and dependents;

(7) investigate, and if possible correct, abuses or exploitation of veterans or their families or dependents, and recommend necessary legislation for full correction;

(8) coordinate the services and activities of state departments and divisions having services and resources affecting veterans or their families or dependents;

(9) provide training and certification of veterans county service officers and assistant veterans county service officers in accordance with Section 434.038;

(10) through surveys or other reasonable and accurate methods of estimation, collect and maintain for each county in the state the number of servicemembers and veterans residing in the county and annually update and publish the information on the commission's website; ~~and~~

(11) with the assistance and cooperation of the comptroller, inform and assist veterans and their families and dependents with respect to discovering and initiating claims for unclaimed property held by the United States Department of Veterans Affairs;

(12) annually evaluate and set priorities for each program administered by the commission to meet the changing needs of veterans in this state;

(13) annually set concrete goals for staff and measure the staff's performance; and

(14) establish success measures and corresponding targets for each program administered by the commission and report the program's progress in meeting the measures and targets in:

(A) any annual internal report for that program; and

(B) the commission's strategic plan under Section 2056.002.

(b) In setting priorities under Subsection (a)(12), the commission shall consider:

(1) the existing strategic plan under Section 2056.002 and the needs assessment under Section 434.017(c-1);

(2) complaint data;

(3) performance outcomes;

(4) veteran survey results;

(5) staff input; and

(6) any other available information.

SECTION 4. Section 434.0078, Government Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) The commission shall adopt procedures for administering claims assistance services under Section 434.007(a)(5) [~~434.007(5)~~]. The procedures shall include:

(1) criteria for determining when a veteran's initial claim is substantially complete and basic eligibility requirements are met as provided by federal law;

(2) a process for expediting a claim based on hardship, including whether the veteran:

- (A) is in immediate need;
- (B) is terminally ill;
- (C) has a verifiable financial hardship; or
- (D) has a disability that presents an undue burden;

(3) a procedure for counseling veterans on the potential merits or drawbacks of pursuing a claim;

(4) a process to ensure adequate documentation and development of a claim or appeal, including early client involvement, collection of needed evidence and records, and analysis of actions necessary to pursue and support a claim or appeal;

(5) criteria for evaluating whether a decision of the United States Department of Veterans Affairs contains sufficient cause for filing an appeal;

(6) a requirement that a claims counselor report to the United States Department of Veterans Affairs if the counselor has direct knowledge that a claim contains false or deceptive information; and

(7) a procedure for prioritizing a claim, when appropriate, or providing an alternative source for obtaining claims assistance services when it is not appropriate to prioritize.

(c) The commission shall regularly evaluate claims assistance services staffing to determine where counselors and special team staff are most needed. The evaluation must include the:

- (1) workload of staff;
- (2) number of veterans who requested claims assistance services at a claims assistance services office and failed to receive assistance the same day;
- (3) percentage of veterans described by Subdivision (2) who received assistance at a later date; and
- (4) quality of claims prepared at each of the claims assistance services offices.

(d) The commission shall regularly evaluate the needs and performance of any special claims assistance resources provided by the legislature, including the state strike force team and the fully developed claims team, and request to adjust staffing for those resources as appropriate.

(e) The commission shall regularly collect detailed information on the outcome of claims and use that information to evaluate and improve claims assistance services. The commission, at a minimum, shall track and evaluate the following information by claims district:

- (1) the quality of claims submitted to the state strike force team;
- (2) the percentage of claims developed through claims assistance services that are processed as fully developed claims by the United States Department of Veterans Affairs;
- (3) the success rate of claims and appeals developed through claims assistance services; and
- (4) the average processing time for claims and appeals by the United States Department of Veterans Affairs.

(f) In documenting the success rate of claims and appeals as required by Subsection (e), the commission shall include in a consolidated report each claim, the corresponding decision by the United States Department of Veterans Affairs, and the status and outcome of any appeal.

SECTION 5. Section 434.017, Government Code, is amended by adding Subsection (c-4) to read as follows:

(c-4) The commission shall publish the most recent needs assessment under Subsection (c-1) on the commission's Internet website.

SECTION 6. Section 434.033, Government Code, is amended by amending Subsection (b) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(b) Except as provided by Subsection (c-2), to [Fø] be appointed as an officer a person must:

(1) be qualified by education and training for the duties of the office;

(2) be experienced in the law, regulations, and rulings of the United States Department of Veterans Affairs controlling cases that come before the commission; and

(3) have the service experience specified by Subsection (c) or be:

(A) a widowed Gold Star Mother or unremarried widow of a serviceman or veteran whose death resulted from service;

(B) the spouse of a disabled veteran who has a total disability rating based either on having a service-connected disability with a disability rating of 100 percent or on individual unemployability; or

(C) the spouse of a retired veteran who served a minimum of 20 years on active duty.

(c-1) Before selecting an individual for appointment as an officer, a commissioners court described by Subsection (a) shall solicit applications from individuals interested in being appointed as an officer, including by posting notice for at least 30 consecutive days on:

(1) the commission's Internet website; and

(2) the online system for listing state agency employment openings maintained by the Texas Workforce Commission.

(c-2) If the commissioners court is unable to appoint an individual who meets the requirements under Subsection (b)(3), the commissioners court may apply to the commission for approval to appoint an individual who does not meet those requirements. The commission shall approve the appointment if the commissioners court provides to the commission:

(1) a certified letter from a local chapter of the Veterans of Foreign Wars and from a local chapter of the American Legion stating that the commissioners court solicited applications from members of those chapters; and

(2) proof that the commissioners court posted notice soliciting applications on the commission's Internet website and the online system described by Subsection (c-1)(2) for at least 90 days.

(c-3) An individual whose appointment is approved by the commission under Subsection (c-2) is eligible for certification under Section 434.038 if the individual satisfies the requirements provided by that section.

SECTION 7. Section 434.352(c), Government Code, is amended to read as follows:

(c) Subject to Section 434.3525, the ~~The~~ executive director of the commission shall appoint a program director to administer the mental health program for veterans.

SECTION 8. Subchapter H, Chapter 434, Government Code, is amended by adding Section 434.3525 to read as follows:

Sec. 434.3525. MENTAL HEALTH PROGRAM DIRECTOR ELIGIBILITY. To be eligible for appointment under Section 434.352(c), an individual must:

- (1) have at least a master's degree in a recognized mental health field;
- (2) be licensed in this state to practice a mental health profession;
- (3) have multiple years of postgraduate experience in a human services setting, such as a community mental health center, chemical dependency rehabilitation center, or residential treatment facility;
- (4) have experience in providing mental health services with primary care teams, with preference given to a candidate with at least four years of that experience;
- (5) have experience in providing population-based care, with preference given to a candidate with at least two years of that experience; and
- (6) have experience in providing trauma-informed care, with preference given to a candidate with at least two years of that experience.

SECTION 9. (a) Except as provided by Subsection (b) of this section, Section 434.0061, Government Code, as amended by this Act, applies to a member of the Texas Veterans Commission who is appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Veterans Commission who, before the effective date of this Act, completed the training program required by Section 434.0061, Government Code, as that law existed before the effective date of this Act, is required to complete additional training only on subjects added by this Act to the training program as required by Section 434.0061, Government Code, as amended by this Act. 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, 2019, until the member completes the additional training.

SECTION 10. Not later than December 1, 2019, the Texas Veterans Commission shall complete the initial annual evaluation of and set priorities for each program administered by the commission as required by Section 434.007(a)(12), Government Code, as added by this Act.

SECTION 11. (a) Not later than December 1, 2019, the Texas Veterans Commission shall establish success measures and corresponding targets for each program administered by the commission as required by Section 434.007(a)(14), Government Code, as added by this Act.

(b) Not later than February 1, 2020, the commission shall include the success measures and corresponding targets described by Subsection (a) of this section and any preliminary data from those measures in any annual internal reports for those programs.

(c) Not later than June 1, 2020, the commission shall include in the commission's strategic plan under Section 2056.002, Government Code, the success measures and corresponding targets described by Subsection (a) of this section.

SECTION 12. The changes in law made by this Act to Section 434.033, Government Code, apply only to the appointment of a veterans county service officer that occurs on or after the effective date of this Act. A person who is serving as a veterans county service officer immediately before the effective date of this Act may continue to serve for the remainder of the officer's term, and that officer's qualifications for serving as an officer for that term are governed by the law in effect immediately before the effective date of this Act.

