SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTIETH DAY

(Saturday, May 25, 2019)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini.

Absent-excused: Miles.

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

Senator Perry offered the invocation as follows:

> Heavenly Father, we thank You for the privilege it is to serve. We thank You that we started this session with a spirit of unity and that spirit's still live and well. Let's pray that we keep that unity and might as we close up the shop for this 140-day period that we spent together. I pray and I thank You and I acknowledge You today that You are sovereign, that You are holy, that You are just and Your righteousness. And those are values that can only be done by God's inspiration province and we recognize those today as we finish up some of the legislation. As we leave here I pray that we give travel safety and grace to all the Members go back to their home districts, some far and some shorter than others. But we also pray for a reckoning of the things that we've done, that we've done no harm, that didn't know about, that there'd be no unintended consequences, that the people back where we represent appreciate the challenges and the sacrifice that we've made here today and through this last 140 days. We also, on the eve of Memorial Day weekend, that we set aside to those who have given the ultimate sacrifice. The very opportunity I have to be here today, to stand before You and pray in this sacred and hallowed Chamber was because people went before us and gave their sacrifice so that we can have that liberty and that freedom that we so much take for granted. Just on this weekend, if nothing else, we recognize the loss of some of those that have sacrificed their ultimate all for liberty. You are a jealous God, You are a sovereign God. You expect our commitment to You in each and every

aspect of our lives. As we go throughout the day and throughout the ways and as we go back home, I just ask that we keep You at the forefront of everything we do. You gave us liberty through the ultimate sacrifice, Your son, Jesus Christ, and I just thank You for that and I acknowledge You today in Jesus' 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Saturday, May 25, 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 GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 982 (non-record vote)
House Conferees: Zerwas - Chair/Geren/Morrison/Nevárez/Phelan

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

STATE OF TEXAS
OFFICE OF THE GOVERNOR

MESSAGE

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH TEXAS LEGISLATURE, REGULAR SESSION:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove and veto Senate Bill No. 746 of the 86th Texas Legislature, Regular Session, due to the following objections:

I have signed House Bill 347, which reforms municipal annexation procedures to provide property owners in all counties, regardless of population size, protection against forced annexation. Provisions in Senate Bill 746 are based on the tiered county system that was overhauled by House Bill 347. Disapproving Senate Bill 746 will allow the protections in House Bill 347 to work statewide without creating confusion.

Since you remain gathered in regular session and continue to conduct formal business, I am delivering this disapproval message directly to you along with the unsigned official enrolled copy of the bill.

Respectfully submitted,

/s/Greg Abbott
Governor of Texas

Austin, Texas
May 25, 2019

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 38, **SB 68**, **SB 207**, **SB 232**, **SB 284**, **SB 289**, **SB 339**, **SB 340**, **SB 341**, **SB 479**, **SB 504**, **SB 548**, **SB 550**, **SB 572**, **SB 575**, **SB 688**, **SB 708**, **SB 747**, **SB 749**, **SB 810**, **SB 902**, **SB 907**, **SB 943**, **SB 948**, **SB 952**, **SB 976**, **SB 981**, **SB 986**, **SB 1091**, **SB 1125**, **SB 1147**, **SB 1164**, **SB 1180**, **SB 1210**, **SB 1217**, **SB 1221**, **SB 1230**, **SB 1271**, **SB 1283**, **SB 1319**, **SB 1336**, **SB 1374**, **SB 1386**, **SB 1397**, **SB 1414**, **SB 1422**, **SB 1441**, **SB 1476**, **SB 1494**, **SB 1593**, **SB 1623**, **SB 1640**, **SB 1642**, **SB 1778**, **SB 1788**, **SB 1806**, **SB 1827**, **SB 1828**, **SB 1852**, **SB 1859**, **SB 1887**, **SB 1928**, **SB 1943**, **SB 1969**, **SB 1971**, **SB 1978**, **SB 2011**, **SB 2015**, **SB 2060**, **SB 2073**, **SB 2083**, **SB 2119**, **SB 2143**, **SB 2168**, **SB 2215**, **SB 2223**, **SB 2248**, **SB 2270**, **SB 2296**, **SB 2309**, **SB 2315**, **SB 2330**, **SB 2364**, **SB 2410**, **SB 2445**, **SB 2456**, **SB 2531**, **SB 2558**.
SB 16, **SB 22**, **SB 25**, **SB 346**, **SB 632**, **SB 667**, **SB 709**, **SB 719**, **SB 748**, **SB 750**, **SB 1214**, **SB 1238**, **SB 1621**, **SB 1823**, **SB 1876**, **SB 2293**, **SB 2535**, **SCR 64**.
SB 64, **SB 65**, **SB 69**, **SB 194**, **SB 322**, **SB 345**, **SB 372**, **SB 489**, **SB 502**, **SB 560**, **SB 1264**, **SB 2212**.

SENATE RESOLUTION 831

Senator Alvarado offered the following resolution:

SR 831, Commending the 2019 Fellows from the University of Houston Hobby School of Public Affairs.

ALVARADO
BETTENCOURT
MILES
WHITMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Alvarado was recognized and introduced to the Senate legislative interns from the University of Houston Hobby School of Public Affairs including Sara Alhalabi, Alleanne Anderson, Ulises Aubone, Alejandra Cajero, Baongan Chuor, Ashley Cruz, Jonathan Ezemba, Sergio Hernandez, Ariz Karim, Jessica Merlan, Ayesha Muzaffar, Idalid Navarro, Adam Ordaz, Jose Reyes, and Crystal Tran.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fallon, on behalf of Senator Nelson, was recognized and introduced to the Senate the Hester family from Frisco including Matt and Amber Hester and their children Beckham, Isla, and Brody.

The Senate welcomed its guests.

SENATE JOINT RESOLUTION 79 WITH HOUSE AMENDMENT

Senator Lucio called **SJR 79** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment

Amend **SJR 79** by substituting in lieu thereof the following:

A JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide financial assistance for the development of certain projects in economically distressed areas.

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

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-d-14 to read as follows:

Sec. 49-d-14. (a) In addition to the bonds authorized by the other provisions of this article, the Texas Water Development Board may issue general obligation bonds, at its determination and on a continuing basis, for the economically distressed areas program account of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the board under this section that are outstanding at any time does not exceed $200 million. The bonds shall be used to provide financial assistance for the development of water supply and sewer service projects in economically distressed areas of the state as defined by law.

(b) The additional general obligation bonds authorized by this section may be issued as bonds, notes, or other obligations as permitted by law and shall be sold in forms and denominations, on terms, at times, in the manner, at places, and in installments, as determined by the Texas Water Development Board. The bonds shall bear a rate or rates of interest the Texas Water Development Board determines. The bonds shall be incontestable after execution by the Texas Water Development Board, approval by the attorney general, and delivery to the purchaser or purchasers of the bonds.

(c) Section 49-d-8(e) of this article applies to the additional general obligation bonds authorized by this section. The limitation in Section 49-d-8 of this article that the Texas Water Development Board may not issue bonds in excess of the aggregate principal amount of general obligation bonds previously authorized for the economically distressed areas program does not apply to the bonds authorized by and issued under this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed $200 million to provide financial assistance for the development of certain projects in economically distressed areas."

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SJR 79**.

The motion prevailed by the following vote: Yeas 22, Nays 8.

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

Nays: Bettencourt, Birdwell, Fallon, Hall, Hancock, Paxton, Perry, Schwertner.

Absent-excused: Miles.

SENATE BILL 2452 WITH HOUSE AMENDMENT

Senator Lucio called **SB 2452** 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 2452** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the provision by the Texas Water Development Board of financial assistance for the development of certain projects in economically distressed areas.

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

SECTION 1. Section 17.922, Water Code, is amended to read as follows:

Sec. 17.922. FINANCIAL ASSISTANCE. (a) The board shall use the economically distressed areas account [~~may be used by the board~~] to provide financial assistance to political subdivisions for the construction, acquisition, or improvement of water supply and sewer services, including providing funds from the account for the state's participation in federal programs that provide assistance solely for projects intended to serve economically distressed areas [~~to political subdivisions~~].

(b) To the extent practicable, the board shall use money [~~the funds~~] in the economically distressed areas account in conjunction with the other financial assistance available through the board to encourage the use of cost-effective water supply and wastewater systems, including regional systems, to maximize the

long-term economic development of political subdivisions [~~counties~~] eligible for financial assistance under the economically distressed areas program. Any savings derived from the construction of a regional system that includes or serves an economically distressed area project shall be factored into the board's determination of financial assistance for the economically distressed area in a manner that assures the economically distressed area receives appropriate benefits from the savings. In no event shall financial assistance provided from the economically distressed areas account be used to provide water supply or wastewater service to any area that is not an economically distressed area.

SECTION 2. Subchapter K, Chapter 17, Water Code, is amended by adding Section 17.9226 to read as follows:

Sec. 17.9226. USE OF CERTAIN GENERAL OBLIGATION BONDS. The board may:

(1) maximize the effectiveness of the additional general obligation bonds authorized by Section 49-d-14, Article III, Texas Constitution, by using the additional bonds in conjunction with other sources of financial assistance, including nonpublic funds, to provide financial assistance to political subdivisions for the construction, acquisition, or improvement of water supply and sewer services; and

(2) use the additional general obligation bonds authorized by Section 49-d-14, Article III, Texas Constitution, to promote and support public-private partnerships that the board determines:

(A) are financially viable;

(B) will diversify the methods of financing available for water supply and sewer services; and

(C) will reduce reliance on the issuance of bonds supported with general revenue.

SECTION 3. Sections 17.927(b) and (c), Water Code, are amended to read as follows:

(b) The application and plan must include:

(1) the name of the political subdivision and its principal officers;

(2) a citation of the law under which the political subdivision was created and operates;

(3) a project plan, prepared and certified by an engineer registered to practice in this state, that must:

(A) describe the proposed planning, design, and construction activities necessary to provide water supply and sewer services that meet minimum state standards provided by board rules; and

(B) identify the households to which the water supply and sewer services will be provided;

(4) a budget that estimates the total cost of providing water supply and sewer services to the economically distressed area and a proposed schedule and method for repayment of financial assistance consistent with board rules and guidelines;

(5) a description of the existing water supply and sewer facilities located in the area to be served by the proposed project, including a statement prepared and certified by an engineer registered to practice in this state that the facilities do not meet minimum state standards;

(6) documentation that the appropriate political subdivision has adopted and enforces the model rules developed under Section 16.343;

(7) information identifying the median household income for the area to be served by the proposed project; and

(8) the total amount of assistance requested from the economically distressed areas account.

(c) Before the board approves the application or provides any funds under an application, it shall require an applicant to adopt a program of water conservation for the more effective use of water that meets the criteria established under Section 17.125 for water supply projects or under Section 17.277 for water quality enhancement projects.

SECTION 4. Subchapter K, Chapter 17, Water Code, is amended by adding Section 17.9275 to read as follows:

Sec. 17.9275. PRIORITIZATION OF PROJECTS BY BOARD. (a) The board shall prioritize projects for the purpose of providing financial assistance under this subchapter.

(b) The board shall establish a system for prioritizing projects for which financial assistance is sought from the board. The system must include a standard for the board to apply in determining whether a project qualifies for financial assistance at the time the application for financial assistance is filed with the board.

(c) The board shall give the highest consideration to projects that will have a substantial effect, including projects:

(1) that will serve an area for which the board or the Department of State Health Services has determined that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems; or

(2) for which the applicant:

(A) is subject to an enforcement action, including a final order, judgment, or consent decree, by the commission, the state, or the United States Environmental Protection Agency, related to public health and safety issues resulting from water supply or sewer services; and

(B) did not cause or allow the violations that are the subject of the enforcement action.

(d) The board by rule may provide for the consideration of additional criteria.

SECTION 5. Section 17.928(c), Water Code, is amended to read as follows:

(c) If an applicant includes a proposal for treatment works[,] the board may not deliver funds for the treatment works until the applicant has received:

(1) a permit for construction and operation of the treatment works from the commission or other applicable permitting authority unless such a permit is not required; and

(2) approval of the plans and specifications from the commission, the executive administrator, or other applicable authority [~~or unless such a permit is not required by the commission~~].

SECTION 6. Section 17.929(a), Water Code, is amended to read as follows:

(a) In passing on an application for financial assistance, the board shall consider:

(1) the need of the economically distressed area to be served by the water supply and sewer services in relation to the need of other political subdivisions requiring financial assistance under this subchapter and the relative costs and benefits of all applications;

(2) the availability to the area to be served by the project of revenue or financial assistance from alternative sources for the payment of the cost of the proposed project;

(3) the financing of the proposed water supply and sewer project including consideration of:

(A) the budget and repayment schedule submitted under Section 17.927(b)(4);

(B) other items included in the application relating to financing; and

(C) other financial information and data available to the board;

(4) whether the county and other appropriate political subdivisions have adopted model rules pursuant to Section 16.343 and the manner of enforcement of model rules; [~~and~~]

(5) the feasibility of achieving cost savings by providing a regional facility for water supply or wastewater service and the feasibility of financing the facility by using funds from the economically distressed areas account or any other financial assistance; and

(6) the ability of the applicant to repay the financial assistance.

SECTION 7. Section 17.931, Water Code, is amended to read as follows:

Sec. 17.931. APPLICATION AMENDMENT. (a) A political subdivision may request the executive administrator [~~board~~] in writing to approve a change to or a modification of the budget or project plan included in its application if the change or modification does not increase the budget or change the project scope.

(b) A change or modification requested under Subsection (a) may not be implemented unless the executive administrator [~~board~~] provides [~~its~~] written approval.

SECTION 8. Sections 17.933(a), (b), (c), and (d), Water Code, are amended to read as follows:

(a) The board may use money in the economically distressed areas account to provide financial assistance to a political subdivision in the form of a loan, [~~including~~] a loan with zero interest, a grant, or other type of financial assistance to be determined by the board taking into consideration the information provided by Section 17.927(b)(7) and the political subdivision's ability to repay the financial assistance.