SECTION 13. Regardless of when an individual was first appointed to the position, an individual is not eligible to hold the position of program director under Section 434.352(c), Government Code, as amended by this Act, after December 1, 2019, unless the individual satisfies the eligibility requirements under Section 434.3525, Government Code, as added by this Act.

SECTION 14. This Act takes effect September 1, 2019.

The amendment was read.

Senator Hall moved 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 prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 601** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Hall, Chair; Birdwell, Buckingham, Watson, and Campbell.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 1397**

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 1397** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1397** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Hancock, Whitmire, Menéndez, and Campbell.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 700**

Senator Powell 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 700** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 700** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Powell, Chair; Creighton, Fallon, Flores, and Zaffirini.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2984 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2984** at this time on its second reading:

**CSHB 2984**, Relating to the essential knowledge and skills of the technology applications curriculum.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2984** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0181 to read as follows:

Sec. 28.0181. COMPUTER SCIENCE STRATEGIC ADVISORY COMMITTEE. (a) In this section, "advisory committee" means the computer science strategic advisory committee established under this section.

(b) The agency shall establish the computer science strategic advisory committee to develop and provide recommendations for increasing computer science instruction and participation in public schools.

(c) The advisory committee is composed of at least 11 members. The members must include:

- (1) two members appointed by the governor;
- (2) two members appointed by the lieutenant governor;
- (3) two members appointed by the speaker of the house of representatives;
- (4) one member appointed by the chair of the senate committee with primary jurisdiction over primary and secondary education;
- (5) one member appointed by the chair of the senate committee with primary jurisdiction over higher education;
- (6) one member appointed by the chair of the house of representatives committee with primary jurisdiction over primary and secondary education;
- (7) one member appointed by the chair of the house of representatives committee with primary jurisdiction over higher education;
- (8) one member appointed by the chair of the State Board of Education; and
- (9) any other members added by the advisory committee in a manner determined by the committee in the committee's discretion.



(d) In appointing members to the advisory committee, the governor, lieutenant governor, and speaker of the house of representatives shall coordinate appointments to ensure that the six individuals appointed to the advisory committee collectively by those officers include:

(1) three educators who teach in a public school and are certified in computer science;

(2) one parent or person standing in parental relation to a student enrolled in a public school;

(3) one person employed in the technology industry; and

(4) one faculty member of an institution of higher education.

(e) The governor shall designate a member of the advisory committee as the presiding officer of the advisory committee to serve in that capacity at the pleasure of the governor.

(f) The advisory committee may hold public meetings.

(g) Members of the advisory committee are not entitled to compensation but are entitled to reimbursement for actual and necessary expenses incurred in fulfilling committee duties.

(h) Staff members of the agency shall provide administrative support for the advisory committee.

(i) Funding for the administrative and operational expenses of the advisory committee shall be provided by appropriation to the agency for that purpose.

(j) Not later than September 1, 2020, the advisory committee shall submit to the governor and the legislature a report that includes recommended changes to state law, including funding proposals and timelines for the implementation of the recommended changes. The report shall include recommendations that are intended to:

(1) increase the number of certified computer science teachers;

(2) increase the number of public high schools offering computer science courses;

(3) increase the number of high school students enrolled in computer science courses;

(4) encourage the enrollment of diverse student populations in computer science courses; and

(5) expand computer science learning opportunities, including computer programming, computer coding, cybersecurity, and computational thinking, in public schools.

(k) The advisory committee is abolished and this section expires January 1, 2021.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of this Act, the appropriate persons, as provided by Section 28.0181(c), Education Code, as added by this Act, shall appoint members to the computer science strategic advisory committee.

The amendment to **CSHB 2984** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**CSHB 2984** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2984 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2984** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(Senator Flores in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 8 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 8** at this time on its second reading:

**CSHB 8**, Relating to the criminal statute of limitations for certain sex offenses and the collection, analysis, and preservation of evidence of sexual assault and other sex offenses.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 8** (senate committee printing) in SECTION 8 of the bill, in amended Section 420.042, Government Code, between Subsections (c) and (d) of that section (page 5, between lines 31 and 32), by inserting the following:

(c-1) With respect to a criminal case in which evidence of a sexual assault or other sex offense is collected and the number of offenders is uncertain or unknown, a public accredited crime laboratory shall analyze any evidence of the sexual assault or other sex offense submitted to the laboratory under this chapter or other law that is necessary to identify the offender or offenders.

The amendment to **CSHB 8** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSHB 8** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 420, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. STATEWIDE TELEHEALTH CENTER FOR SEXUAL  
ASSAULT FORENSIC MEDICAL EXAMINATION

Sec. 420.101. DEFINITIONS. In this subchapter:

(1) "Center" means the statewide telehealth center for sexual assault forensic medical examination.

(2) "Telehealth service" has the meaning assigned by Section 111.001, Occupations Code.

Sec. 420.102. ESTABLISHMENT OF CENTER. The attorney general shall establish the statewide telehealth center for sexual assault forensic medical examination to expand access to sexual assault nurse examiners for underserved populations.

Sec. 420.103. POWERS OF CENTER. (a) In accordance with other law, the center may facilitate in person or through telecommunications or information technology the provision by a sexual assault nurse examiner of:

(1) training or technical assistance to a sexual assault examiner on:

(A) conducting a forensic medical examination on a survivor; and

(B) the use of telehealth services; and

(2) consultation services, guidance, or technical assistance to a sexual assault examiner during a forensic medical examination on a survivor.

(b) With permission from the facility or entity where a forensic medical examination on a survivor is conducted and to the extent authorized by other law, the center may facilitate the use of telehealth services during a forensic medical examination on a survivor.

(c) The center may deliver other services as requested by the attorney general to carry out the purposes of this subchapter.

Sec. 420.104. OPERATION PROTOCOLS REQUIRED. (a) The center and the attorney general shall develop operation protocols to address compliance with applicable laws and rules governing:

(1) telehealth services;

(2) standards of professional conduct for licensure and practice;

(3) standards of care;

(4) maintenance of records;

(5) technology requirements;

(6) data privacy and security of patient information; and

(7) the operation of a telehealth center.

(b) The center shall make every effort to ensure the system through which the center operates for the provision of telehealth services meets national standards for interoperability to connect to telehealth systems outside of the center.

Sec. 420.105. AUTHORIZED CONTRACTS. The attorney general may enter into any contract the attorney general considers necessary to implement this subchapter, including a contract to:

(1) develop, implement, maintain, or operate the center;

(2) train or provide technical assistance for health care professionals on conducting forensic medical examinations and the use of telehealth services; or

(3) provide consultation, guidance, or technical assistance for health care professionals using telehealth services during a forensic medical examination.

Sec. 420.106. FUNDING. (a) The legislature may appropriate money to the attorney general to establish the center.

(b) The attorney general may provide funds to the center for:

- (1) establishing and maintaining the operations of the center;
- (2) training conducted by or through the center;
- (3) travel expenses incurred by a sexual assault nurse examiner for:
 
  - (A) carrying out the nurse's duties under Section 420.103(a); or
  - (B) testifying as a witness outside the nurse's county of residence;
- (4) equipment and software applications for the center; and
- (5) any other purpose considered appropriate by the attorney general.

Sec. 420.107. CONSULTATION REQUIRED. In implementing this subchapter, the attorney general shall consult with persons with expertise in medicine and forensic medical examinations, a statewide sexual assault coalition, a statewide organization with expertise in the operation of children's advocacy programs, and attorneys with expertise in prosecuting sexual assault offenses.

Sec. 420.108. RULES. The attorney general may adopt rules as necessary to implement this subchapter.

The amendment to **CSHB 8** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**CSHB 8** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **COMMITTEE SUBSTITUTE HOUSE BILL 8 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 8** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 10:00 p.m. today.

### **COMMITTEE SUBSTITUTE HOUSE BILL 3143 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 3143** at this time on its second reading:

**CSHB 3143**, Relating to the Property Redevelopment and Tax Abatement Act.

The motion prevailed.

Senator Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following amendment to the bill:

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

Amend **CSHB 3143** as follows:

In SECTION 4 of the bill, in added Sec. 312.207(c)(1), Tax Code, strike "the name of the property owner" and substitute "the name of the property owner and the name of the applicant for the tax abatement agreement".

The amendment to **CSHB 3143** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Hall offered the following amendment to the bill:

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

Amend **CSHB 3143** (senate committee report) as follows:

(1) In the recital to SECTION 4 of the bill (page 1, line 47), strike "Subsections (c) and (d)" and substitute "Subsections (c), (d), and (e)".

(2) In SECTION 4 of the bill, immediately following added Section 312.207(d), Tax Code (page 2, between lines 1 and 2), insert the following:

(e) The governing body of a municipality may not consider the approval of a tax abatement agreement at a meeting unless the governing body provides a copy of the agreement in the manner required by Chapter 551, Government Code, for giving notice of the meeting, except that the copy of the agreement must be provided at least 30 days before the scheduled date of the meeting.

(3) In SECTION 8 of the bill, in the transition language (page 2, line 17), strike "Sections 312.207(c) and (d)" and substitute "Sections 312.207(c), (d), and (e)".

The amendment to **CSHB 3143** was read and failed of adoption by the following vote: Yeas 5, Nays 26.

Yeas: Creighton, Fallon, Hall, Nelson, Schwertner.

Nays: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Paxton, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Senator Hall offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSHB 3143** (senate committee report) as follows:

(1) In SECTION 8 of the bill, in the transition language (page 2, line 17), strike "Sections 312.207(c) and (d) and 312.404, Tax Code, as added" and substitute "Sections 312.205(a) and (c), 312.207(c) and (d), and 312.404, Tax Code, as added or amended".

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

SECTION \_\_\_\_\_. Section 312.205, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An agreement made under Section 312.204 or 312.211 must:

(1) list the kind, number, and location of all proposed improvements of the property;

(2) provide access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;

(3) limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;

(4) provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement;

(5) provide for the creation of at least:

(A) 25 new qualifying jobs; or

(B) 10 new qualifying jobs if the property subject to the agreement is located in a county with a population of less than 50,000;

(6) require recapture of all or a portion of property tax revenue lost as a result of the agreement if the owner of the property fails to create all or a portion of the number of new qualifying jobs provided by the agreement;

(7) contain each term agreed to by the owner of the property;

(8) [~~6~~] require the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement; and

(9) [~~7~~] provide that the governing body of the municipality may cancel or modify the agreement if the property owner fails to comply with the agreement.

(c) In this section:

(1) "County average weekly wage for all jobs" means:

(A) the average weekly wage in a county for all jobs during the most recent four quarterly periods for which data is available at the time a person enters into a tax abatement agreement under this subchapter, as computed by the Texas Workforce Commission; or

(B) the average weekly wage for all jobs in the region designated for the regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, in which the county is located during the most recent four quarterly periods for which data is available at the time a person enters into a tax abatement agreement under this subchapter, as computed by the Texas Workforce Commission.

(2) "Qualifying job" means a permanent full-time job that:

(A) requires at least 1,600 hours of work a year;

(B) is not transferred from one area in this state to another area in this state;

(C) is not created to replace a previous employee;

(D) is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and

(E) pays at least 110 percent of the county average weekly wage for all jobs in the county where the job is located, if the county has an unemployment rate that is not above the state average at the time a person enters into a tax abatement agreement.

The amendment to **CSHB 3143** was read and failed of adoption by the following vote: Yeas 1, Nays 30.

Yeas: Hall.

Senator Hall offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSHB 3143** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 312, Tax Code, is amended by adding Section 312.0022 to read as follows:

Sec. 312.0022. PROHIBITION ON ABATEMENT OF TAXES ON PROPERTY WITH CERTAIN RENEWABLE ENERGY DEVICES INSTALLED OR CONSTRUCTED. (a) In this section:

(1) "Solar energy device" has the meaning assigned by Section 11.27.

(2) "Wind-powered energy device" has the meaning assigned by Section 11.27.

(b) Notwithstanding any other provision of this chapter, an owner or lessee of a parcel of real property that is located wholly or partly in a reinvestment zone may not receive an exemption from taxation of any portion of the value of the parcel of real property or of tangible personal property located on the parcel of real property under a tax abatement agreement under this chapter that is entered into on or after September 1, 2019, if, on or after that date, a solar energy device or wind-powered energy device is installed or constructed on the same parcel of real property. The prohibition provided by this section applies regardless of whether the solar energy device or wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

The amendment to **CSHB 3143** was read and failed of adoption by the following vote: Yeas 10, Nays 20.

Yeas: Bettencourt, Buckingham, Campbell, Creighton, Fallon, Hall, Kolkhorst, Nelson, Paxton, Schwertner.

Nays: Alvarado, Birdwell, Flores, Hancock, Hinojosa, Huffman, Johnson, Lucio, Menéndez, Miles, Nichols, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Absent: Hughes.

**CSHB 3143** as amended was passed to third reading by the following vote: Yeas 30, Nays 1.

Nays: Hall.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3143 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3143** be placed on its third reading and final passage.

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

Nays: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**(Senator Alvarado in Chair)**

**HOUSE BILL 4280 ON SECOND READING**

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4280** at this time on its second reading:

**HB 4280**, Relating to the grant program distributing money from the transportation infrastructure fund.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 4280** (senate committee printing) by striking SECTIONS 2 and 4 of the bill (page 1, line 57 through page 2, line 11 and page 2, lines 39 and 40) and renumbering subsequent SECTIONS of the bill as appropriate.

The amendment to **HB 4280** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 4280** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 4280 ON THIRD READING**

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4280** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.



**HOUSE BILL 4714 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 4714** at this time on its second reading:

**HB 4714**, Relating to the powers, duties, and governance of the Westwood Magnolia Parkway Improvement District; providing authority to impose taxes and issue bonds.

The motion prevailed.

Senator Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 4714** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 323, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Section 4C to read as follows:

Sec. 4C. CONFIRMATION ELECTION. (a) Notwithstanding any other provision of this Act, if the addition of territory to the district under Section 4B of this Act is not confirmed at an election under this section, the territory is not added to the district.

(b) The district shall hold an election in the additional territory described by Section 4B of this Act on a uniform election date provided by Section 41.001, Election Code, to confirm the addition of the territory to the district.

(c) Notice of the confirmation election shall state the day and place or places for holding the election and the proposition to be voted on.

(d) The ballots for the confirmation election shall be printed to provide for voting "For New District Boundaries" and "Against New District Boundaries."

(e) Immediately after the confirmation election, the presiding judge shall take returns of the results to the board. The board shall canvass the returns and issue an order declaring the results at the earliest practicable time. The order must include a description of the district's boundaries according to the results of the election.

(f) If a majority of the votes cast in the election favor the addition of the territory to the district, the board shall issue an order declaring that the additional territory is added to the district and enter the result in its minutes. If a majority of the votes cast in the election are against the addition of the territory to the district, the board shall issue an order declaring that the addition was defeated and enter the result in its minutes.

(g) A copy of each order issued under this section must be filed:

(1) in the deed records of the county or counties in which the district is located; and

(2) with the commission.

The amendment to **HB 4714** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 4714** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Hall.

#### **HOUSE BILL 4714 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4714** be placed on its third reading and final passage.

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

Nays: Hall.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE HOUSE BILL 72 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **CSHB 72** at this time on its second reading:

**CSHB 72**, Relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.

The motion prevailed.

Senators Birdwell, Creighton, and Hughes asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Creighton, Hughes.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 72 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 72** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Buckingham, Campbell, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Creighton, Hughes.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

(President in Chair)

### HOUSE BILL 1900 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1900** at this time on its second reading:

**HB 1900**, Relating to replacement cost coverage in policies issued by the Texas Windstorm Insurance Association.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 1900** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, on page 2, line 27, strike "a particular storm" and substitute "an occurrence".

(2) Strike SECTION 5 of the bill (page 2, line 41) and substitute the following:

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, 2019.

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

SECTION \_\_\_\_ . Section 2210.071, Insurance Code, is amended to read as follows:

Sec. 2210.071. PAYMENT OF EXCESS LOSSES. (a) If, in a catastrophe year, an occurrence or series of occurrences in a catastrophe area results in insured losses and operating expenses of the association in excess of premium and other revenue of the association, the excess losses and operating expenses shall be paid as provided by this subchapter.

(b) The association may not pay insured losses and operating expenses resulting from an occurrence or series of occurrences in a catastrophe year with premium and other revenue earned in a subsequent year.

SECTION \_\_\_\_ . Section 2210.0715, Insurance Code, is amended to read as follows:

Sec. 2210.0715. PAYMENT FROM RESERVES AND TRUST FUND. (a) The association shall pay losses resulting from an occurrence or series of occurrences in a catastrophe year in excess of premium and other revenue of the association for that catastrophe year from [available] reserves of the association available before or accrued during that catastrophe year and [available] amounts in the catastrophe reserve trust fund available before or accrued during that catastrophe year.