(b) In providing financial assistance to an applicant under this subchapter, the board may not provide to the applicant financial assistance for which repayment is not required in an amount that exceeds 50 percent of the total amount of the financial assistance [~~plus interest on any amount that must be repaid~~], unless the board or the [~~Texas~~] Department of State Health Services determines [~~issues a finding~~] that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems in the area to be served by the proposed project. The board may provide the repayable portion of financial assistance from any financial

assistance program for which the applicant is eligible. The [~~board and the~~] applicant shall provide to the board or the [~~Texas~~] Department of State Health Services information necessary to make a determination, and the board and the [~~Texas~~] Department of State Health Services may enter into necessary memoranda of understanding to carry out this subsection.

(c) The total amount of financial assistance provided by the board to political subdivisions under this subchapter from state-issued bonds for which repayment is not required may not exceed at any time 70 [~~90~~] percent of the total principal amount of issued and unissued bonds authorized under Article III of the Texas Constitution, for purposes of this subchapter plus outstanding interest on those bonds.

(d) In determining the amount and form of financial assistance and the amount and form of repayment, if any, the board shall establish repayment based on the political subdivision's ability to repay the financial assistance and shall consider:

(1) rates, fees, and charges that the average customer to be served by the project will be able to pay [~~based on a comparison of what other families of similar income who are similarly situated pay for comparable services~~];

(2) sources of funding available to the political subdivision from federal and private funds and from other state funds;

(3) any local funds of the political subdivision to be served by the project if the economically distressed area to be served by the board's financial assistance is within the boundary of the political subdivision; [~~and~~]

(4) the just, fair, and reasonable charges for water and wastewater service as provided in this code; and

(5) the ability of the board to maximize the portion of financial assistance for which repayment is required based on the political subdivision's ability to repay the assistance, as provided by board rule.

SECTION 9. Subchapter K, Chapter 17, Water Code, is amended by adding Section 17.937 to read as follows:

Sec. 17.937. REPORTING AND TRANSPARENCY REQUIREMENTS. (a) Annually, the board shall post on the board's Internet website a report detailing each project for which the board has provided financial assistance under this subchapter.

(b) The report must include:

(1) a description of each project;

(2) the location of each project;

(3) the number of residents served by each project;

(4) the amount of financial assistance provided or anticipated to be provided for each project;

(5) a statement of whether each project has been completed and, if not, the expected completion date;

(6) the date on which each appropriate political subdivision adopted the model rules developed under Section 16.343; and

(7) the date on which each appropriate political subdivision certified that it enforces the applicable model rules developed under Section 16.343 or a description of measures taken to mitigate any deficiencies in compliance.

SECTION 10. Section 17.933(b-1), Water Code, is repealed.

SECTION 11. The Texas Water Development 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 board may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 12. This Act takes effect on the date on which the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed $200 million to provide financial assistance for the development of certain projects in economically distressed areas takes effect. If that amendment is not approved by the voters, this Act has no effect.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 2452**.

The motion prevailed by the following vote: Yeas 22, Nays 8.

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

Nays: Bettencourt, Birdwell, Fallon, Hall, Hancock, Paxton, Perry, Schwertner.

Absent-excused: Miles.

GUESTS PRESENTED

Senator Whitmire, joined by Senator Bettencourt, was recognized and introduced to the Senate his University of Houston Hobby School of Public Affairs interns: Jonah Baumgarten and Philip Ligget.

The Senate welcomed its guests.

SENATE BILL 1570 WITH HOUSE AMENDMENT

Senator Flores called **SB 1570** 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 1570** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the effect of certain felony convictions of certain corrections employees.

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

SECTION 1. Chapter 810, Government Code, is amended by adding Section 810.004 to read as follows:

Sec. 810.004. CERTAIN CORRECTIONS EMPLOYEES INELIGIBLE FOR RETIREMENT ANNUITY. (a) In this section:

(1) "Governing body of a public retirement system" and "public retirement system" have the meanings assigned by Section 802.001.

(2) "Qualifying felony" means any felony involving an incarcerated member of a criminal street gang as defined by Section 71.01, Penal Code, including:

(A) bribery;

(B) the embezzlement, extortion, or other theft of public money;

(C) perjury;

(D) engaging in organized criminal activity;

(E) tampering with governmental record;

(F) misuse of official information;

(G) abuse of official capacity; or

(H) conspiracy or the attempt to commit any of the offenses described by Paragraphs (A)-(G).

(b) This section applies only to a person who is:

(1) a member of the employee class of the Employees Retirement System of Texas as described by Section 812.003 because the person serves as a corrections officer for the Texas Department of Criminal Justice or the Texas Juvenile Justice Department; or

(2) otherwise eligible for membership in a public retirement system wholly or partly because the person served as a corrections officer for the Texas Department of Criminal Justice or the Texas Juvenile Justice Department.

(c) Except as provided by Subsection (d), a member of a public retirement system is not eligible to receive a service retirement annuity under the retirement system if the member is convicted of a qualifying felony for conduct arising directly from the member's service as a corrections officer.

(d) The retirement system, on receipt of notice of a conviction under Subsection (j), any similar notice of a conviction of a qualifying felony from a United States district court or United States attorney, or any other information that the retirement system determines by rule is sufficient to establish a conviction of a qualifying felony, shall suspend payments of a service retirement annuity to a person the system determines is ineligible to receive the annuity under Subsection (c). A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:

(1) is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period; and

(2) may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person under Subsection (e).

(e) A member who is ineligible to receive a service retirement annuity under Subsection (c) is entitled to a refund of the member's service retirement annuity contributions, including interest earned on those contributions. A refund under this subsection is subject to an award of all or part of the member's service retirement annuity contributions to a former spouse, including as a just and right division of the contributions on divorce, payment of child support, or payment of spousal maintenance or contractual alimony or other order of a court.

(f) Benefits payable to an alternate payee under Chapter 804 who is recognized by a qualified domestic relations order established before the effective date of this subsection are not affected by a member's ineligibility to receive a service retirement annuity under Subsection (c).

(g) On conviction of a member for a qualifying felony:

(1) a court may, in the same manner as in a divorce or annulment proceeding, make a just and right division of the member's service retirement annuity by awarding to the member's spouse all or part of the community property interest in the annuity forfeited by the member; and

(2) a court shall, if the member's service retirement annuity was partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code, before the member's commission of the offense, award the annuity forfeited by the member to the member's spouse as provided in the agreement.

(h) Ineligibility for a service retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.

(i) The governing body of a public retirement system shall adopt rules and procedures to implement this section.

(j) A court shall notify the retirement system of the terms of a conviction of a person convicted of an offense described by Subsection (c).

(k) Notwithstanding any other provision of this section, if the spouse of a member convicted of a qualifying felony is convicted of the felony as a party to the offense as defined by Section 7.01, Penal Code, or of another qualifying offense arising out of the same criminal episode as defined by Section 3.01, Penal Code, the spouse forfeits the member's service retirement annuity and service retirement contributions to the same extent as the member.

SECTION 2. Article 42.01, Code of Criminal Procedure, is amended by adding Section 14 to read as follows:

Sec. 14. In addition to the information described by Section 1, the judgment should reflect affirmative findings entered pursuant to Article 42.0193.

SECTION 3. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0193 to read as follows:

Art. 42.0193. FINDING REGARDING OFFENSE RELATED TO CONDUCT OF CERTAIN CORRECTIONS EMPLOYEES. (a) In the trial of an offense described by Section 810.004, Government Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the defendant is:

(1) a member of the employee class described by Section 810.004(b)(1), Government Code, while a member of the Employees Retirement System of Texas because the person serves as a corrections officer for the Texas Department of Criminal Justice or the Texas Juvenile Justice Department; or

(2) otherwise eligible for membership in a public retirement system wholly or partly because the person served as a corrections officer for the Texas Department of Criminal Justice or the Texas Juvenile Justice Department.

(b) A judge who makes the affirmative finding described by this article shall make the determination and provide the notice required by Section 810.004(j), Government Code.

SECTION 4. Section 810.002, Government Code, as added by Chapter 443 (S.B. 500), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Section 810.003, Government Code, to read as follows:

Sec. 810.003 [~~810.002~~]. CERTAIN ELECTED OFFICIALS INELIGIBLE FOR RETIREMENT ANNUITY. (a) In this section:

(1) "Governing body of a public retirement system" and "public retirement system" have the meanings assigned by Section 802.001.

(2) "Qualifying felony" means any felony involving:

(A) bribery;

(B) the embezzlement, extortion, or other theft of public money;

(C) perjury;

(D) coercion of public servant or voter;

(E) tampering with governmental record;

(F) misuse of official information;

(G) conspiracy or the attempt to commit any of the offenses described by Paragraphs (A)-(F); or

(H) abuse of official capacity.

(b) This section applies only to a person who is:

(1) a member of the elected class of the Employees Retirement System of Texas as described by Section 812.002(a)(1) or (2); or

(2) otherwise eligible for membership in a public retirement system wholly or partly because the person was elected or appointed to an elected office.

(c) Except as provided by Subsection (d), a member of a public retirement system is not eligible to receive a service retirement annuity under the retirement system if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office.

(d) The retirement system, on receipt of notice of a conviction under Subsection (e) or (k), any similar notice of a conviction of a qualifying felony from a United States district court or United States attorney, or any other information that the retirement system determines by rule is sufficient to establish a conviction of a qualifying felony, shall suspend payments of a service retirement annuity to a person the system determines is ineligible to receive the annuity under Subsection (c). A person whose conviction is overturned on appeal or who meets the requirements for innocence under Section 103.001(a)(2), Civil Practice and Remedies Code:

(1) is entitled to receive an amount equal to the accrued total of payments and interest earned on the payments withheld during the suspension period; and

(2) may resume receipt of annuity payments on payment to the retirement system of an amount equal to the contributions refunded to the person under Subsection (f).

(e) Not later than the 30th day after the conviction of a person of a qualifying felony, the governmental entity to which the person was elected or appointed must provide written notice of the conviction to the public retirement system in which the person is enrolled. The notice must comply with the administrative rules adopted by the public retirement system under Subsection (j).

(f) A member who is ineligible to receive a service retirement annuity under Subsection (c) is entitled to a refund of the member's service retirement annuity contributions, including interest earned on those contributions. A refund under this subsection is subject to an award of all or part of the member's service retirement annuity contributions to a former spouse, including as a just and right division of the contributions on divorce, payment of child support, or payment of spousal maintenance or contractual alimony or other order of a court.

(g) Benefits payable to an alternate payee under Chapter 804 who is recognized by a qualified domestic relations order established before the effective date of this subsection are not affected by a member's ineligibility to receive a service retirement annuity under Subsection (c).

(h) On conviction of a member for a qualifying felony:

(1) a court may, in the same manner as in a divorce or annulment proceeding, make a just and right division of the member's service retirement annuity by awarding to the member's spouse all or part of the community property interest in the annuity forfeited by the member; and

(2) a court shall, if the member's service retirement annuity was partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code, before the member's commission of the offense, award the annuity forfeited by the member to the member's spouse as provided in the agreement.

(i) Ineligibility for a service retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.

(j) The governing body of a public retirement system shall adopt rules and procedures to implement this section.

(k) A court shall notify the retirement system of the terms of a conviction of a person convicted of an offense described by Subsection (c).

(l) Notwithstanding any other provision of this section, if the spouse of a member convicted of a qualifying felony is convicted of the felony as a party to the offense as defined by Section 7.01, Penal Code, or of another qualifying offense arising out of the same criminal episode as defined by Section 3.01, Penal Code, the spouse forfeits the member's service retirement annuity and service retirement contributions to the same extent as the member.

SECTION 5. Section 810.004, Government Code, as added by this Act, applies only to a member of a public retirement system who serves as a corrections officer and, on or after the effective date of this Act, commits an offense that is a qualifying felony as defined by that section. A person who commits a qualifying felony before the effective date of this Act is subject to 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 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Flores moved to concur in the House amendment to **SB 1570**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2272 WITH HOUSE AMENDMENT

Senator Nichols called **SB 2272** 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 2272** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the procedure for amending or revoking certificates of public convenience and necessity issued to certain water utilities.

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

SECTION 1. The heading to Section 13.254, Water Code, is amended to read as follows:

Sec. 13.254. DECERTIFICATION INITIATED BY UTILITY COMMISSION OR UTILITY; EXPEDITED RELEASE INITIATED BY LANDOWNER [~~REVOCATION OR AMENDMENT OF CERTIFICATE~~].

SECTION 2. Sections 13.254(a-2) and (d), Water Code, are amended to read as follows:

(a-2) A landowner is not entitled to file a petition under [~~make the election described in~~] Subsection (a-1) or Section 13.2541 [~~(a-5)~~] but is entitled to contest under Subsection (a) the involuntary certification of the landowner's [~~its~~] property in a hearing held by the utility commission if the landowner's property is located:

(1) in [~~within~~] the boundaries of any municipality or the extraterritorial jurisdiction of a municipality with a population of more than 500,000 and the municipality or retail public utility owned by the municipality is the holder of the certificate; or

(2) in a platted subdivision actually receiving water or sewer service.

(d) A retail public utility may not in any way render retail water or sewer service directly or indirectly to the public in an area that has been decertified under this section unless just and adequate compensation required under Subsection (g) has been paid [~~without providing compensation for any property that the utility commission determines is rendered useless or valueless~~] to the decertified retail public utility [~~as a result of the decertification~~].

SECTION 3. Subchapter G, Chapter 13, Water Code, is amended by adding Section 13.2541 to read as follows:

Sec. 13.2541. STREAMLINED EXPEDITED RELEASE INITIATED BY LANDOWNER. (a) Sections 13.254(a-7), (c), (d), and (h) apply to a proceeding under this section.

SECTION 4. Sections 13.254(a-5) and (a-6), Water Code, are transferred to Section 13.2541, Water Code, as added by this Act, redesignated as Sections 13.2541(b), (c), (d), (e), and (f), Water Code, and amended to read as follows:

(b) [~~(a-5)~~] As an alternative to decertification or [~~under Subsection (a) and~~] expedited release under Section 13.254 [~~Subsection (a-1)~~], the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a certificate of public convenience and necessity in the manner provided by this section and is entitled to that release if the landowner's property is located in a county with a population of at least one million, a county adjacent to a county with a population of at least one million, or a county with a population of more than 200,000 and less than 220,000 that does not contain a public or private university that had a total enrollment in the most recent fall semester of 40,000 or more, and not in a county that has a population of more than 45,500 and less than 47,500.

(c) [~~(a-6)~~] The utility commission shall grant the [~~a~~] petition [~~received under Subsection (a-5)~~] not later than the 60th day after the date the landowner files the petition.

(d) The utility commission may not deny the [~~a~~] petition [~~received under Subsection (a-5)~~] based on the fact that the [~~a~~] certificate holder is a borrower under a federal loan program.

(e) The certificate holder may not initiate an application to borrow money under a federal loan program after the date the petition is filed until the utility commission issues a decision on the petition.

(f) The utility commission may require an award of compensation by the petitioner to the certificate holder in the manner provided by this section [~~a decertified retail public utility that is the subject of a petition filed under Subsection (a-5) as otherwise provided by this section~~].

SECTION 5. Section 13.2541, Water Code, as added by this Act, is amended by adding Subsections (g), (h), (i), and (j) to read as follows:

(g) The monetary amount of compensation, if any, shall be determined by a qualified individual or firm serving as independent appraiser agreed upon by the certificate holder and the petitioner. The determination of compensation by the independent appraiser shall be binding on the utility commission. The costs of the independent appraiser shall be borne by the petitioner.

(h) Section 13.254(g) applies to a determination of the monetary amount of compensation under this section.

(i) If the petitioner and the certificate holder cannot agree on an independent appraiser within 10 calendar days after the date on which the utility commission approves the petition, the petitioner and the certificate holder shall each engage its own appraiser at its own expense, and each appraisal shall be submitted to the utility commission within 70 calendar days after the date on which the utility commission approves the petition. After receiving the appraisals, the utility commission shall appoint a third appraiser who shall make a determination of the compensation within

100 days after the date on which the utility commission approves the petition. The determination may not be less than the lower appraisal or more than the higher appraisal. The petitioner and the certificate holder shall each pay half the cost of the third appraisal.

(j) The utility commission shall ensure that:

(1) the monetary amount of compensation is determined not later than the 60th day after the date the utility commission receives the final appraisal; and

(2) the landowner pays the compensation to the certificate holder not later than the 90th calendar day after the date the monetary amount of compensation is determined.

SECTION 6. The changes in law made by this Act apply only to a proceeding affecting a certificate of public convenience and necessity that commences on or after the effective date of this Act. A proceeding affecting a certificate of public convenience and necessity that commenced before the effective date of this Act is governed by the law in effect on the date the proceeding is commenced, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2019.

The amendment was read.

Senator Nichols moved to concur in the House amendment to **SB 2272**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2136 WITH HOUSE AMENDMENT

Senator Powell called **SB 2136** 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 2136** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.471 to read as follows:

Art. 38.471. EVIDENCE IN PROSECUTION FOR EXPLOITATION OF CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL. (a) In the prosecution of an offense under Section 32.53, Penal Code, evidence that the defendant has engaged in other conduct that is similar to the alleged criminal conduct may be admitted for the purpose of showing the defendant's knowledge or intent regarding an element of the offense.

(b) Rule 403, Texas Rules of Evidence, applies to this article. This article does not permit the presentation of character evidence that would otherwise be inadmissible under the Texas Rules of Evidence or other applicable law.

The amendment was read.

Senator Powell moved to concur in the House amendment to **SB 2136**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 8 WITH HOUSE AMENDMENTS

Senator Perry called **SB 8** 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 8** (house committee printing) as follows:

(1) On page 6, line 25, strike "REPORT" and substitute "REPORTS".

(2) On page 7, between lines 19 and 20, insert the following:

(d-1) The water development board, in coordination with the state board and the Texas Commission on Environmental Quality, shall prepare a report of the repair and maintenance needs of all dams that:

(1) are not licensed by the Federal Energy Regulatory Commission;

(2) do not have flood storage;

(3) are required to pass floodwaters; and

(4) have failed.

Floor Amendment No. 2

Amend **SB 8** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. It is the intent of the legislature that the Texas Water Development Board shall play primarily a coordinating and guidance role and rely to the greatest extent practicable on private sector providers to implement the state flood plan and the 10-year dam repair and maintenance plan under Section 16.061, Water Code, and Section 201.0227, Agriculture Code, as added by this Act.

Floor Amendment No. 1 on Third Reading

Amend **SB 8** on third reading by striking the SECTION of the bill establishing legislative intent regarding actions of the Texas Water Development Board as added by Floor Amendment No. 2 by Paddie adopted on second reading.

The amendments were read.

Senator Perry moved to concur in the House amendments to **SB 8**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2552 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 2552** 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 2552** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the administration of the Agua Special Utility District; creating a criminal offense.

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

SECTION 1. Section 7201.0513(a), Special District Local Laws Code, is amended to read as follows:

(a) Before the first election of directors [~~under Section 7201.052~~], the initial board shall establish a program of education for directors that includes information on:

(1) the history of the district;

(2) the district's enabling legislation;

(3) Chapters 49 and 65, Water Code, and other laws that apply to the district, including the requirements of the:

(A) open meetings law, Chapter 551, Government Code; and

(B) public information law, Chapter 552, Government Code;

(4) relevant legal developments related to water district governance;

(5) the duties and responsibilities of the board;

(6) the requirements of conflict of interest laws and other laws relating to public officials; and

(7) any applicable ethics policies adopted by the Texas Commission on Environmental Quality or the Texas Ethics Commission.

SECTION 2. Subchapter B, Chapter 7201, Special District Local Laws Code, is amended by adding Section 7201.055 to read as follows:

Sec. 7201.055. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of seven directors, each of whom occupies a numbered position on the board and represents a unique subdistrict containing, as near as practicable, one-seventh of the total number of residents in the district.

(b) A candidate for a position on the board must:

(1) reside in the subdistrict represented by that position; and

(2) be eligible to hold office under Section 141.001, Election Code.

(c) The district shall fill a vacancy on the board in accordance with Section 49.105, Water Code.

(d) Directors serve staggered terms of four years and may not serve more than two consecutive terms.

(e) A person who has served as a member of the board of directors of the corporation is not eligible to serve as a district director.

(f) If a director is an employee of another taxing entity within the district, the board may not employ as an employee, as a consultant, or on a contract basis:

(1) an elected official of the other taxing entity that employs the director; or

(2) a person related to that elected official in the third degree of consanguinity or affinity as determined under Chapter 573, Government Code.

SECTION 3. Subchapter B, Chapter 7201, Special District Local Laws Code, is amended by adding Sections 7201.056, 7201.057, and 7201.058 to read as follows:

Sec. 7201.056. FILING OF FINANCIAL STATEMENT BY DIRECTOR. (a) A director shall file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with the Texas Ethics Commission.

(b) Subchapter B, Chapter 572, Government Code:

(1) applies to a director as if the director were a state officer; and

(2) governs the contents, timeliness of filing, and public inspection of a statement filed under Subsection (a).

(c) A director commits an offense if the director fails to file the statement required by Subsection (a). An offense under this subsection is a Class B misdemeanor.

Sec. 7201.057. SUBSTANTIAL BUSINESS INTEREST. For purposes of Chapter 171, Local Government Code, a director, in connection with a vote or decision by the board, is considered to have a substantial interest in a business entity if a person related to the director within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest in the business entity.

Sec. 7201.058. GROUNDS FOR REMOVAL. A director may be removed from the board if the director:

(1) does not have at the time of appointment the qualifications required by Section 7201.055(b);

(2) does not complete the initial board training required by Section 7201.0512;

(3) does not complete the education program required by Section 7201.054;

(4) does not meet the eligibility requirements under Section 7201.072; or

(5) fails to comply with Section 7201.071.

SECTION 4. Chapter 7201, Special District Local Laws Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. DISTRICT ADMINISTRATION

Sec. 7201.071. PROHIBITED CONDUCT FOR DIRECTORS AND DISTRICT EMPLOYEES. A director or district employee may not:

(1) accept or solicit any gift, favor, or service that:

(A) might reasonably influence the director or employee in the discharge of an official duty; or

(B) the director or employee knows or should know is offered with the intent to influence the director's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the director or employee might reasonably expect would require or induce the director or employee to disclose confidential information acquired in the course of the director's or employee's duties under this chapter;

(3) accept other employment or compensation that could reasonably be expected to impair the director's or employee's independent judgment in the performance of the director's or employee's duties under this chapter;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the director's or employee's private interest and the interest of the district;

(5) intentionally or knowingly solicit, accept, or agree to accept a benefit for the director's or employee's exercise of powers under this chapter or performance of duties under this chapter in favor of a third party; or

(6) have a personal interest in an agreement executed by the district.

Sec. 7201.072. ELIGIBILITY OF DIRECTOR AND GENERAL MANAGER. (a) A person is not eligible to serve as a director or general manager of the district if the person or the person's relative within the third degree by consanguinity or affinity, as determined by Chapter 573, Government Code:

(1) received 10 percent or more of gross income for the previous year from a business entity or other organization, other than a governmental entity, that receives money from the district;

(2) is employed by or participates in the management of a business entity or other organization, other than a governmental entity, that receives money from the district;

(3) directly or indirectly owns or controls more than a 10 percent interest in the fair market value of a business or other organization that receives money from the district;

(4) serves as a corporate officer or member of the board of directors of a business entity or other organization that receives money from the district;

(5) is a creditor, debtor, or guarantor in an amount of $5,000 or more of a person or business entity that receives money from the district;

(6) uses or receives a substantial amount of tangible goods, services, or money from the district other than compensation or reimbursement authorized by law; or

(7) 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 the operation of the district.

(b) A person applying to serve as general manager of the district shall disclose any potential violations of Subsection (a) before accepting the position of general manager.

Sec. 7201.073. GENERAL MANAGER; DUTIES. (a) The board shall employ a person with prior experience and training as general manager.

(b) The duties of the general manager include:

(1) managing the overall strategy and operations of the district's projects, services, budget, finances, and community relations;

(2) consulting with, advising, and supporting the board to efficiently accomplish the purposes of the district and to ensure compliance with all regulatory, financing, and legal requirements;

(3) assisting the board in planning, developing, and implementing policies to accomplish the purposes of the district;

(4) developing and implementing policies to improve the district's communication with the district's service community;

(5) providing leadership and supervision to district employees;

(6) creating and maintaining organizational charts to improve the district's effectiveness;

(7) coordinating and developing short-term and long-term goals for the district;

(8) monitoring current district projects and prioritizing future district projects;

(9) evaluating contracts, grants, and commitments as authorized by the board;

(10) planning, organizing, and directing district programs and services, evaluating the results of those programs and services, and recommending policies, procedures, and board actions based on that evaluation;

(11) employing all persons necessary for the proper handling of the business and operation of the district and determining the compensation of those employees; and

(12) performing other general responsibilities as determined by the board.

(c) The board may assign the duties under Subsection (b) only to the general manager. The board may not assign the duties to any other person.

(d) The general manager is an employee of the district. The general manager serves at the pleasure of and reports only to the board.

(e) The board shall determine the compensation and terms of employment for the general manager.

(f) The board may increase the compensation of the general manager in an amount not to exceed 10 percent of the amount of the general manager's compensation immediately before the effective date of the increase.

(g) If the board enters into an employment contract with the general manager, the term of the contract may not exceed two years.

(h) It is a ground for termination of the general manager if the general manager fails to disclose any potential violations of Section 7201.072 as required by that section.

SECTION 5. Subchapter C, Chapter 7201, Special District Local Laws Code, is amended by adding Section 7201.104 to read as follows:

Sec. 7201.104. SEARCHABLE DISTRICT EXPENDITURE DATABASE. (a) The district shall establish and post on the district's Internet website a database of district check register reports, including district expenditures and contracts. The database must include the amount, date, description, payor, and payee of the expenditures, and, if applicable, parties to the contract.

(b) The district may not include in the database under Subsection (a) a district employee's salary or personal identifying information, as defined by Section 521.002, Business & Commerce Code.

(c) The district shall prominently display a link to the database established under this section on the district's Internet website. The information provided in the district check register reports must be updated monthly.

(d) The district shall keep in the database information required by this section related to an adopted budget until the third anniversary of the date the budget was adopted.

SECTION 6. Section 7201.201, Special District Local Laws Code, is amended by adding Subsection (c) to read as follows:

(c) Not later than the third day after the date the accountant finalizes the audit required by this section, the district shall publish the audit on the district's Internet website.

SECTION 7. Section 7201.204, Special District Local Laws Code, is amended to read as follows:

Sec. 7201.204. NEWSLETTER, WEBSITE, AND ANNUAL FINANCIAL INFORMATION. (a) The district shall maintain and update monthly an Internet website with current information concerning [~~agendas, minutes,~~] policies, monthly financial information concerning revenues and expenses, and monthly [~~quarterly~~] summaries.

(b) Not later than 72 hours before a meeting held by the district, the district shall publish on the district's Internet website the agenda for the meeting.

(c) Not later than 72 hours after the date the district adopts the minutes of a meeting held by the district, the district shall publish on the district's Internet website the minutes adopted by the district.

(d) The district shall provide information, including summary financial information based on the preceding year's annual audit, to district customers at an annual meeting.

SECTION 8. Effective December 31, 2019, Sections 7201.051 and 7201.052, Special District Local Laws Code, are repealed.

SECTION 9. (a) Not later than December 31, 2019, the board of directors of the Agua Special Utility District shall determine each subdistrict in accordance with Section 7201.055, Special District Local Laws Code, as added by this Act, and in compliance with all applicable provisions of the Election Code.