(b) Proceeds of ~~[Class 1]~~ public securities issued or assessments made before or as a result ~~[the date]~~ of any occurrence or series of occurrences in a catastrophe year that results in insured losses may not be included in ~~[available]~~ reserves available for a subsequent catastrophe year for purposes of this section.

SECTION \_\_\_\_. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.1052 to read as follows:

Sec. 2210.1052. EMERGENCY MEETING. If the ultimate loss estimate for an occurrence or series of occurrences made by the chief financial officer or chief actuary of the association indicates member insurers may be subject to an assessment under Subchapter B-1, the board of directors shall call an emergency meeting to notify the member insurers about the assessment.

SECTION \_\_\_\_. Section 2210.453, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The cost of the reinsurance purchased or alternative financing mechanisms used under this section in excess of the minimum funding level required by Subsection (b) shall be paid by assessments as provided by this subsection. The association, with the approval of the commissioner, shall notify each member of the association of the amount of the member's assessment under this subsection. The proportion of the cost to each insurer under this subsection shall be determined in the manner used to determine each insurer's participation in the association for the year under Section 2210.052.

(e) A member of the association may not recoup an assessment paid under Subsection (d) through a premium surcharge or tax credit.

SECTION \_\_\_\_. Chapter 2210, Insurance Code, is amended by adding Subchapter N-1 to read as follows:

SUBCHAPTER N-1. LEGISLATIVE FUNDING AND FUNDING STRUCTURE  
OVERSIGHT BOARD

Sec. 2210.661. DEFINITION. In this subchapter, "board" means the windstorm insurance legislative funding and funding structure oversight board.

Sec. 2210.662. COMPOSITION OF BOARD. The board is composed of eight members as follows:

(1) four members of the senate appointed by the lieutenant governor including the chairperson of the Senate Business and Commerce Committee, who shall serve as co-chairperson of the board; and

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

Sec. 2210.663. POWERS AND DUTIES OF BOARD. (a) The board shall:

(1) gather information regarding:

(A) how the association's current funding and funding structure operate;

(B) how the catastrophic risk pools of other states operate; and

(C) other information that the board considers necessary to prepare the report required by Section 2210.664; and

(2) hold public meetings to hear testimony from experts, stakeholders, and other interested parties regarding recommendations and proposals for establishing and implementing sustainable funding and a sustainable funding structure for the association.

(b) The board may request reports and other information as necessary to implement this subchapter from:

(1) the department;

(2) the association; and

(3) experts, stakeholders, and other interested parties described by

Subsection (a)(2).

Sec. 2210.664. REPORT. (a) The board shall prepare a report of the board's findings regarding the current funding and funding structure of the association, problems with the funding and funding structure, and recommendations for legislative action related to the funding, funding structure, and sustainability of the association.

The report must include:

(1) an analysis of the current funding, funding structure, and sustainability of the association, including the association's reliance on debt and reinsurance; and

(2) recommendations for legislative action necessary to:

(A) address problems with the current funding and funding structure of the association; and

(B) foster the stability and sustainability of the association.

(b) Not later than November 15, 2020, the board shall deliver the report prepared under Subsection (a) to:

(1) the governor;

(2) the lieutenant governor; and

(3) the speaker of the house of representatives.

Sec. 2210.665. EXPIRATION. This subchapter expires September 1, 2021.

SECTION \_\_\_\_. (a) The windstorm insurance legislative oversight board established under Subchapter N, Chapter 2210, Insurance Code, shall conduct a study to evaluate a merger of the Texas Windstorm Insurance Association established under Chapter 2210, Insurance Code, and the Fair Access to Insurance Requirements Plan established under Chapter 2211, Insurance Code.

(b) The evaluation must consider:

(1) the affordability and availability of windstorm and hail insurance throughout this state and, in particular, in the seacoast territory as defined by Section 2210.003, Insurance Code;

(2) the affordability and availability of residential property insurance throughout this state and, in particular, in underserved areas as defined by Section 2211.001, Insurance Code;

(3) the advisability of merging the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan to provide windstorm and hail and residential property insurance in this state;

(4) any efficiencies or inefficiencies from a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan;

(5) the funding necessary to ensure that windstorm and hail and residential property insurance are available after the merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan; and

(6) any other items the windstorm insurance legislative oversight board determines are relevant to a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan.

(c) Not later than January 1, 2021, the windstorm insurance legislative oversight board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the Texas Department of Insurance a written report of the study conducted under Subsection (a) of this section. The report must include the findings and legislative recommendations of the board.

(d) This section expires January 1, 2022.

The amendment to **HB 1900** was read.

Question: Shall Floor Amendment No. 1 to **HB 1900** be adopted?

#### AT EASE

The President at 9:32 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### IN LEGISLATIVE SESSION

The President at 9:50 p.m. called the Senate to order as In Legislative Session.

Question: Shall Floor Amendment No. 1 to **HB 1900** be adopted?

Senator Taylor moved to postpone further consideration of the bill.

The motion prevailed.

Question: Shall Floor Amendment No. 1 to **HB 1900** be adopted?

#### HOUSE BILL 2617 ON SECOND READING

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2617** at this time on its second reading:

**HB 2617**, Relating to the fiscal year of certain political subdivisions.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

#### HOUSE BILL 2617 ON THIRD READING

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2617** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 2594 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2594** at this time on its second reading:

**HB 2594**, Relating to disposal of controlled substance prescription drugs by hospice service providers.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 2594 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2594** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 766 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 766** at this time on its second reading:

**HB 766**, Relating to exemptions for disabled peace officers and fire fighters from payment of tuition and fees at public institutions of higher education.

The motion prevailed.

Senators Birdwell and Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 766** (senate committee printing) in SECTION 2 of the bill, on page 1, as follows:

(1) Strike lines 27 and 28 and substitute the following:

SECTION 2. Section 54.352, Education Code, is amended by amending Subsections (a), (g), and (h) and adding Subsection (b-1) to read as follows:

(2) In amended Section 54.352, Education Code, immediately following amended Subsection (a), between lines 44 and 45, insert the following:

(b-1) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions under this section to students enrolled in a specific course in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that course.

The amendment to **HB 766** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 766** (senate committee printing) by inserting the appropriately numbered sections and renumbering the remaining sections accordingly:

SECTION \_\_\_\_\_. The heading to Section 54.353, Education Code, is amended to read as follows:

Sec. 54.353. FIREFIGHTERS OR PARAMEDICS ENROLLED IN FIRE SCIENCE COURSES.

SECTION \_\_\_\_\_. Section 54.353, Education Code, is amended by amending Subsections (a) and (f) and adding Subsection (e-1) to read as follows:

(a) The governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees any student enrolled in one or more courses offered as part of a fire science curriculum who:

(1) is employed as a firefighter or a paramedic by a political subdivision of this state; or

(2) is currently, and has been for at least one year, an active member of an organized volunteer fire department participating in the Texas Emergency Services Retirement System or a retirement system established under the Texas Local Fire Fighters Retirement Act (Article 6243e, Vernon's Texas Civil Statutes) and who holds:

(A) an Accredited Advanced level of certification, or an equivalent success or certification, under the State Firemen's and Fire Marshals' Association of Texas volunteer certification program; or

(B) Phase V (Firefighter II) certification, or an equivalent successor certification, under the Texas Commission on Fire Protection's voluntary certification program under Section 419.071, Government Code.

(e-1) Notwithstanding Subsection (a), the governing board of an institution of higher education may not provide exemptions under this section to students enrolled in a specific class in a number that exceeds 20 percent of the maximum student enrollment designated by the institution for that class.

(f) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules:

(A) prescribing the educational attainment or level of certification necessary to qualify for an exemption as a paramedic; and

(B) relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

SECTION \_\_\_\_\_. The Texas Higher Education Coordinating Board shall adopt the rules required by Section 54.353(f), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act.

The amendment to **HB 766** was read and was adopted by a viva voce vote.



All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**HB 766** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Birdwell, Hall.

### **HOUSE BILL 766 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 766** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Buckingham, Campbell, Creighton, Fallon, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

### **SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 11:00 p.m. today.

### **HOUSE BILL 1900 ON SECOND READING**

The President laid before the Senate **HB 1900** sponsored by Senator Taylor on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed:

**HB 1900**, Relating to replacement cost coverage in policies issued by the Texas Windstorm Insurance Association.

Question: Shall Floor Amendment No. 1 to **HB 1900** be adopted?