(b) The initial election for positions 1, 2, and 3 on the board shall be held on the uniform election date in May 2020. The initial election for positions 4 through 7 shall be held on the uniform election date in May 2022.

SECTION 10. Not later than January 1, 2020:

(1) a member of the board of directors of the Agua Special Utility District shall file a financial statement as required by Section 7201.056, Special District Local Laws Code, as added by this Act; and

(2) the Agua Special Utility District shall establish and post on the district's Internet website a database of district check register reports as required by Section 7201.104, Special District Local Laws Code, as added by this Act.

SECTION 11. (a) The changes in law made by this Act do not affect the entitlement of a member serving on the board of directors of the Agua Special Utility District immediately before the effective date of this Act to continue to serve as a member of the board for the remainder of the member's term.

(b) A member described by Subsection (a) of this section may not serve more than two consecutive terms on the board even though one or more of those terms began before the effective date of this Act.

SECTION 12. The changes in law made by this Act apply only to a general manager employed or whose employment contract is renewed or extended by the Agua Special Utility District on or after the effective date of this Act. A general

manager employed or whose employment contract is renewed or extended before the effective date of this Act is governed by the law in effect on the date the general manager was employed, and the former law is continued in effect for that purpose.

SECTION 13. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 14. (a) Section 2 of this Act takes effect December 31, 2019.

(b) Except as provided by Subsection (a) of this section, this Act takes effect September 1, 2019.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 2552**.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Bettencourt, Hall.

Absent-excused: Miles.

SENATE BILL 2156 WITH HOUSE AMENDMENT

Senator Buckingham called **SB 2156** 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 2156** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the designation of the portion of Interstate Highway 14 in Bell County as the First Cavalry Division Veterans Highway.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.152 to read as follows:

Sec. 225.152. FIRST CAVALRY DIVISION VETERANS HIGHWAY. (a) The portion of Interstate Highway 14 in Bell County is designated as the First Cavalry Division Veterans Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the First Cavalry Division Veterans Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway.

SECTION 2. This Act takes effect September 1, 2019.

The amendment was read.

Senator Buckingham moved to concur in the House amendment to **SB 2156**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2530 WITH HOUSE AMENDMENT

Senator Fallon called **SB 2530** 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

SB 2530 is amended by striking the following section:

~~Sec. 8048.0308. ANIMAL CONTROL ORDINANCE. The district may adopt an animal control ordinance and enforce the ordinance inside the district.~~

The amendment was read.

Senator Fallon moved to concur in the House amendment to **SB 2530**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 58 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 58** 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 58** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the exemption from ad valorem taxation of leased motor vehicles that are not held primarily for the production of income by the lessee.

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

SECTION 1. The heading to Section 11.252, Tax Code, is amended to read as follows:

Sec. 11.252. MOTOR VEHICLES LEASED FOR [~~PERSONAL~~] USE OTHER THAN PRODUCTION OF INCOME.

SECTION 2. Sections 11.252(b), (d), and (e), Tax Code, are amended to read as follows:

(b) For purposes of this section, a motor vehicle is presumed to be used primarily for activities that do not involve the production of income if:

(1) 50 percent or more of the miles the motor vehicle is driven in a year are for non-income producing purposes;

(2) the motor vehicle is leased to this state or a political subdivision of this state; or

(3) the motor vehicle:

(A) is leased to an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code; and

(B) would be exempt from taxation if the vehicle were owned by the organization.

(d) In connection with the requirements and procedures under Subsection (c), the comptroller by rule shall adopt a form to be completed by the lessee of a motor vehicle for which the owner of the vehicle may apply for an exemption under Subsection (a). The form shall require a [~~the~~] lessee who is an individual to provide the lessee's name, address, and driver's license or personal identification certificate number. The form shall require a lessee that is an entity described by Subsection (b) to provide the lessee's name, address, and, if applicable, federal tax identification number. The form shall require a lessee who is an individual, or the authorized representative of a lessee that is an entity described by Subsection (b), [~~and~~] to certify under oath that the lessee does not hold the vehicle for the production of income and that the vehicle is used primarily for activities that do not involve the production of income. The comptroller shall include on the form a notice of the penalties prescribed by Section 37.10, Penal Code, for making a false statement on the form.

(e) The owner of a motor vehicle that is subject to a lease shall maintain the form, an electronic image of the form, or a certified copy of the form completed by the lessee of the vehicle and make the form, electronic image, or certified copy available for inspection and copying by the chief appraiser of the applicable appraisal district at all reasonable times. If the owner does not maintain a completed form, electronic image of the completed form, or certified copy of the completed form relating to the vehicle, the owner:

(1) must render the vehicle for taxation in the applicable rendition statement or property report filed by the owner under Chapter 22; and

(2) may not file an application for an exemption under Subsection (a) for the vehicle.

SECTION 3. The changes in law made by this Act apply only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2019.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 58**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 483 WITH HOUSE AMENDMENT

Senator Campbell called **SB 483** 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 483** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to permits for certain injection wells that transect a portion of the Edwards Aquifer.

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

SECTION 1. Section 27.0516(a)(1), Water Code, is amended to read as follows:

(1) "Edwards Aquifer" means that portion of an arcuate belt of porous, waterbearing limestones composed of the Edwards Formation, Georgetown Formation, Comanche Peak Formation, Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, and Edwards Group, together with the Upper Glen Rose Formation where scientific studies have documented a hydrological connection to the overlying Edwards Group trending from west to east to northeast through Kinney, Uvalde, Medina, Bexar, Kendall, Comal, Hays, Travis, and Williamson Counties. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

SECTION 2. Sections 27.0516(b), (f), (h), (k), and (n), Water Code, are amended to read as follows:

(b) This section applies only to the portion of the Edwards Aquifer that is within the geographic area circumscribed by the external boundaries of the Barton Springs-Edwards Aquifer Conservation District but is not in the jurisdiction [~~that district's territory or the territory~~] of the Edwards Aquifer Authority. This section does not apply to a wastewater facility permitted under Chapter 26 or a subsurface area drip dispersal system permitted under Chapter 32.

(f) The commission by rule, individual permit, or general permit may authorize:

(1) an activity described by Subsection (e);

(2) an injection well that transects and isolates the saline portion of the Edwards Aquifer and terminates in a lower aquifer for the purpose of injecting:

(A) concentrate from a desalination facility; or

(B) fresh water as part of an engineered aquifer storage and recovery facility;

(3) an injection well that terminates in that part of the saline portion of the Edwards Aquifer that has a total dissolved solids concentration of more than 10,000 milligrams per liter for the purpose of injecting into the saline portion of the Edwards Aquifer:

(A) concentrate from a desalination facility, provided that the injection well must be at least three miles from the closest outlet of Barton Springs; or

(B) fresh water as part of an engineered aquifer and storage recovery facility, provided that each well used for injection or withdrawal from the facility must be at least three miles from the closest outlet of Barton Springs; [~~or~~]

(4) an injection well that transects or terminates in the Edwards Aquifer for:

(A) aquifer remediation;

(B) the injection of a nontoxic tracer dye as part of a hydrologic study; or

(C) another beneficial activity that is designed and undertaken for the purpose of increasing protection of an underground source of drinking water from pollution or other deleterious effects; or

(5) the injection of fresh water into a well that transects the Edwards Aquifer provided that:

(A) the well isolates the Edwards Aquifer and meets the construction and completion standards adopted by the commission under Section 27.154;

(B) the well is part of an engineered aquifer storage and recovery facility;

(C) the injected water:

(i) is sourced from a public water system, as defined by commission rule, that is permitted by the commission; and

(ii) meets water quality standards for public drinking water established by commission rule; and

(D) the injection complies with the provisions of Subchapter G that are not in conflict with this section.

(h) Rules adopted or a [~~general~~] permit issued under this section:

(1) must require that an injection well authorized by the rules or permit be monitored by means of:

(A) one or more [~~a~~] monitoring wells [~~well~~] operated by the injection well owner if the commission determines that there is an underground source of drinking water in the area of review that is potentially affected by the injection well; or

(B) if Paragraph (A) does not apply, one or more [~~a~~] monitoring wells [~~well~~] operated by a party other than the injection well owner, provided that all results of monitoring are promptly made available to the injection well owner;

(2) must ensure that an authorized activity will not result in the waste or pollution of fresh water;

(3) may not authorize an injection well under Subsection (f)(2), [~~or~~] (3), or (5) unless the well is initially associated with a small-scale research project designed to evaluate the long-term feasibility and safety of:

(A) the injection of concentrate from a desalination facility; or

(B) an aquifer storage and recovery project;

(4) must require any authorization granted to be renewed at least as frequently as every 10 years;

(5) must require that an injection well authorized under Subsection (f)(2)(A) or (3)(A) be monitored on an ongoing basis by or in coordination with the well owner and that the well owner file monitoring reports with the commission at least as frequently as every three months; [~~and~~]

(6) must ensure that any injection well authorized for the purpose of injecting concentrate from a desalination facility does not transect the fresh water portion of the Edwards Aquifer; and

(7) must ensure that an engineered aquifer storage and recovery facility project is consistent with the provisions of Subchapter G that are not in conflict with this section.

(k) Notwithstanding Subsection (h)(3), the commission by rule, individual permit, or [~~a~~] general permit may authorize the owner of an injection well authorized under Subsection (f)(2), [~~or~~] (3), or (5) to continue operating the well for the purpose of implementing the desalination or engineered aquifer storage and recovery project following completion of the small-scale research project, provided that:

(1) the injection well owner timely submits the information collected as part of the research project, including monitoring reports and information regarding the environmental impact of the well, to the commission;

(2) the injection well owner, following the completion of studies and monitoring adequate to characterize risks to the fresh water portion of the Edwards Aquifer, formations included in the Trinity Group, or [~~and~~] other fresh water associated with the continued operation of the well, and at least 90 days before the date the owner initiates commercial well operations, files with the commission a notice of intent to continue operation of the well after completion of the research project; and

(3) the commission, based on the studies and monitoring, the report provided by Texas State University–San Marcos under Subsection (l)(2), and any other reasonably available information, determines that continued operation of the injection well as described in the notice of intent does not pose an unreasonable risk to the fresh water portion of the Edwards Aquifer, formations included in the Trinity Group, or other fresh water associated with the continued operation of the well.

(n) If the commission preliminarily determines that continued operation of the injection well would pose an unreasonable risk to the fresh water portion of the Edwards Aquifer, formations included in the Trinity Group, or other fresh water associated with the continued operation of the well, the commission shall notify the operator and specify, if possible, what well modifications or operational controls would be adequate to prevent that unreasonable risk. If the operator fails to modify the injection well as specified by the commission, the commission shall require the operator to cease operating the well.

SECTION 3. The changes in law made by this Act apply only to an application for an authorization described by Section 27.0516, Water Code, as amended by this Act, filed with the Texas Commission on Environmental Quality on or after the effective date of this Act. An application filed with the Texas Commission on Environmental Quality before the effective date of this Act is governed by the law in effect on the date of filing, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 483**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1083 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1083** 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 1083** (house committee printing) as follows:

(1) On page 1, lines 7 and 8, strike "Subsection (e-1)" and substitute "Subsections (e-1) and (g)".

(2) On page 2, between lines 19 and 20, insert the following:

(g) The amount of compensation under Subsection (c) shall be determined under Subsection (e) regardless of whether Subsection (e-1) would yield a greater amount if:

(1) the municipality is a municipality described by Section 775.014(h); and

(2) the municipality and the district enter into an agreement on or before September 1, 2019, regarding the district's bonded and other indebtedness.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1083**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 520 WITH HOUSE AMENDMENT

Senator Campbell called **SB 520** 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 520** (house committee printing) as follows:

(1) On page 1, line 7, strike "Subsection (c-1)" and substitute "Subsections (c-1) and (e-1)".

(2) On page 1, line 18, between "subdivision" and "causing", insert "or municipally owned utility".

(3) On page 2, line 13, strike "and".

(4) On page 2, line 16, strike "liter." and substitute "liter; and".

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

(C) if the water injected is state water, the utility has a water right or contract for use of the water that does not prohibit use of the water in an aquifer storage and recovery project.

(e-1) The injection or withdrawal of water under Subsection (c-1) or (e)(3) must comply with requirements imposed under Subchapter G, Chapter 27, Water Code.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 520**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2117 WITH HOUSE AMENDMENTS

Senator Bettencourt called **SB 2117** 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 2117** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to approval of school district and charter school partnerships to operate school district campuses and programs and to eligibility for state funding.

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

SECTION 1. Section 11.157, Education Code, is amended to read as follows:

Sec. 11.157. CONTRACTS FOR EDUCATIONAL SERVICES. (a) The board of trustees of an independent school district may contract with a public or private entity for that entity to provide educational services for the district.

(b) A school district and open-enrollment charter school may apply to the commissioner for approval to jointly operate a campus or campus program. During each school year, the commissioner may approve not more than three contracts for a school district and open-enrollment charter school to jointly operate a campus or campus program and to receive funding as provided by Subsection (d). This subsection does not apply to the renewal of a contract previously approved by the commissioner.

(c) A school district contract with an open-enrollment charter school to jointly operate a campus or campus program during the 2017-2018 school year is considered to be a contract approved by the commissioner and is eligible to receive funding as provided by Subsection (d).

(d) A school district that contracts with the governing body of an open-enrollment charter school to jointly operate a campus or campus program qualifies for funding under Section 42.2511 for each student or the portion of each student's school day under the direction of the open-enrollment charter school if the most recent accountability rating of:

(1) the campus was a C or higher under Subchapter C, Chapter 39; and

(2) the open-enrollment charter school was a C or higher under Subchapters C and D, Chapter 39.

(e) The commissioner may adopt rules and collect data to determine the portion of funding a school district is entitled to under Subsection (d) if the district contracts with an open-enrollment charter school to jointly operate a campus program.