Senator Hancock offered the following amendment to Floor Amendment No. 1:

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

Amend Floor Amendment No. 1 by Taylor to **HB 1900** by striking item (3) and substituting as follows:

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

SECTION \_\_\_\_ . Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.1052 to read as follows:

Sec. 2210.1052. EMERGENCY MEETING. If the ultimate loss estimate for an occurrence or series of occurrences made by the chief financial officer or chief actuary of the association indicates member insurers may be subject to an assessment under Subchapter B-1, the board of directors shall call an emergency meeting to notify the member insurers about the assessment.

SECTION \_\_\_\_. Chapter 2210, Insurance Code, is amended by adding Subchapter N-1 to read as follows:

SUBCHAPTER N-1. LEGISLATIVE FUNDING AND FUNDING STRUCTURE OVERSIGHT BOARD

Sec. 2210.661. DEFINITION. In this subchapter, "board" means the windstorm insurance legislative funding and funding structure oversight board.

Sec. 2210.662. COMPOSITION OF BOARD. The board is composed of eight members as follows:

(1) four members of the senate appointed by the lieutenant governor including the chairperson of the Senate Business and Commerce Committee, who shall serve as co-chairperson of the board; and

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

Sec. 2210.663. POWERS AND DUTIES OF BOARD. (a) The board shall:

(1) gather information regarding:

(A) how the association's current funding and funding structure operate;

(B) how the catastrophic risk pools of other states operate; and

(C) other information that the board considers necessary to prepare the report required by Section 2210.664; and

(2) hold public meetings to hear testimony from experts, stakeholders, and other interested parties regarding recommendations and proposals for establishing and implementing sustainable funding and a sustainable funding structure for the association.

(b) The board may request reports and other information as necessary to implement this subchapter from:

(1) the department;

(2) the association; and

(3) experts, stakeholders, and other interested parties described by Subsection (a)(2).

Sec. 2210.664. REPORT. (a) The board shall prepare a report of the board's findings regarding the current funding and funding structure of the association, problems with the funding and funding structure, and recommendations for legislative action related to the funding, funding structure, and sustainability of the association. The report must include:

(1) an analysis of the current funding, funding structure, and sustainability of the association, including the association's reliance on debt and reinsurance; and

(2) recommendations for legislative action necessary to:

(A) address problems with the current funding and funding structure of the association; and

(B) foster the stability and sustainability of the association.

(b) Not later than November 15, 2020, the board shall deliver the report prepared under Subsection (a) to:

- (1) the governor;
- (2) the lieutenant governor; and
- (3) the speaker of the house of representatives.

Sec. 2210.665. EXPIRATION. This subchapter expires September 1, 2021.

SECTION \_\_\_\_\_. (a) The windstorm insurance legislative oversight board established under Subchapter N, Chapter 2210, Insurance Code, shall conduct a study to evaluate a merger of the Texas Windstorm Insurance Association established under Chapter 2210, Insurance Code, and the Fair Access to Insurance Requirements Plan established under Chapter 2211, Insurance Code.

(b) The evaluation must consider:

(1) the affordability and availability of windstorm and hail insurance throughout this state and, in particular, in the seacoast territory as defined by Section 2210.003, Insurance Code;

(2) the affordability and availability of residential property insurance throughout this state and, in particular, in underserved areas as defined by Section 2211.001, Insurance Code;

(3) the advisability of merging the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan to provide windstorm and hail and residential property insurance in this state;

(4) any efficiencies or inefficiencies from a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan;

(5) the funding necessary to ensure that windstorm and hail and residential property insurance are available after the merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan; and

(6) any other items the windstorm insurance legislative oversight board determines are relevant to a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan.

(c) Not later than January 1, 2021, the windstorm insurance legislative oversight board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the Texas Department of Insurance a written report of the study conducted under Subsection (a) of this section. The report must include the findings and legislative recommendations of the board.

(d) This section expires January 1, 2022.

The amendment to Floor Amendment No. 1 to **HB 1900** was read and failed of adoption by the following vote: Yeas 11, Nays 19.

Yeas: Fallon, Hancock, Johnson, Menéndez, Nelson, Nichols, Paxton, Powell, Schwertner, Seliger, West.

Nays: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Flores, Hall, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Perry, Rodríguez, Taylor, Watson, Whitmire, Zaffirini.

Absent: Miles.

Question recurring on the adoption of Floor Amendment No. 1 to **HB 1900**, the amendment was adopted by the following vote: Yeas 19, Nays 11.

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Flores, Hall, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Perry, Rodríguez, Taylor, Watson, Whitmire, Zaffirini.

Nays: Fallon, Hancock, Johnson, Menéndez, Nelson, Nichols, Paxton, Powell, Schwertner, Seliger, West.

Absent: Miles.

Senator Taylor offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **HB 1900** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in the transition language (page 2, line 35), strike "The changes in law made by this Act" and substitute "Sections 2210.207 and 2210.581, Insurance Code, as amended by this Act, and Section 2210.5741, Insurance Code, as added by this Act,".

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

SECTION \_\_\_\_\_. Section 2210.251(g), Insurance Code, is amended to read as follows:

(g) A certificate of compliance issued by the department [~~or association~~] under Section 2210.2515 demonstrates compliance with the applicable building code under the plan of operation. The certificate is evidence of insurability of the structure by the association.

SECTION \_\_\_\_\_. Section 2210.2515, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (i), (j), and (k) to read as follows:

(c) A person may apply to the department [~~association~~] on a form prescribed by the department for a certificate of compliance for a completed improvement. The department [~~association~~] shall issue a certificate of compliance for a completed improvement if a professional engineer licensed by the Texas Board of Professional Engineers:

(1) has designed the improvement, has affixed the engineer's seal on the design, and submits to the department [~~association~~] on a form prescribed by the department an affirmation that the design complies [~~of compliance~~] with the applicable building code under the plan of operation and that the improvement was constructed in accordance with the design; or

(2) completes and submits to the department a sealed post-construction evaluation report that:

(A) confirms the improvement's compliance with the applicable building code under the plan of operation; and

(B) includes documentation supporting the engineer's post-construction evaluation report on a form prescribed by the department on which the engineer has affixed the engineer's seal.

(c-1) The department may deny an application for a certificate of compliance under Subsection (c) if the evaluation report or the form prescribed by the department under Subsection (c)(1) is not fully documented as required under Subsection (c).

(i) The department is authorized to submit a formal complaint under Chapter 1001, Occupations Code, to the Texas Board of Professional Engineers related to the engineering work of a professional engineer as reflected in the sealed post-construction evaluation report or other materials submitted by an engineer under Subsection (c).

(j) If the department finds that a person acting as a qualified inspector under Section 2210.254 has failed to provide complete and accurate information in connection an inspection for a certificate of compliance under this section, the department may impose a reasonable penalty on the inspector, including by prohibiting the inspector from applying for certificates of compliance under this section. The commissioner may adopt rules as necessary to implement this subsection.

(k) The department may rescind a certificate of compliance issued under this section if the department finds that the improvement does not comply with the applicable building code under the plan of operation. The commissioner may adopt rules as necessary to implement this subsection.

SECTION \_\_\_\_\_. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.3511 to read as follows:

Sec. 2210.3511. PUBLIC ACCESS TO RATE ADEQUACY ANALYSIS.

(a) The association shall make the association's rate adequacy analysis publicly available on its Internet website for at least 14 days before the date the board of directors votes on the submission of a proposed rate filing based on the analysis to the department. The rate adequacy analysis must include:

(1) all user selected hurricane model input assumptions; and

(2) output data:

(A) with the same content and in the same format that is customarily provided to:

(i) the association by hurricane modelers; and

(ii) the department by the association; and

(B) in a searchable electronic format that allows for efficient analysis and is sufficiently detailed to allow the historical experience in this state to be compared to results produced by the model.

(b) The association shall accept public comment with respect to the association's rate adequacy analysis at a public meeting of the board of directors before the board of directors votes on the submission of a proposed rate filing to the department.

SECTION \_\_\_\_\_. (a) The windstorm insurance legislative oversight board established under Subchapter N, Chapter 2210, Insurance Code, shall conduct a study to evaluate a merger of the Texas Windstorm Insurance Association established under Chapter 2210, Insurance Code, and the Fair Access to Insurance Requirements Plan established under Chapter 2211, Insurance Code.