SECTION 2. Sections 42.2511(a) and (b), Education Code, are amended to read as follows:

(a) This section applies only to:

(1) a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174; [~~and~~]

(2) a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder; and

(3) a school district that contracts with an open-enrollment charter school to jointly operate a campus or campus program as provided by Section 11.157(d).

(b) Notwithstanding any other provision of this chapter or Chapter 41, a school district subject to this section is entitled to receive for each student in average daily attendance at the campus or program described by Subsection (a) an amount equivalent to the difference, if the difference results in increased funding, between:

(1) the amount described by Section 12.106; and

(2) the amount to which the district would be entitled under this chapter.

SECTION 3. This Act applies beginning with the 2019-2020 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Floor Amendment No. 1

Amend **CSSB 2117** (house committee report) as follows:

(1) Strike page 1, line 12, through page 2, line 14, and substitute the following:

(b) A school district under contract with an open-enrollment charter school to jointly operate a campus or campus program during the 2017-2018 school year and under any renewal of that contract is eligible to receive funding under Section 42.2511 for each student or the portion of each student's school day under the direction of the open-enrollment charter school. The commissioner may adopt rules to determine the portion of funding a school district is entitled to under this subsection.

(2) On page 2, line 27, strike "11.157(d)" and substitute "11.157(b)".

Floor Amendment No. 2

Amend **CSSB 2117** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Chapter 39, Education Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. NEXT GENERATION COMMISSION ON DIGITAL LEARNING

Sec. 39.601. DEFINITION. In this subchapter, "commission" means the Next Generation Commission on Digital Learning.

Sec. 39.602. NEXT GENERATION COMMISSION ON DIGITAL LEARNING. (a) The Next Generation Commission on Digital Learning is established to develop and make recommendations for establishing a framework for the incorporation of digital teaching and learning in public schools.

(b) The commission is composed of 15 members, consisting of the following:

(1) four members appointed by the governor;

(2) three members appointed by the lieutenant governor;

(3) three members appointed by the speaker of the house of representatives;

(4) a representative designated by the chair of the senate committee on education;

(5) a representative designated by the chair of the senate committee on higher education;

(6) a representative designated by the chair of the house of representatives public education committee;

(7) a representative designated by the chair of the house of representatives committee on higher education; and

(8) a member of the State Board of Education, as designated by the chair of that board.

(c) In making appointments under Subsections (b)(1), (2), and (3), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that the commission includes at least one of each of the following representatives:

(1) a parent of or person standing in parental relation to a student enrolled in the public school system;

(2) an educator in the public school system;

(3) an educator in a school district that is a participant in the Texas High Performance Schools Consortium under Section 7.0561;

(4) a member of the business community;

(5) a member of the civic community;

(6) a leader in digital teaching and learning; and

(7) a leader in researching the impact of digital teaching and learning on student performance.

Sec. 39.603. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission.

Sec. 39.604. COMPENSATION AND REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 39.605. ADMINISTRATIVE SUPPORT AND FUNDING. (a) Staff members of the agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by appropriation to the agency for that purpose.

Sec. 39.606. RECOMMENDATIONS. The commission shall develop recommendations under this subchapter to:

(1) provide a funding proposal to present to the legislature for digital teaching and learning in elementary and secondary schools that includes funding to:

(A) improve student outcomes through the use of digital teaching and learning technology; and

(B) provide high-quality professional learning for educators to improve student outcomes through the use of digital teaching and learning technology;

(2) develop a framework for effective statewide deployment of digital teaching and learning materials in elementary and secondary schools; and

(3) develop and implement strategies that assist school districts in the adoption and implementation of digital teaching and learning materials.

Sec. 39.607. REPORT. Not later than September 1, 2020, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to develop a framework to incorporate digital teaching and learning in public schools.

Sec. 39.608. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552, Government Code.

Sec. 39.609. COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER. (a) The commission is abolished January 1, 2021.

(b) This subchapter expires January 1, 2021.

Floor Amendment No. 1 on Third Reading

Amend **SB 2117** on third reading by striking the amendment by Sanford, adopted on second reading, amending Chapter 39, Education Code, by adding Subchapter O.

The amendments were read.

Senator Bettencourt moved to concur in the House amendments to **SB 2117**.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Menéndez, Perry, Schwertner.

Absent-excused: Miles.

SENATE BILL 592 WITH HOUSE AMENDMENT

Senator Watson called **SB 592** 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 592** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the creation of the Brickston Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8038 to read as follows:

CHAPTER 8038. BRICKSTON MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8038.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Brickston Municipal Utility District.

Sec. 8038.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8038.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8038.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8038.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8038.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8038.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8038.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8038.0202, directors serve staggered four-year terms.

Sec. 8038.0202. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8038.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 8038.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8038.0103; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8038.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8038.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8038.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8038.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits the road project is located.

(b) If a road project is not located in the corporate limits of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8038.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8038.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8038.0403.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8038.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8038.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8038.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8038.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8038.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8038.0503. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Brickston Municipal Utility District initially includes all the territory contained in the following area:

BEING A 448.8-ACRE [19,551,571 SQUARE FEET] MUD TRACT OUT OF THE WILLIAM HINES SURVEY NUMBER 53, ABSTRACT NUMBER 346, TRAVIS COUNTY, TEXAS, SAID TRACT BEING ALL OF THAT CALLED 127.535-ACRE TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC., AS RECORDED IN DOCUMENT NUMBER 2008035687 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], AND A PORTION OF THAT CALLED 315.26-ACRE TRACT DESCRIBED TO TEXAS BRIDLE TRAILS, LLC. AS RECORDED IN DOCUMENT NUMBER 2008035688 O.P.R.T.C.T. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod found in the west line of that called 29.556-acre tract described to Centex Land, LTD. as recorded in Document Number 1999124374 O.P.R.T.C.T. for the south corner of that called 9.35-acre tract described to Johnny Wilkins, Jr. and wife, Virgina C. Wilkins as recorded in Volume 12363, Page 2230 of the Real Property Records of Travis County, Texas [R.P.R.T.C.T.], same being the east corner of said 315.26-acre tract and the east corner of the tract described herein;

THENCE with said west line of the 29.556-acre tract, same being the east line of said 315.26-acre tract, S26°55'05"W a distance of 926.58 feet to a 1/2-inch iron rod found for the east corner of that called 5.00-acre tract described to Amos Whit Parker and Wife, Mary Catherine Parker as recorded in Volume 12714, Page 2046 R.P.R.T.C.T.;

THENCE with the north line of said 5.00-acre tract, continuing with said east line of the 315.26-acre tract, N63°18'57"W a distance of 796.21 feet to a 1/2-inch iron rod found for the north corner of said 5.00-acre tract;

THENCE with the west line of said 5.00-acre tract, continuing with said east line of the 315.26-acre tract, S26°40'58"W a distance of 273.21 feet to the west corner of said 5.00-acre tract, same being the north corner of that called 10.57-acre tract described to David S. Rose and Kristen R. Carter, as recorded in Volume 12854, Page 2132 R.P.R.T.C.T.;

THENCE with the west line of said 10.57-acre tract, continuing with said east line of the 315.26-acre tract, S26°59'51"W a distance of 578.62 feet to a point in the north line of that called 175.81-acre tract described to Centex Land, Ltd as recorded in Volume 13299, Page 2327 R.P.R.T.C.T. for the west corner of said 10.57-acre tract;

THENCE with said north line of the 175.81-acre tract, continuing with said east line of the 315.26-acre tract, the following five (5) courses and distances:

1) N63°35'01"W a distance of 41.42 feet to an angle point,

2) N61°56'37"W a distance of 120.25 feet to an angle point,

3) N62°39'21"W a distance of 572.60 feet to a 1/2-inch iron rod found for an angle point,

4) N62°32'09"W a distance of 228.42 feet to a 3/8-inch iron rod found for an angle point,

5) N62°48'14"W a distance of 1,444.80 feet to an angle point for the north corner of said 175.81-acre tract;

THENCE with the west line of said 175.81-acre tract, same being the south line of said 315.26-acre tract, S27°07'44"W a distance of 76.16 feet to an angle point for the east corner of said 127.535-acre tract;

THENCE continuing with said west line of the 175.81-acre tract, same being the east line of said 127.535-acre tract, the following two (2) courses and distances:

1) S27°32'56"W a distance of 1,770.97 feet to an angle point for the south corner of said 127.535-acre tract, and

2) N61°57'33"W a distance of 395.35 feet to an angle point in the east line of that called 202.522-acre tract described to Robert E. Lundgren & Kathryn E. Lundgren as recorded in Volume 11133, Page 517 R.P.R.T.C.T.;

THENCE with the east line of said 202.522-acre tract, same being the south line of said 127.535-acre tract, N28°06'22"E a distance of 20.48 feet to an angle point for the east corner of said 202.522-acre tract;

THENCE with the north line of said 202.522-acre tract, continuing with said south line of the 127.535-acre tract, N63°06'01"W a distance of 2,773.48 feet to a point in the east line of that called 84.987-acre tract described to Ruth Ann Lofton Kylberg as recorded in Volume 6863, Page 1580 of the Deed Records of Travis County, Texas, for the west corner of said 127.535-acretract and the west corner of the tract described herein;

THENCE with said east line of the 84.987-acre tract, same being the west line of said 127.535-acre tract, N27°08'30"E a distance of 797.97 feet to 1/2-inch iron rod found for the apparent southerly terminus of Giese Lane, a varying-width right-of-way, no record information found;

THENCE with the apparent east right-of-way line of Giese Lane, continuing with the west line of said 127.535-acre tract, the following two (2) courses and distances:

1) N51°48'59"E a distance of 48.16 feet to an angle point, and

2) N26°22'12"E a distance of 900.92 feet to a 3/4-inch iron rod found for the north corner of said 127.535-acre tract;

THENCE continuing with the apparent east right-of-way line of Giese Lane, with the west line of said 315.26-acre tract, the following two (2) courses and distances:

1) N26°32'58"E a distance of 281.93 feet to an angle point, and

2) N26°37'58"E a distance of 64.47 feet to an angle point at the intersection of the apparent common Manor County Extra Territorial Jurisdiction line and the apparent Travis County Line with said apparent east right-of-way line of Giese Lane and said west line of the 315.26-acre tract;

THENCE leaving said apparent east right-of-way line of Giese Lane and said west line of the 315.26-acre tract, crossing said 315.26-acre tract, with the apparent common Manor County Extra Territorial Jurisdiction line and the apparent Travis County Line, the following three (3)courses and distances:

1) S89°34'15"E a distance of 319.29 feet to an angle point,

2) N13°12'51"E a distance of 581.96 feet to an angle point, and

3) N06°47'45"E a distance of 425.37 feet to an angle point at the intersection of said apparent common Manor County Extra Territorial Jurisdiction line and said apparent Travis County Line with said apparent east right-of-way line of Giese Lane and said west line of the 315.26-acre tract;

THENCE with said apparent east right-of-way line of Giese Lane and said west line of the 315.26-acre tract, N26°52'58"E a distance of 1,166.16 feet to the west corner of that called 286.05-acre tract described to Sharon Dusek Wertz as recorded in Volume 11258, Page 38 R.P.R.T.C.T., same being the north corner of said 315.26-acre tract and the north corner of the tract described herein;

THENCE with the south line of said 286.05-acre tract, same being the north line of said 315.26-acre tract, S63°12'58"E a distance of 3,177.15 feet to the south corner of said 286.05-acre tract, same being the west corner of that called 50.349-acre tract described to Robert Alvarez as recorded in Document Number 2001200295 O.P.R.T.C.T.;

THENCE with the south line of said 50.349-acre tract, continuing with said north line of the 315.26-acre tract, the following two (2) courses and distances:

1) S64°27'40"E a distance of 128.51 feet to an angle point, and

2) S63°20'13"E a distance of 972.11 feet to the north corner of that apparent 20.00-acre tract to Johnny Wilkins Jr. & Virginia C. Wilkins, no record information found;

THENCE with the west line of said 20.00-acre tract, with the west line of that called 5.00-acre tract described to Johnny Wilkins Jr. and wife, Virginia Cox Wilkins as recorded in Volume 6501, Page 42 R.P.R.T.C.T., continuing with said north line of the 315.26-acre tract, S26°39'06"W a distance of 800.88 feet to the west corner of said 5.00-acre tract;

THENCE with the south line of said 5.00-acre tract, with the south line of said 9.35-acre tract, continuing with said north line of the 315.26-acre tract, S63°20'40"E a distance of 2,096.59 feet to said POINT OF BEGINNING of the tract described herein, and containing 448.8 Acres [19,551,571 Square Feet].

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8038, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8038.0306 to read as follows:

Sec. 8038.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 592**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1138 WITH HOUSE AMENDMENT

Senator Watson called **SB 1138** 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 1138** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to securities contracts entered into by the Texas Treasury Safekeeping Trust Company.

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

SECTION 1. Section 404.103, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The trust company may enter into contracts, trust agreements, or other fiduciary instruments with the comptroller, the Federal Reserve System, a depository trust company, and other third parties. The trust company shall be liable under those contracts in accordance with the terms contained in the contracts. Notwithstanding any other statute to the contrary, to the extent permitted by the Texas Constitution and the contracts, trust agreements, or other fiduciary instruments between the trust company, the Federal Reserve System, and a depository trust company, the trust company's obligations shall be guaranteed by the state, and the state expressly waives all defenses of governmental immunity by and on behalf of the trust company, the comptroller, and the state, and expressly consents to sue and be sued in federal court or in any court of competent jurisdiction. However, this provision does not alter or affect the immunity accorded to state officials and employees under state law. The

trust company may enter into contracts with the comptroller and the Federal Reserve System to provide any services that the Federal Reserve System makes available, including:

(1) safekeeping book-entry United States Treasury and agency securities owned by the state and its agencies;

(2) using the federal reserve wire transfer system to transfer money and book-entry securities and to settle securities transactions involving book-entry United States Treasury and agency securities owned by the state and its agencies;

(3) collecting, through the Federal Reserve System, checks deposited with the treasury;

(4) receiving payments from and making payments to the federal government on behalf of the state and its agencies;

(5) originating automated clearinghouse transactions or other electronic transfers to make payments on behalf of the state and its agencies, collecting revenues due the state and its agencies, and transferring money between state depositories;

(6) paying warrants drawn on the treasury and presented through the Federal Reserve System for payment; and

(7) safekeeping collateral pledged to secure deposits of public funds.

(b-1) In this subsection, "securities contract" includes direct security repurchase agreements, reverse security repurchase agreements, and related custody agreements. The trust company may enter into trust agreements, fiduciary instruments, or other contracts as principal or as trustee, with the comptroller and other third parties. The trust company shall be liable under the agreements, instruments, or contracts in accordance with the terms contained in the agreements, instruments, or contracts. Notwithstanding any other statute to the contrary, to the extent permitted by the Texas Constitution and the contracts, the trust company's obligations under securities contracts between the trust company and third parties shall be guaranteed by the state with, and only to the extent of, the reserve balances held by the trust company under Section 404.105, and for those securities contracts, the state expressly waives all defenses of governmental immunity by and on behalf of the trust company, and expressly consents by and on behalf of the trust company to sue and be sued in federal court or in any court of competent jurisdiction. However, this provision does not alter or affect the immunity accorded to state officials and employees under state law.

SECTION 2. Section 404.104(b), Government Code, is amended to read as follows:

(b) The comptroller may enter into contracts, trust agreements, and other instruments with the trust company as provided by Section 404.103 [~~404.103(b)~~].

SECTION 3. The changes in law made by this Act apply only to an agreement, instrument, or contract entered into on or after the effective date of this Act. An agreement, instrument, or contract entered into before the effective date of this Act is subject to the law in effect on the date that the agreement, instrument, or contract was entered into, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1138**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2553 WITH HOUSE AMENDMENT

Senator Watson called **SB 2553** 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 2553** (house committee printing) as follows:

(1) On page 1, line 21, between "as a" and "golf", insert "public".

(2) On page 1, line 24, strike "(1)" and substitute "(b)".

(3) On page 2, line 3, between "18-hole" and "golf course", insert "public".

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

(5) On page 2, line 6, strike "(A)" and substitute "(1)".

(6) On page 2, line 8, strike "(B)" and substitute "(2)".

(7) On page 2, line 9, strike "(b)" and substitute "(d)".

(8) On page 2, line 13, strike "(c)" and substitute "(e)".

(9) On page 2, line 18, strike "(d)" and substitute "(f)".

(10) On page 4, line 24, between "shall" and "appoint", insert "solicit applications for initial board member positions from residents of the district and".

(11) On page 4, line 27, through page 5, line 1, strike "The appointing committee shall designate the term of each initial director." and substitute "The initial directors shall draw lots to determine which directors serve four-year terms and which serve two-year terms.".

(12) On page 5, line 21, after the underlined period, insert the following:

The district may not enter into a contract described by this subsection unless the district enters into an agreement before May 31, 2021, with the owner of the land used for the historic Lions Municipal Golf Course that provides for the purchase of the land or a method of preserving the land as a public golf course, publicly available parkland, or a combination of those uses.

(13) On page 7, strike lines 11 through 13.

(14) On page 7, between lines 18 and 19, insert the following:

Sec. 3988.0308. CERTAIN RESIDENTIAL PROPERTY. Section 375.161, Local Government Code, does not apply to the district.

(15) On page 7, line 19, strike "3988.0308" and substitute "3988.0309".

(16) On page 7, line 21, strike "3988.0309" and substitute "3988.0310".

(17) Strike page 7, line 24, through page 8, line 7, and substitute the following:

Sec. 3988.0901. DISSOLUTION. Except as limited by Section 375.264, Local Government Code, the board shall dissolve the district not later than May 31, 2021, unless, as of that date, the district has entered into an agreement with the owner of the

land used for the historic Lions Municipal Golf Course that provides for the purchase of the land or a method of preserving the land as a public golf course, publicly available parkland, or a combination of those uses.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 2553**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1995 WITH HOUSE AMENDMENTS

Senator Birdwell called **SB 1995** 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 1995** (house committee report) on page 4, line 2, between "by" and "a license holder", by inserting "or to".

Floor Amendment No. 2

Amend **SB 1995** (house committee report) by striking page 3, lines 11 through 18, substituting the following, and relettering subsequent subsections of added Section 57.105, Occupations Code, accordingly:

(a) A state agency that issues a license must submit any proposed rule affecting market competition in this state relating to the business, occupation, or profession for which a license is issued to the division for review before the rule is adopted or implemented.

(b) A state agency that issues a license must submit to the division for review any rule that the agency proposes to repeal or readopt with amendment after a review under Section 2001.039, Government Code, if the rule affects market competition as described by this section.

(b-1) A state agency that issues a license must submit to the division for review any rule that the agency proposes to readopt without amendment after a review under Section 2001.039, Government Code, if the rule affects market competition as described by this section. This subsection expires January 1, 2024.

The amendments were read.

Senator Birdwell moved to concur in the House amendments to **SB 1995**.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Johnson, Menéndez, Powell, Schwertner, Watson.

Absent-excused: Miles.

SENATE BILL 1200 WITH HOUSE AMENDMENT

Senator Campbell called **SB 1200** 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 1200** (house committee report) on page 2, between lines 18 and 19, by inserting the following:

(f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 1200**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2283 WITH HOUSE AMENDMENT

Senator Campbell called **SB 2283** 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 2283** (house committee report) as follows:

(1) On page 1, line 8, strike "WHO IS".

(2) On page 1, lines 9 and 10, strike "OR WHO PLEADS GUILTY OR NOLO CONTENDERE TO THOSE OFFENSES".

(3) On page 1, lines 12 and 13, strike "or pleaded guilty or nolo contendere to".

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 2283**.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Miles.

SENATE BILL 241 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 241** 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 241** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to certain required reports received or prepared by state agencies and other governmental entities.

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

ARTICLE 1. REPORTS REQUIRED OF STATE AGENCIES

SECTION 1.01. Section 21.0452(b), Education Code, is amended to read as follows:

(b) The board shall make available at least the following information regarding each educator preparation program:

(1) the information specified in Sections 21.045(a) and (b);

(2) in addition to any other appropriate information indicating the quality of persons admitted to the program, the average academic qualifications possessed by persons admitted to the program, including:

(A) average overall grade point average and average grade point average in specific subject areas; and

(B) average scores on the Scholastic Assessment Test (SAT), the American College Test (ACT), or the Graduate Record Examination (GRE), as applicable;

(3) the degree to which persons who complete the program are successful in obtaining teaching positions;

(4) the extent to which the program prepares teachers, including general education teachers and special education teachers, to effectively teach:

(A) students with disabilities; and

(B) students of limited English proficiency, as defined by Section 29.052;

(5) the activities offered by the program that are designed to prepare teachers to:

(A) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

(B) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement;

(6) for each semester, the average ratio of field supervisors to candidates completing student teaching, clinical teaching, or an internship in an educator preparation program;

(7) [~~the percentage of teachers employed under a standard teaching certificate within one year of completing the program;~~

[~~(8)~~] the perseverance of beginning teachers in the profession, as determined on the basis of the number of beginning teachers who maintain status as active contributing members in the Teacher Retirement System of Texas for at least three years after certification in comparison to similar programs;

(8) [~~(9)~~] the results of exit surveys given to program participants on completion of the program that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom;

(9) [~~(10)~~] the results of surveys given to school principals that involve evaluation of the program's effectiveness in preparing participants to succeed in the classroom, based on experience with employed program participants; and

(10) [~~(11)~~] the results of teacher satisfaction surveys developed under Section 21.045 and given to program participants at the end of the first year of teaching.

SECTION 1.02. Section 51.402(b), Education Code, is amended to read as follows:

(b) The governing board of each institution of higher education in the state shall adopt rules and regulations concerning faculty academic workloads. In adopting rules under this subsection, each institution shall recognize that classroom teaching, basic and applied research, and professional development are important elements of faculty academic workloads by giving appropriate weight to each activity when determining the standards for faculty academic workload. An institution may give the same or different weight to each activity and to other activities recognized by the institution as important elements of faculty academic workloads. The established rules and regulations of each institution shall be [~~reported to the coordinating board and~~] included in the operating budgets of each institution.

SECTION 1.03. Section 51.680(c), Education Code, is amended to read as follows:

(c) It is a policy of the state that each institution of higher education shall at all times [~~after August 31, 1988,~~] have a current copy of its intellectual property policies that meet the minimum standards set out in Subsection (a) [~~on file with the Texas Higher Education Coordinating Board or~~] posted on the institution's website on the Internet in a manner available to the public. The commissioner of higher education shall establish procedures for the monitoring of this policy of the state.

SECTION 1.04. Section 51.751(b), Education Code, is amended to read as follows:

(b) The center shall examine the efficiency of the public school system and the effectiveness of instructional methods and curricular programs and promote the use of successful methods and programs. The center shall monitor and evaluate the implementation of the accountability system under Chapters 39 and 39A [~~and provide annual progress reports to the governor, Legislative Budget Board, and commissioner of education~~].

SECTION 1.05. Section 531.028(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall establish a federal money management system to coordinate and monitor the use of federal money that is received by health and human services agencies to ensure that the money is spent in the most efficient manner and shall:

(1) establish priorities for use of federal money by all health and human services agencies, in coordination with the coordinated strategic plan established under Section 531.022 [~~and the budget prepared under Section 531.026~~];

(2) coordinate and monitor the use of federal money for health and human services to ensure that the money is spent in the most cost-effective manner throughout the health and human services system;

(3) review and approve all federal funding plans for health and human services in this state;

(4) estimate available federal money, including earned federal money, and monitor unspent money;

(5) ensure that the state meets federal requirements relating to receipt of federal money for health and human services, including requirements relating to state matching money and maintenance of effort;

(6) transfer appropriated amounts as described by Section 531.0271; and

(7) ensure that each governmental entity identified under Section 531.022(e) has access to complete and timely information about all sources of federal money for health and human services programs and that technical assistance is available to governmental entities seeking grants of federal money to provide health and human services.

SECTION 1.06. Sections 531.421(3) and (4), Government Code, are amended to read as follows:

(3) [~~"Consortium" means the Texas System of Care Consortium established under Subchapter G-1.~~

[~~(4)~~] "Systems of care services" means a comprehensive state system of mental health services and other necessary and related services that is organized as a coordinated network to meet the multiple and changing needs of children with severe emotional disturbances and their families.

SECTION 1.07. Section 531.422(c), Government Code, is amended to read as follows:

(c) Each community resource coordination group shall submit the report described by Subsection (b) to the commission [~~consortium~~]. The commission [~~consortium~~] shall provide [~~a deadline~~] to each group a deadline for submitting the reports that is[~~. The time frame for completing the reports must be~~] coordinated with any regional reviews by the commission of the delivery of related services.

SECTION 1.08. Section 531.423, Government Code, is amended to read as follows:

Sec. 531.423. SUMMARY REPORT BY COMMISSION [~~CONSORTIUM~~]. (a) The commission [~~consortium~~] shall create a summary report based on the evaluations in the reports submitted to the commission [~~consortium~~] by community resource coordination groups under Section 531.422. The commission's [~~consortium's~~] report must include recommendations for policy and statutory changes at each agency that is involved in the provision of systems of care services and the outcome expected from implementing each recommendation.

(b) The commission [~~consortium~~] shall coordinate, where appropriate, the recommendations in the report created under this section with recommendations in the assessment developed under Chapter 23 (S.B. [~~No.~~] 491), Acts of the 78th Legislature, Regular Session, 2003, and with the continuum of care developed under Section 533.040(d), Health and Safety Code [~~S.B. No. 490, Acts of the 78th Legislature, Regular Session, 2003~~].

(c) The commission [~~consortium~~] may include in the report created under this section recommendations for the statewide expansion of sites participating in the Texas System of Care and the integration of services provided at those sites with services provided by community resource coordination groups.

(d) The commission [~~consortium~~] shall provide a copy of the report created under this section to each agency for which the report makes a recommendation and to other agencies as appropriate.

SECTION 1.09. Section 2003.108, Government Code, is amended to read as follows:

Sec. 2003.108. PENDING CASE STATUS REVIEW [~~REPORTS~~]. [~~(a) The office shall provide the comptroller a monthly status report that lists pending cases and provides information on any case that exceeds the comptroller's time lines for issuing a proposal for decision or an agreed order.~~

[~~(b)~~] At least quarterly, the office shall review with the comptroller and appropriate staff of the office the status of pending cases under this subchapter.

[~~(c) The office shall provide a quarterly report to the comptroller on services performed by the office for the comptroller under this subchapter.~~]

SECTION 1.10. Section 2054.075(b), Government Code, is amended to read as follows:

(b) Each state agency [~~shall provide that its~~] information resources manager is part of the agency's executive management and reports directly [~~to a person with a title functionally equivalent~~] to the executive head [~~director~~] or deputy executive head of the agency [~~director~~]. Each state agency shall report to the department the extent and results of its compliance with this subsection and include with the report an organizational chart showing the structure of the personnel in the agency's executive management. The[~~, and the~~] department shall report the extent and results of state agencies' compliance with this subsection to the legislature.

SECTION 1.11. Section 2054.100(a), Government Code, is amended to read as follows:

(a) Each state agency shall submit an operating plan to the Legislative Budget Board, [~~the department,~~] the quality assurance team, and the governor each state fiscal biennium in accordance with the directions of the Legislative Budget Board.

SECTION 1.12. Section 2054.103, Government Code, is amended to read as follows:

Sec. 2054.103. SUBMISSION OF OPERATING PLANS. Each state agency shall send a copy of its biennial operating plan and of any amendments to the plan, as approved by the Legislative Budget Board, to the governor[~~, the department,~~] and the state auditor not later than the 30th day after the date the Legislative Budget Board approves the plan or amendment, as applicable.