(b) The evaluation must consider:

(1) the affordability and availability of windstorm and hail insurance throughout this state and, in particular, in the seacoast territory as defined by Section 2210.003, Insurance Code;

(2) the affordability and availability of residential property insurance throughout this state and, in particular, in underserved areas as defined by Section 2211.001, Insurance Code;

(3) the advisability of merging the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan to provide windstorm and hail and residential property insurance in this state;

(4) any efficiencies or inefficiencies from a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan;

(5) the funding necessary to ensure that windstorm and hail and residential property insurance are available after the merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan; and

(6) any other items the windstorm insurance legislative oversight board determines are relevant to a merger of the Texas Windstorm Insurance Association and the Fair Access to Insurance Requirements Plan.

(c) Not later than January 1, 2021, the windstorm insurance legislative oversight board shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the Texas Department of Insurance a written report of the study conducted under this section. The report must include the findings and legislative recommendations of the board.

(d) This section expires January 1, 2022.

SECTION \_\_\_\_\_. Section 2210.2515(f), Insurance Code, is repealed.

SECTION \_\_\_\_\_. (a) Section 2210.251(g), Insurance Code, as amended by this Act, does not affect the status of a certificate of compliance issued by the Texas Windstorm Insurance Association before June 1, 2020, or after June 1, 2020, in response to an application made before that date for purposes of establishing evidence of insurability.

(b) Section 2210.2515, Insurance Code, as amended by this Act, applies only to an application for a certificate of compliance made on or after June 1, 2020. An application for a certificate of compliance made before June 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Section 2210.3511, Insurance Code, as added by this Act, applies only to a rate adequacy analysis made in relation to a rate filing made on or after the effective date of this Act.

The amendment to **HB 1900** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

**HB 1900** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### HOUSE BILL 1900 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1900** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE JOINT RESOLUTION 38 ON SECOND READING**

The President laid before the Senate **HJR 38** sponsored by Senator Fallon on its second reading. The resolution had been read second time, an amendment offered, and further consideration postponed to a time certain of 1:15 p.m. today:

**HJR 38**, Proposing a constitutional amendment prohibiting the imposition of an individual income tax.

Question: Shall Floor Amendment No. 1 to **HJR 38** be adopted?

The amendment to **HJR 38** failed of adoption by the following vote: Yeas 12, Nays 19.

Yeas: Alvarado, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor.

**HJR 38** was passed to third reading by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Taylor.

Nays: Alvarado, Johnson, Lucio, Menéndez, Miles, Powell, Rodríguez, Watson, West, Whitmire, Zaffirini.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2199 ON SECOND READING**

Senator Flores moved to suspend the regular order of business to take up for consideration **CSHB 2199** at this time on its second reading:

**CSHB 2199**, Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

The motion prevailed.

Senators Bettencourt, Campbell, Creighton, Hall, Hughes, and Kolkhorst asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Birdwell, Buckingham, Fallon, Flores, Hancock, Hinojosa, Huffman, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Campbell, Creighton, Hall, Hughes, Kolkhorst.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2199 ON THIRD READING**

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2199** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Birdwell, Buckingham, Fallon, Flores, Hancock, Hinojosa, Huffman, Johnson, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Campbell, Creighton, Hall, Hughes, Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6 (Same as previous roll call).

**COMMITTEE SUBSTITUTE  
HOUSE BILL 448 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSHB 448** at this time on its second reading:

**CSHB 448**, Relating to the creation of an offense for failing to secure certain children in a rear-facing child passenger safety seat system.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Buckingham, Campbell, Flores, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Fallon, Hall, Hancock, Nelson, Paxton, Whitmire.

The bill was read second time and was passed to third reading by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 448 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 448** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Flores, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Fallon, Hall, Hancock, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.



Yeas: Alvarado, Buckingham, Campbell, Flores, Hinojosa, Huffinan, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Fallon, Hall, Hancock, Nelson, Paxton, Whitmire.

### **HOUSE BILL 3394 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3394** at this time on its second reading:

**HB 3394**, Relating to the issuance of sickle cell disease awareness specialty license plates.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 3394 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3394** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 1607 ON SECOND READING**

Senator Taylor moved to suspend the regular order of business to take up for consideration **HB 1607** at this time on its second reading:

**HB 1607**, Relating to a deduction under the franchise tax for certain contracts with the federal government.

The motion prevailed.

Senators Hall, Hughes, and Paxton asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Hall, Hughes, Paxton.

### **HOUSE BILL 1607 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1607** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Paxton.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### HOUSE BILL 4533 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4533** at this time on its second reading:

**HB 4533**, Relating to the system redesign for delivery of Medicaid acute care services and long-term services and supports to persons with an intellectual or developmental disability or with similar functional needs.

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 4533** (senate committee report) in SECTION 12 of the bill, in added Section 534.1045, Government Code, as follows:

(1) In added Subsection (a)(5)(C) (page 7, line 68), strike "and".

(2) In added Subsection (a)(6) (page 8, line 7), between "preferences" and the underlined period, insert the following:

; and

(7) dental services benefits in accordance with Subsection (a-1)

(3) Immediately following Subsection (a) (page 8, between lines 7 and 8), insert the following:

(a-1) In developing the pilot program, the commission shall:

(1) evaluate dental services benefits provided through Medicaid waiver programs and dental services benefits provided as a value-added service under the Medicaid managed care delivery model;

(2) determine which dental services benefits are the most cost-effective in reducing emergency room and inpatient hospital admissions due to poor oral health;  
and

(3) based on the determination made under Subdivision (2), provide the most cost-effective dental services benefits to pilot program participants.

The amendment to **HB 4533** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Kolkhorst offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **HB 4533** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 531.001, Government Code, is amended by adding Subdivision (4-c) to read as follows:

(4-c) "Medicaid managed care organization" means a managed care organization as defined by Section 533.001 that contracts with the commission under Chapter 533 to provide health care services to Medicaid recipients.

SECTION \_\_\_\_\_. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.021182, 531.02131, 531.02142, 531.024162, and 531.0511 to read as follows:

Sec. 531.021182. USE OF NATIONAL PROVIDER IDENTIFIER NUMBER.

(a) In this section, "national provider identifier number" means the national provider identifier number required under Section 1128J(e), Social Security Act (42 U.S.C. Section 1320a-7k(e)).

(b) The commission shall transition from using a state-issued provider identifier number to using only a national provider identifier number in accordance with this section.

(c) The commission shall implement a Medicaid provider management and enrollment system and, following that implementation, use only a national provider identifier number to enroll a provider in Medicaid.

(d) The commission shall implement a modernized claims processing system and, following that implementation, use only a national provider identifier number to process claims for and authorize Medicaid services.

Sec. 531.02131. GRIEVANCES RELATED TO MEDICAID. (a) The commission shall adopt a definition of "grievance" related to Medicaid and ensure the definition is consistent among divisions within the commission to ensure all grievances are managed consistently.

(b) The commission shall standardize Medicaid grievance data reporting and tracking among divisions within the commission.

(c) The commission shall implement a no-wrong-door system for Medicaid grievances reported to the commission.

(d) The commission shall establish a procedure for expedited resolution of a grievance related to Medicaid that allows the commission to:

(1) identify a grievance related to a Medicaid access to care issue that is urgent and requires an expedited resolution; and

(2) resolve the grievance within a specified period.

(e) The commission shall verify grievance data reported by a Medicaid managed care organization.

(f) The commission shall:

(1) aggregate Medicaid recipient and provider grievance data to provide a comprehensive data set of grievances; and

(2) make the aggregated data available to the legislature and the public in a manner that does not allow for the identification of a particular recipient or provider.

Sec. 531.02142. PUBLIC ACCESS TO CERTAIN MEDICAID DATA. (a) To the extent permitted by federal law, the commission in consultation and collaboration with the appropriate advisory committees related to Medicaid shall make available to the public on the commission's Internet website in an easy-to-read format data relating to the quality of health care received by Medicaid recipients and the health outcomes of those recipients. Data made available to the public under this section must be made available in a manner that does not identify or allow for the identification of individual recipients.

(b) In performing its duties under this section, the commission may collaborate with an institution of higher education or another state agency with experience in analyzing and producing public use data.

Sec. 531.024162. NOTICE REQUIREMENTS REGARDING DENIAL OF COVERAGE OR PRIOR AUTHORIZATION. (a) The commission shall ensure that notice sent by the commission or a Medicaid managed care organization to a Medicaid recipient or provider regarding the denial of coverage or prior authorization for a service includes:

(1) information required by federal law;

(2) a clear and easy-to-understand explanation of the reason for the denial for the recipient; and

(3) a clinical explanation of the reason for the denial for the provider.