SECTION 1.13. Sections 2054.133(c) and (f), Government Code, are amended to read as follows:

(c) Not later than June 1 [~~October 15~~] of each even-numbered year, each state agency shall submit a copy of the agency's information security plan to the department. Subject to available resources, the department may select a portion of the submitted security plans to be assessed by the department in accordance with department rules.

(f) Not later than November 15 [~~January 13~~] of each even-numbered [~~odd-numbered~~] year, the department shall submit a written report to the governor, the lieutenant governor, and each standing committee of the legislature with primary jurisdiction over matters related to the department evaluating information security for this state's information resources. In preparing the report, the department shall consider the information security plans submitted by state agencies under this section, any vulnerability reports submitted under Section 2054.077, and other available information regarding the security of this state's information resources. The department shall omit from any written copies of the report information that could expose specific vulnerabilities in the security of this state's information resources.

SECTION 1.14. Section 2054.304(b), Government Code, is amended to read as follows:

(b) Except as provided by Subsection (c), the state agency must file the project plan with the quality assurance team [~~and the department~~] before the agency:

(1) spends more than 10 percent of allocated funds for the project or major contract; or

(2) first issues a vendor solicitation for the project or contract.

SECTION 1.15. Section 2054.515(b), Government Code, is amended to read as follows:

(b) Not later than December 1 of the year in which a state agency conducts the assessment under Subsection (a), the agency shall report the results of the assessment to:

(1) the department; and

(2) on request, the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 1.16. Section 2056.002(d), Government Code, is amended to read as follows:

(d) A state agency shall send two copies of each plan to both the Legislative Reference Library and the state publications clearinghouse of the Texas State Library and one copy each to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives;

(4) the Legislative Budget Board; and

(5) [~~the Sunset Advisory Commission;~~

[~~(6)~~] the state auditor[~~; and~~

[~~(7) the Department of Information Resources~~].

SECTION 1.17. Section 2102.009, Government Code, is amended to read as follows:

Sec. 2102.009. ANNUAL REPORT. The internal auditor shall prepare an annual report and submit the report before November 1 of each year to the governor, the Legislative Budget Board, [~~the Sunset Advisory Commission,~~] the state auditor, the state agency's governing board, and the administrator. The state auditor shall prescribe the form and content of the report, subject to the approval of the legislative audit committee.

SECTION 1.18. Sections 2102.0091(a), (c), and (d), Government Code, are amended to read as follows:

(a) A state agency shall file with the division of the governor's office responsible for budget and policy [~~Sunset Advisory Commission, the Governor's Office of Budget, Planning, and Policy~~], the state auditor, and the Legislative Budget Board a copy of each report submitted to the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board by the agency's internal auditor.

(c) In addition to the requirements of Subsection (a), a state agency shall file with the division of the governor's office responsible for budget and policy [~~Governor's Office of Budget, Planning, and Policy~~], the state auditor, and the Legislative Budget Board any action plan or other response issued by the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board in response to the report of the state agency's internal auditor.

(d) If the state agency does not file the report as required by this section, the Legislative Budget Board or the division of the governor's office responsible for budget and policy [~~Governor's Office of Budget, Planning, and Policy~~] may take appropriate action to compel the filing of the report.

SECTION 1.19. Section 2166.003(b), Government Code, is amended to read as follows:

(b) Only Sections [~~2166.104,~~] 2166.151, 2166.152, 2166.153, 2166.154, 2166.155, 2166.251, and 2166.252[~~,~~] and Subchapter H apply to a construction project undertaken by or for the Texas Department of Criminal Justice for the imprisonment of individuals convicted of felonies other than state jail felonies.

SECTION 1.20. Section 2166.102(c), Government Code, is amended to read as follows:

(c) The master facilities plan must contain:

(1) projections of the amount of administrative office space and client service space needed by state agencies, including the current amount of each state agency's administrative office space in Travis County and identification of locations that currently exceed the space limitations prescribed by Section 2165.104(c);

(2) an examination of the commission's efforts to colocate administrative office space;

(3) an examination of the use, age, condition, and economic life of state-owned buildings on the commission's inventory, including a listing of all improvements and repairs that have been made to the buildings with an itemized account of receipts and expenditures and an estimate of needed improvements and repairs;

(4) [~~(3)~~] an analysis, in accordance with Subchapter D, of projects that have been requested by state agencies, including:

(A) a brief and specific justification prepared by the using agency for each project;

(B) a summary of the project analysis or, if the analysis was not made, a statement briefly describing the method used to estimate costs for the project;

(C) a project cost estimate detailed enough to allow the budget agencies, the governor, and the legislature the widest possible latitude in developing policy regarding each project request;

(D) an estimate, prepared by the commission with the cooperation of both the using agency and any private design professional retained, of the annual cost of maintaining the completed project, including the estimated cost of utility services;

(E) an estimate, prepared by the using agency, of the annual cost of staffing and operating the completed project, excluding maintenance cost;

(F) if appropriate and with the using agency's approval, an indication of:

(i) the feasibility of stage construction of a requested project; and

(ii) the degree to which money will be required in the next biennium if the project is undertaken in stages; and

(G) the designated priority of each project to which a priority rating has been assigned under Section 2166.151(c);

(5) [~~(4)~~] an examination of the extent to which the state satisfies its need for space by leasing building space;

(6) [~~(5)~~] an examination of state-paid operation and maintenance costs[~~, including costs for telecommunications services,~~] for existing buildings owned or leased by the state;

(7) [~~(6)~~] a discussion of the economic and market conditions affecting the costs of the construction or lease of buildings;

(8) [~~(7)~~] an analysis of whether the state will benefit more from satisfying its needs for space by:

(A) engaging in new projects;

(B) leasing built space; or

(C) satisfying its needs in another manner;

(9) the commission's findings and recommendations under Section 2166.103;

(10) a summary of the commission's findings under Section 2166.101 on the status of state-owned buildings and current information on construction costs;

(11) the comprehensive capital improvement and deferred maintenance plan and regular updates developed under Section 2166.108, including the aggregate project costs for each state agency;

(12) [~~(8)~~] an examination of the amount of exempt and nonexempt office space under Section 2165.104(c); and

(13) [~~(9)~~] other information relevant to the long-range plan that is:

(A) considered appropriate by the commission; or

(B) requested in writing by the governor or the presiding officer of either house of the legislature.

SECTION 1.21. Sections 2166.103(b) and (c), Government Code, are amended to read as follows:

(b) The commission shall identify counties in which more than 50,000 square feet of usable office space is needed and make recommendations for meeting that need. The commission may recommend leasing or purchasing and renovating one or

more existing buildings or constructing one or more buildings. [~~The commission shall include the commission's findings and recommendations in the commission's master facilities plan required under Section 2166.102.~~]

(c) The commission may collect appropriate information it considers necessary for preparing its recommendations [~~and report~~].

SECTION 1.22. Section 2166.151, Government Code, is amended by adding Subsection (c) to read as follows:

(c) If a using agency requests three or more projects, it shall designate its priority rating for each project. The budget agencies shall, with the commission's cooperation, develop detailed instructions to implement the priority system required by this subsection.

SECTION 1.23. Section 2176.005(a), Government Code, is amended to read as follows:

(a) A state agency in Travis County shall periodically send to the governor [~~and the legislative budget office~~] a report of its progress in achieving the objectives for and the revisions of mail operations established under Section 2176.004, including an analysis of savings projected from the resulting improvements in managing mail.

SECTION 1.24. Sections 2205.039(a) and (b), Government Code, are amended to read as follows:

(a) The [~~Legislative Budget Board, in cooperation with the~~] department[~~,~~] shall prescribe:

(1) a travel log form for gathering information about the use of state-operated aircraft;

(2) procedures to ensure that individuals who travel as passengers on or operate state-operated aircraft provide in a legible manner the information requested of them by the form; and

(3) procedures for each state agency that operates an aircraft for sending the form to the department [~~and the Legislative Budget Board~~].

(b) The travel log form must request the following information about a state-operated aircraft each time the aircraft is flown:

(1) a mission statement, which may appear as a selection to be identified from general categories appearing on the form;

(2) the name, state agency represented, destination, and signature of each person who is a passenger or crew member of the aircraft;

(3) the date of each flight;

(4) a detailed and specific description of the official business purpose of each flight; and

(5) other information determined by the [~~Legislative Budget Board and the~~] department to be necessary to monitor the proper use of the aircraft.

SECTION 1.25. Section 242.005(c), Health and Safety Code, is amended to read as follows:

(c) The department shall submit the required report to the governor and the legislature not later than March [~~October~~] 1 of each year.

SECTION 1.26. The heading to Subchapter E, Chapter 386, Health and Safety Code, is amended to read as follows:

SUBCHAPTER E. EVALUATION OF UTILITY COMMISSION [~~AND COMPTROLLER~~] ENERGY EFFICIENCY PROGRAMS

SECTION 1.27. Section 386.205, Health and Safety Code, is amended to read as follows:

Sec. 386.205. EVALUATION OF UTILITY COMMISSION [~~AND COMPTROLLER~~] ENERGY EFFICIENCY PROGRAMS. In cooperation with the laboratory, the utility commission shall provide an annual report to the commission that, by county, quantifies the reductions of energy demand, peak loads, and associated emissions of air contaminants achieved [~~from programs implemented by the state energy conservation office and~~] from programs implemented under Section 39.905, Utilities Code.

SECTION 1.28. Section 388.006, Health and Safety Code, is amended to read as follows:

Sec. 388.006. STATE ENERGY CONSERVATION OFFICE EVALUATION. The State Energy Conservation Office annually shall provide the [~~commission and the~~] laboratory with an evaluation of the effectiveness of state and political subdivision energy efficiency programs, including programs under this chapter. The laboratory shall calculate, based on the evaluation and the forms submitted to the office, the amount of energy savings and estimated reduction in pollution achieved as a result of the implementation of programs. The laboratory shall share the information with the commission, the United States Environmental Protection Agency, and the Electric Reliability Council of Texas to help with long-term forecasting and in estimating pollution reduction.

SECTION 1.29. Section 533A.006(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner [~~department~~] shall report to the Texas Medical Board any allegation received by the commission [~~department~~] that a physician employed by or under contract with the commission [~~department~~] in relation to services provided under this title has committed an action that constitutes a ground for the denial or revocation of the physician's license under Section 164.051, Occupations Code. The report must be made in the manner provided by Section 154.051, Occupations Code.

SECTION 1.30. Section 533A.062(e), Health and Safety Code, is amended to read as follows:

(e) The commission shall submit the proposed plan to the Legislative Budget Board and the governor not later than October 15 of each even-numbered year [~~as part of the consolidated health and human services budget recommendation required under Section 531.026, Government Code~~].

SECTION 1.31. Sections 555.102(c) and (d), Health and Safety Code, are amended to read as follows:

(c) The inspector general shall deliver the summary report to the:

(1) executive commissioner;

(2) [~~commissioner of the department;~~

[~~(3) commissioner of the Department of Family and Protective Services;~~

[~~(4) Aging and Disability Services Council;~~

[~~(5)~~] governor;

(3) [~~(6)~~] lieutenant governor;

(4) [~~(7)~~] speaker of the house of representatives;

(5) [~~(8)~~] standing committees of the senate and house of representatives with primary jurisdiction over centers;

(6) [~~(9)~~] state auditor;

(7) [~~(10) the~~] independent ombudsman and the assistant ombudsman for the center involved in the report; and

(8) [~~(11) the~~] alleged victim or the alleged victim's legally authorized representative.

(d) A summary report regarding an investigation is subject to required disclosure under Chapter 552, Government Code. All information and materials compiled by the inspector general in connection with an investigation are confidential, and not subject to disclosure under Chapter 552, Government Code, and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the inspector general or the inspector general's employees or agents involved in the investigation, except that this information may be disclosed to [~~the Department of Family and Protective Services,~~] the office of the attorney general, the state auditor's office, and law enforcement agencies.

SECTION 1.32. Section 555.103(c), Health and Safety Code, is amended to read as follows:

(c) The inspector general shall submit the annual status report to the:

(1) executive commissioner;

(2) [~~commissioner of the department;~~

[~~(3) commissioner of the Department of Family and Protective Services;~~

[~~(4) Aging and Disability Services Council;~~

[~~(5) Family and Protective Services Council;~~

[~~(6)~~] governor;

(3) [~~(7)~~] lieutenant governor;

(4) [~~(8)~~] speaker of the house of representatives;

(5) [~~(9)~~] standing committees of the senate and house of representatives with primary jurisdiction over centers;

(6) [~~(10)~~] state auditor; and

(7) [~~(11)~~] comptroller.

SECTION 1.33. Section 574.014(a), Health and Safety Code, is amended to read as follows:

(a) The clerk of each court with jurisdiction to order commitment under this chapter shall provide the Office of Court Administration each month with a report of the number of applications for commitment orders for involuntary mental health services filed with the court and the disposition of those cases, including the number of commitment orders for inpatient and outpatient mental health services. The Office of Court Administration shall make the reported information available to the Health and Human Services Commission [~~department~~] annually.

SECTION 1.34. Section 40.05275, Human Resources Code, is amended to read as follows:

Sec. 40.05275. [~~ANNUAL~~] BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES. (a) The department shall develop and implement a [~~an annual~~] business plan for the child protective services program to prioritize the department's activities and resources to improve the program.

(b) The department shall coordinate with the department's regional staff in developing the [~~annual~~] business plan under this section.

(c) The [~~annual~~] business plan developed under this section must include:

(1) long-term and short-term performance goals;

(2) identification of priority projects and ongoing initiatives that are clearly linked to established goals; and

(3) a statement of staff expectations that includes identification of:

(A) the person or team responsible for each project;

(B) the specific tasks and deliverables expected;

(C) the resources needed to accomplish each project;

(D) a time frame for the completion of each deliverable and project; and

(E) the expected outcome for each project and the method and procedure for measuring the outcome to ensure effective evaluation for each project.