(b) To ensure cost-effectiveness, the commission may implement the notice requirements described by Subsection (a) at the same time as other required or scheduled notice changes.

Sec. 531.0511. MEDICALLY DEPENDENT CHILDREN WAIVER PROGRAM: CONSUMER DIRECTION OF SERVICES. Notwithstanding Sections 531.051(c)(1) and (d), a consumer direction model implemented under Section 531.051, including the consumer-directed service option, for the delivery of services under the medically dependent children (MDCP) waiver program must allow for the delivery of all services and supports available under that program through consumer direction.

SECTION \_\_\_\_\_. Section 533.00253(a)(1), Government Code, is amended to read as follows:

(1) "Advisory committee" means the STAR Kids Managed Care Advisory Committee described by ~~established under~~ Section 533.00254.

SECTION \_\_\_\_\_. Section 533.00253, Government Code, is amended by amending Subsection (c) and adding Subsections (f), (g), and (h) to read as follows:

(c) The commission may require that care management services made available as provided by Subsection (b)(7):

(1) incorporate best practices, as determined by the commission;

(2) integrate with a nurse advice line to ensure appropriate redirection rates;

(3) use an identification and stratification methodology that identifies recipients who have the greatest need for services;

(4) provide a care needs assessment for a recipient [~~that is comprehensive, holistic, consumer directed, evidence-based, and takes into consideration social and medical issues, for purposes of prioritizing the recipient's needs that threaten independent living~~];

(5) are delivered through multidisciplinary care teams located in different geographic areas of this state that use in-person contact with recipients and their caregivers;

(6) identify immediate interventions for transition of care;

(7) include monitoring and reporting outcomes that, at a minimum, include:

(A) recipient quality of life;

(B) recipient satisfaction; and

(C) other financial and clinical metrics determined appropriate by the commission; and

(8) use innovations in the provision of services.

(f) Using existing resources, the executive commissioner in consultation and collaboration with the advisory committee shall determine the feasibility of providing Medicaid benefits to children enrolled in the STAR Kids managed care program under:

(1) an accountable care organization model in accordance with guidelines established by the Centers for Medicare and Medicaid Services; or

(2) an alternative model developed by or in collaboration with the Centers for Medicare and Medicaid Services Innovation Center.

(g) Not later than December 1, 2022, the commission shall prepare and submit a written report to the legislature of the executive commissioner's determination under Subsection (f).

(h) Subsections (f) and (g) and this subsection expire September 1, 2023.

SECTION \_\_\_\_\_. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.00254 and 533.0031 to read as follows:

Sec. 533.00254. STAR KIDS MANAGED CARE ADVISORY COMMITTEE.

(a) The STAR Kids Managed Care Advisory Committee established by the executive commissioner under Section 531.012 shall:

(1) advise the commission on the operation of the STAR Kids managed care program under Section 533.00253; and

(2) make recommendations for improvements to that program.

(b) On December 31, 2023:

(1) the advisory committee is abolished; and

(2) this section expires.

Sec. 533.0031. MEDICAID MANAGED CARE PLAN ACCREDITATION. (a)

A managed care plan offered by a Medicaid managed care organization must be accredited by a nationally recognized accreditation organization. The commission may choose whether to require all managed care plans offered by Medicaid managed care organizations to be accredited by the same organization or to allow for accreditation by different organizations.

(b) The commission may use the data, scoring, and other information provided to or received from an accreditation organization in the commission's contract oversight processes.

SECTION \_\_\_\_\_. The Health and Human Services Commission shall issue a request for information to seek information and comments regarding contracting with a managed care organization to arrange for or provide a managed care plan under the STAR Kids managed care program established under Section 533.00253, Government Code, as amended by this Act, throughout the state instead of on a regional basis.

SECTION \_\_\_\_\_. (a) Using available resources, the Health and Human Services Commission shall report available data on the 30-day limitation on reimbursement for inpatient hospital care provided to Medicaid recipients enrolled in the STAR+PLUS Medicaid managed care program under 1 T.A.C. Section 354.1072(a)(1) and other applicable law. To the extent data is available on the subject, the commission shall also report on:

(1) the number of Medicaid recipients affected by the limitation and their clinical outcomes; and

(2) the impact of the limitation on reducing unnecessary Medicaid inpatient hospital days and any cost savings achieved by the limitation under Medicaid.

(b) Not later than December 1, 2020, the Health and Human Services Commission shall submit the report containing the data described by Subsection (a) of this section to the governor, the legislature, and the Legislative Budget Board. The report required under this subsection may be combined with any other report required by this Act or other law.

SECTION \_\_\_\_\_. The Health and Human Services Commission shall implement:

(1) the Medicaid provider management and enrollment system required by Section 531.021182(c), Government Code, as added by this Act, not later than September 1, 2020; and

(2) the modernized claims processing system required by Section 531.021182(d), Government Code, as added by this Act, not later than September 1, 2023.

SECTION \_\_\_\_\_. The Health and Human Services Commission shall require that a managed care plan offered by a managed care organization with which the commission enters into or renews a contract under Chapter 533, Government Code, on or after the effective date of this Act comply with Section 533.0031, Government Code, as added by this Act, not later than September 1, 2022.

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

The amendment to **HB 4533** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**HB 4533** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 4533 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4533** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 1901 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1901** at this time on its second reading:

**HB 1901**, Relating to the disclosure of certain mental health records of deceased state hospital patients.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 1901 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1901** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3648 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3648** at this time on its second reading:

**CSHB 3648**, Relating to the powers and duties of the office of independent ombudsman for the Texas Juvenile Justice Department.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3648 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3648** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 1225 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **HB 1225** at this time on its second reading:

**HB 1225**, Relating to the re-creation of the Chronic Kidney Disease Task Force.

The motion prevailed.

Senators Bettencourt, Birdwell, Creighton, Fallon, and Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Bettencourt, Birdwell, Creighton, Fallon, Hall.

### **HOUSE BILL 1225 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1225** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Alvarado, Buckingham, Campbell, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodriguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Fallon, Hall.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### **HOUSE BILL 3011 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3011** at this time on its second reading:

**HB 3011**, Relating to requiring the Texas Higher Education Coordinating Board to provide to a school district certain information used in determining academic accountability ratings for the district.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.



**HOUSE BILL 3011 ON THIRD READING**

Senator Powell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3011** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2348 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSHB 2348** at this time on its second reading:

**CSHB 2348**, Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder.

The motion prevailed.

Senators Campbell, Creighton, Hall, and Schwertner asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Campbell, Creighton, Hall, Schwertner.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2348 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2348** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Fallon, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Campbell, Creighton, Hall, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**HOUSE BILL 2214 ON SECOND READING**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2214** at this time on its second reading:

**HB 2214**, Relating to a report by the Texas Department of Licensing and Regulation concerning license applicants who are military service members, military veterans, or military spouses.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 2214 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2214** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 2065 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 2065** at this time on its second reading:

**HB 2065**, Relating to the use of general revenue appropriations for the artificial reef program.

The motion prevailed.

Senators Fallon and Hall asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

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

Amend **HB 2065** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 13.015(a-1), Parks and Wildlife Code, is amended to read as follows:

(a-1) The commission may waive the park entrance fee for a person who is at least 70 years of age, a student enrolled in the fifth grade, or a child who is 11 years of age. The commission may not waive the fee for use of a park facility, including a hook-up fee for electricity or water.

The amendment to **HB 2065** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

**HB 2065** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Nays: Fallon, Hall.

### **HOUSE BILL 2065 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2065** be placed on its third reading and final passage.

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

Yeas: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Flores, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Nays: Fallon, Hall.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE HOUSE BILL 548 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 548** at this time on its second reading:

**CSHB 548**, Relating to reporting certain information through the Public Education Information Management System.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **COMMITTEE SUBSTITUTE HOUSE BILL 548 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 548** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **CO-AUTHOR OF SENATE BILL 1942**

On motion of Senator Watson, Senator Campbell will be shown as Co-author of **SB 1942**.

### **CO-AUTHOR OF SENATE BILL 2076**

On motion of Senator Paxton, Senator West will be shown as Co-author of **SB 2076**.

**CO-SPONSORS OF HOUSE BILL 8**

On motion of Senator Nelson, Senators Bettencourt, Creighton, Flores, Hinojosa, Huffman, Kolkhorst, Lucio, Nichols, Perry, Rodríguez, Schwertner, and West will be shown as Co-sponsors of **HB 8**.

**CO-SPONSOR OF HOUSE BILL 76**

On motion of Senator Alvarado, Senator Hinojosa will be shown as Co-sponsor of **HB 76**.

**CO-SPONSOR OF HOUSE BILL 766**

On motion of Senator Watson, Senator Hinojosa will be shown as Co-sponsor of **HB 766**.

**CO-SPONSOR OF HOUSE BILL 1113**

On motion of Senator Alvarado, Senator Huffman will be shown as Co-sponsor of **HB 1113**.

**CO-SPONSOR OF HOUSE BILL 1386**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-sponsor of **HB 1386**.

**CO-SPONSOR OF HOUSE BILL 1607**

On motion of Senator Taylor, Senator Schwertner will be shown as Co-sponsor of **HB 1607**.

**CO-SPONSOR OF HOUSE BILL 1711**

On motion of Senator Paxton, Senator Alvarado will be shown as Co-sponsor of **HB 1711**.

**CO-SPONSOR OF HOUSE BILL 1884**

On motion of Senator Alvarado, Senator West will be shown as Co-sponsor of **HB 1884**.

**CO-SPONSORS OF HOUSE BILL 1900**

On motion of Senator Taylor, Senators Creighton and Hinojosa will be shown as Co-sponsors of **HB 1900**.

**CO-SPONSORS OF HOUSE BILL 2261**

On motion of Senator Hinojosa, Senators Huffman and Zaffirini will be shown as Co-sponsors of **HB 2261**.

**CO-SPONSOR OF HOUSE BILL 2840**

On motion of Senator Hughes, Senator Hinojosa will be shown as Co-sponsor of **HB 2840**.

**CO-SPONSOR OF HOUSE BILL 2845**

On motion of Senator Creighton, Senator Perry will be shown as Co-sponsor of **HB 2845**.

**CO-SPONSOR OF HOUSE BILL 2847**

On motion of Senator Hancock, Senator Schwertner will be shown as Co-sponsor of **HB 2847**.

**CO-SPONSOR OF HOUSE BILL 2886**

On motion of Senator Alvarado, Senator Huffman will be shown as Co-sponsor of **HB 2886**.

**CO-SPONSOR OF HOUSE BILL 3388**

On motion of Senator Kolkhorst, Senator Menéndez will be shown as Co-sponsor of **HB 3388**.

**CO-SPONSOR OF HOUSE BILL 3511**

On motion of Senator Alvarado, Senator Johnson will be shown as Co-sponsor of **HB 3511**.

**CO-SPONSOR OF HOUSE BILL 3703**

On motion of Senator Campbell, Senator Bettencourt will be shown as Co-sponsor of **HB 3703**.

**CO-SPONSOR OF HOUSE BILL 4236**

On motion of Senator Birdwell, Senator West will be shown as Co-sponsor of **HB 4236**.

**CO-SPONSORS OF HOUSE BILL 4347**

On motion of Senator Nelson, Senators Buckingham and Huffman will be shown as Co-sponsors of **HB 4347**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 774** by Hughes, In memory of Hong-Kyu Park.

**SR 775** by Hughes, In memory of Dennis F. Wright.

**Congratulatory Resolutions**

**SR 776** by Watson, Congratulating Tommy Cox for his induction into the Texas High School Coaches Association 2019 Hall of Honor.

**SR 777** by Hinojosa, Recognizing Robert Floyd for his service and leadership.

**SR 778** by West, Recognizing Stuart R. Snow Jr. for his service in the field of public school finance.

**SR 779** by West, Recognizing Duncanville for honoring those who lost their lives in service to their country.

## ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:52 p.m. adjourned until 10:54 p.m. today.

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## APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 20, 2019

HEALTH AND HUMAN SERVICES — **CSHB 1111, HB 1780, HB 651, HB 4372, HB 4455, HB 3428, HB 3285, HB 3147, HB 2783, HB 2764, HB 2410, HB 2088, HB 2059, HB 1869, HB 1709, CSHB 3703, CSHB 4429, CSHB 4298, CSHB 3950, CSHB 410**

INTERGOVERNMENTAL RELATIONS — **CSHB 4667**

STATE AFFAIRS — **CSHB 2363**

HEALTH AND HUMAN SERVICES — **CSHB 475, CSHB 3803, CSHB 3148, CSHB 965**

BUSINESS AND COMMERCE — **HB 3834**

INTERGOVERNMENTAL RELATIONS — **HB 4645, HB 4544**

STATE AFFAIRS — **HB 1019**

HEALTH AND HUMAN SERVICES — **HB 1848, HB 2454, HB 1532**

BUSINESS AND COMMERCE — **HB 4584, HB 3855, HB 2816, HB 1992, HB 3420, HB 3771, HB 3815, HB 3810, HB 2399, HB 3598, HB 29, HB 69, HB 1140, HB 1865, HB 1899, HB 3496, HB 3371, HB 3006, HB 3754, HB 1584, HB 3345, HB 2840, HB 3603, HB 2828, HB 2503, HB 2793, HB 4309, HB 2858, HB 2944**

INTERGOVERNMENTAL RELATIONS — **HB 4725, HB 4741, HB 3750, HB 4709**

STATE AFFAIRS — **HB 1791, HB 4428, HB 1143**

INTERGOVERNMENTAL RELATIONS — **HB 4704, HB 4672, HB 4668, HB 4720, HB 4719, HB 4706**

BUSINESS AND COMMERCE — **HB 4541, CSHB 4181**

STATE AFFAIRS — **CSHB 3231, CSHB 1078**

HEALTH AND HUMAN SERVICES — **CSHB 3284**

INTERGOVERNMENTAL RELATIONS — **CSHB 4749**

BUSINESS AND COMMERCE — **HB 2587**

WATER AND RURAL AFFAIRS — **HB 91, CSHB 2463, CSHB 2218**

BUSINESS AND COMMERCE — **CSHB 3222, HB 2536, HB 3609, CSHB 1731**

INTERGOVERNMENTAL RELATIONS — **CSHB 4730, CSHB 4752, CSHB 1120, CSHB 1174**

HEALTH AND HUMAN SERVICES — **CSHB 1362**

BUSINESS AND COMMERCE — **CSHB 1962**

HEALTH AND HUMAN SERVICES — **CSHB 3193**

BUSINESS AND COMMERCE — **CSHB 2103, CSHB 996, CSHB 1833, CSHB 2546, CSHB 4390, CSHB 2856, CSHB 4150, CSHB 2747, CSHB 4120, CSHB 2486**

WATER AND RURAL AFFAIRS — **HB 1806, CSHB 3668**

BUSINESS AND COMMERCE — **CSHB 3875, CSHB 2102, CSHB 2446, CSHB 1025, CSHB 2784**

INTERGOVERNMENTAL RELATIONS — **CSHB 4748**

BUSINESS AND COMMERCE — **CSHB 2327, CSHB 170, CSHB 2978, CSHB 2143, HB 2497, HB 2569, HB 2806**

#### **BILLS AND RESOLUTIONS ENROLLED**

May 19, 2019

**SB 73, SB 170, SB 195, SB 386, SB 401, SB 430, SB 436, SB 476, SB 496, SB 522, SB 733, SB 942, SB 1024, SB 1082, SB 1092, SB 1239, SB 1262, SB 1268, SB 1376, SB 1680, SB 1682, SB 1822, SB 1824, SB 1840, SB 1856, SB 1947, SB 2075, SB 2151, SB 2208, SB 2224, SB 2448, SB 2502, SR 763, SR 773**

#### **SENT TO GOVERNOR**

May 20, 2019

**SB 536, SB 557, SB 698, SB 781, SB 790, SB 821, SB 827, SB 1312, SB 1370, SB 1531, SB 1700, SB 1707, SB 1746, SB 1784, SB 1801, SB 1915**

#### **SIGNED BY GOVERNOR**

May 20, 2019

**SB 72, SB 225, SB 240, SB 254, SB 416, SB 497, SB 590, SB 669, SB 752, SB 925, SB 971, SB 1012, SB 1066, SB 1134, SB 1213, SB 1358, SB 1378, SB 1443, SB 1574, SB 1597, SB 1598, SB 1764, SB 2024, SB 2132, SB 2390**

#### **FILED WITHOUT SIGNATURE OF GOVERNOR**

May 20, 2019

**SB 320, SB 385, SB 642, SB 649, SB 2521, SB 2524, SB 2525, SB 2526**