(d) Not later than October 1 of each even-numbered year, the department shall submit the [~~annual~~] business plan developed under this section to the governor, lieutenant governor, speaker of the house of representatives, and chairs of the standing committees of the senate and house of representatives having primary jurisdiction over child protection issues.

SECTION 1.35. The heading to Section 40.0528, Human Resources Code, is amended to read as follows:

Sec. 40.0528. GOALS FOR [~~ANNUAL~~] BUSINESS PLAN FOR CHILD PROTECTIVE SERVICES; REPORTING CASELOAD INFORMATION.

SECTION 1.36. Section 40.0528(a), Human Resources Code, is amended to read as follows:

(a) The department shall consider the following goals in developing the [~~annual~~] business plan required under Section 40.05275 for the child protective services program:

(1) reducing caseloads;

(2) enhancing accountability;

(3) improving the quality of investigations;

(4) eliminating delays; and

(5) ensuring the most efficient and effective use of child protective services staff and resources.

SECTION 1.37. Section 114.008(a), Human Resources Code, is amended to read as follows:

(a) Not later than November 1 of each even-numbered year, the council shall:

(1) prepare a report summarizing requirements the council identifies and recommendations for providing additional or improved services to persons with autism or other pervasive developmental disorders; and

(2) deliver the report to [~~the executive commissioner,~~] the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 1.38. Section 412.053(b), Labor Code, is amended to read as follows:

(b) The information shall be reported not later than the 60th day after [~~before~~] the last day of each fiscal year.

SECTION 1.39. Section 413.0515, Labor Code, is amended to read as follows:

Sec. 413.0515. REPORTS OF PHYSICIAN AND CHIROPRACTOR VIOLATIONS. (a) If the division or the Texas Medical [~~State~~] Board [~~of Medical Examiners~~] discovers an act or omission by a physician that may constitute a felony, a misdemeanor involving moral turpitude, a violation of state or federal narcotics or controlled substance law, an offense involving fraud or abuse under the Medicare or Medicaid program, or a violation of this subtitle, the discovering agency shall report in a widely used electronic format that act or omission to the other agency.

(b) If the division or the Texas Board of Chiropractic Examiners discovers an act or omission by a chiropractor that may constitute a felony, a misdemeanor involving moral turpitude, a violation of state or federal narcotics or controlled substance law, an offense involving fraud or abuse under the Medicare or Medicaid program, or a violation of this subtitle, the discovering agency shall report in a widely used electronic format that act or omission to the other agency.

SECTION 1.40. Section 161.2111, Natural Resources Code, is amended to read as follows:

Sec. 161.2111. REPORT TO BOND REVIEW BOARD. When the Veterans' Land Board applies under Subchapter C, Chapter 1231, Government Code, for the Bond Review Board's approval of a bond issuance, or on request of the Bond Review Board, with [~~With~~] respect to purchases made under this chapter, the Veterans' Land Board shall file [~~annually~~] with the Bond Review Board a report on the performance of loans made by the Veterans' Land Board in connection with the purchases. The Bond Review Board shall review the reports filed by the Veterans' Land Board under this section to assess the performance of loans made under this chapter. The filing dates and the contents of the reports must comply with any rules adopted by the Bond Review Board.

SECTION 1.41. Section 162.003(e), Natural Resources Code, is amended to read as follows:

(e) When the Veterans' Land Board applies under Subchapter C, Chapter 1231, Government Code, for the Bond Review Board's approval of a bond issuance, or on request of the Bond Review Board, with [~~With~~] respect to loans made under the program, the Veterans' Land Board shall file [~~annually~~] with the Bond Review Board a report on the performance of the loans. The Bond Review Board shall review the reports filed by the Veterans' Land Board under this subsection to assess the performance of loans made under the program. The filing dates and the contents of the reports must comply with any rules adopted by the Bond Review Board.

SECTION 1.42. Section 13.063, Utilities Code, is amended to read as follows:

Sec. 13.063. ANNUAL REPORT [~~REPORTS~~]. [~~(b)~~] The office shall prepare annually a report on the office's activities during the preceding year and submit the report to the standing legislative committees that have jurisdiction over the office, the house appropriations committee, and the senate finance committee[~~, and the Sunset Advisory Commission~~]. At a minimum, the report must include:

(1) a list of the types of activities conducted by the office and the time spent by the office on each activity;

(2) the number of hours billed by the office for representing residential or small commercial consumers in proceedings;

(3) the number of staff positions and the type of work performed by each position; and

(4) the office's rate of success in representing residential or small commercial consumers in appealing commission decisions.

SECTION 1.43. Section 17.1245, Water Code, is amended to read as follows:

Sec. 17.1245. EVALUATION. [~~(a)~~] In passing on an application for financial assistance from a retail public utility that provides potable water service to 3,300 or more connections, the board shall:

(1) evaluate for compliance with the board's best management practices the utility's water conservation plan required under Section 13.146; and

(2) issue a report to a utility detailing the results of the evaluation conducted under Subdivision (1).

[~~(b) Not later than January 1 of each odd-numbered year, the board shall submit to the legislature a written summary of the results of evaluations conducted under Subsection (a)(1).~~]

SECTION 1.44. Sections 27.0516(k) and (m), Water Code, are amended to read as follows:

(k) Notwithstanding Subsection (h)(3), a general permit may authorize the owner of an injection well authorized under Subsection (f)(2) or (3) to continue operating the well for the purpose of implementing the desalination or engineered aquifer storage and recovery project following completion of the small-scale research project, provided that:

(1) the injection well owner timely submits the information collected as part of the research project, including monitoring reports and information regarding the environmental impact of the well, to the commission;

(2) the injection well owner, following the completion of studies and monitoring adequate to characterize risks to the fresh water portion of the Edwards Aquifer and other fresh water associated with the continued operation of the well, and at least 90 days before the date the owner initiates commercial well operations, files with the commission a notice of intent to continue operation of the well after completion of the research project; and

(3) the commission, based on the studies and monitoring[~~, the report provided by Texas State University-San Marcos under Subsection (l)(2),~~] and any other reasonably available information, determines that continued operation of the injection well as described in the notice of intent does not pose an unreasonable risk to the fresh water portion of the Edwards Aquifer or other fresh water associated with the continued operation of the well.

(m) The commission shall make the information provided by the owner of the injection well under Subsection (k)(1) [~~and the report provided by Texas State University-San Marcos under Subsection (l)(2)~~] easily accessible to the public in a

timely manner. The permit may authorize the owner of the well to continue operating the well following completion of the research project pending the determination by the commission.

ARTICLE 2. CONFORMING AMENDMENTS REGARDING COLONIAS PROJECTS ADMINISTERED BY STATE AGENCIES

SECTION 2.01. The heading to Section 51.0052, Education Code, is amended to read as follows:

Sec. 51.0052. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.02. Section 51.0052(d), Education Code, is amended to read as follows:

(d) Regarding any projects funded by an institution of higher education that provide assistance to colonias, the [~~The~~] institution of higher education shall require an applicant for the funds [~~administered by the institution~~] to submit to the institution a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the institution of higher education may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the institution, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

SECTION 2.03. The heading to Section 487.060, Government Code, is amended to read as follows:

Sec. 487.060. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.04. Section 487.060(d), Government Code, is amended to read as follows:

(d) Regarding any projects funded by the department that serve colonias by providing water or wastewater services, paved roads, or other assistance, the [~~The~~] department shall require an applicant for the funds [~~administered by the department~~] to submit to the department a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the department may contact the secretary of state or the secretary of state's representative to obtain a number. On request of the department, the secretary of state or the secretary of state's representative shall assign a classification number.

SECTION 2.05. The heading to Section 531.0141, Government Code, is amended to read as follows:

Sec. 531.0141. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.06. Section 531.0141(d), Government Code, is amended to read as follows:

(d) Regarding any projects funded by the commission that provide assistance to colonias, the [~~The~~] commission shall require an applicant for the funds [~~administered by the commission~~] to submit to the commission a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the commission may

contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the commission, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

SECTION 2.07. The heading to Section 2306.083, Government Code, is amended to read as follows:

Sec. 2306.083. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.08. Section 2306.083(d), Government Code, is amended to read as follows:

(d) Regarding any projects funded by the department that provide assistance to colonias, the [~~The~~] department shall require an applicant for the funds [~~administered by the department~~] to submit to the department a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the department may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the department, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

SECTION 2.09. The heading to Section 1001.033, Health and Safety Code, is amended to read as follows:

Sec. 1001.033. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.10. Section 1001.033(d), Health and Safety Code, is amended to read as follows:

(d) Regarding any projects funded by the commission that provide assistance to colonias, the [~~The~~] commission shall require an applicant for the funds [~~administered by the commission~~] to submit to the commission a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the commission may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the commission, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

SECTION 2.11. The heading to Section 201.116, Transportation Code, is amended to read as follows:

Sec. 201.116. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.12. Section 201.116(d), Transportation Code, is amended to read as follows:

(d) Regarding any projects funded by the commission that serve colonias by providing paved roads or other assistance, the [~~The~~] commission shall require an applicant for the funds [~~administered by the commission~~] to submit to the commission a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the commission may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the commission, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

SECTION 2.13. The heading to Section 5.1781, Water Code, is amended to read as follows:

Sec. 5.1781. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.14. Section 5.1781(d), Water Code, is amended to read as follows:

(d) Regarding any projects funded by the commission that provide assistance to colonias, the [~~The~~] commission shall require an applicant for the funds [~~administered by the commission~~] to submit to the commission a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the commission may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the commission, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

SECTION 2.15. The heading to Section 6.1565, Water Code, is amended to read as follows:

Sec. 6.1565. APPLICATION REQUIREMENT FOR COLONIAS PROJECTS [~~REPORT TO SECRETARY OF STATE~~].

SECTION 2.16. Section 6.1565(d), Water Code, is amended to read as follows:

(d) Regarding any projects funded by the board that serve colonias by providing water or wastewater services or other assistance, the [~~The~~] board shall require an applicant for the funds [~~administered by the board~~] to submit to the board a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the board may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the board, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

ARTICLE 3. REPEALER AND EFFECTIVE DATE

SECTION 3.01. The following provisions are repealed:

(1) Sections 51.0052(b) and (c) and 61.506(g), Education Code;

(2) Sections 487.060(b) and (c), 531.0141(b) and (c), 531.026, 2165.055, 2165.1061(f) and (h), 2166.101(d), 2166.104, 2166.108(d), 2206.101(d), 2306.070, and 2306.083(b) and (c), Government Code;

(3) Sections 361.0215(d), 533.006, and 1001.033(b) and (c), Health and Safety Code;

(4) Sections 22.0252(b), 22.028(c), and 101A.158, Human Resources Code;

(5) Sections 201.116(b) and (c), Transportation Code; and

(6) Sections 5.1781(b) and (c), 6.1565(b) and (c), 16.022, 26.3574(x), and 27.0516(l), Water Code.

SECTION 3.02. This Act takes effect September 1, 2019.

Floor Amendment No. 2

Amend **CSSB 241** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering the SECTIONS of the ARTICLE accordingly:

SECTION 1.____. Section 388.005(c), Health and Safety Code, is amended to read as follows:

(c) Each political subdivision, institution of higher education, or state agency shall establish a goal to reduce the electric consumption by the entity by at least five percent each state fiscal year for seven [10] years, beginning September 1, 2019 [2011].

Floor Amendment No. 1 on Third Reading

Amend **SB 241** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 52.335, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A participating higher educational institution is not required to provide in any disclosure or report required under this section information regarding loans issued by a private entity.

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SB 241**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 820 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 820** 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 820** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to a requirement that a school district adopt a cybersecurity policy.

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

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.175 to read as follows:

Sec. 11.175. DISTRICT CYBERSECURITY. (a) In this section:

(1) "Cyber attack" means an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system.

(2) "Cybersecurity" means the measures taken to protect a computer, computer network, or computer system against unauthorized use or access.

(b) Each school district shall adopt a cybersecurity policy to:

(1) secure district cyberinfrastructure against cyber attacks and other cybersecurity incidents; and

(2) determine cybersecurity risk and implement mitigation planning.

(c) A school district's cybersecurity policy may not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources under Chapters 2054 and 2059, Government Code.

(d) The superintendent of each school district shall designate a cybersecurity coordinator to serve as a liaison between the district and the agency in cybersecurity matters.

(e) The district's cybersecurity coordinator shall report to the agency any cyber attack or other cybersecurity incident against the district cyberinfrastructure that constitutes a breach of system security as defined by Section 521.053, Business & Commerce Code, as soon as practicable after the discovery of the attack or incident.

SECTION 2. This Act takes effect September 1, 2019.

Floor Amendment No. 1

Amend **CSSB 820** (house committee report) as follows:

(1) On page 1, between lines 7 and 8, add the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

(__) "Breach of system security" means an incident in which student information that is sensitive, protected, or confidential, as provided by state or federal law, is stolen or copied, transmitted, viewed, or used by a person unauthorized to engage in that action.

(2) On page 2, lines 6 and 7, strike "as defined by Section 521.053, Business & Commerce Code,".

Floor Amendment No. 2

Amend **CSSB 820** (house committee report) on page 2, between lines 8 and 9, by adding the following appropriately lettered subsection and relettering subsequent subsections accordingly:

(__) The district's cybersecurity coordinator shall provide notice to a parent of or person standing in parental relation to a student enrolled in the district of an attack or incident for which a report is required under Subsection (e) involving the student's information.

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SB 820**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1017 WITH HOUSE AMENDMENTS

Senator Powell called **SB 1017** 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 1017** (house committee printing) on page 1, line 24, between "disabilities" and the underlined semi-colon, by inserting "with priority given to Texas residents".

Floor Amendment No. 1 on Third Reading

Amend **SB 1017** on third reading in added Section 61.06641(a)(1), Education Code, as amended on second reading by Amendment No. 1 by Leman, by striking "with priority given to Texas residents".

The amendments were read.

Senator Powell moved to concur in the House amendments to **SB 1017**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 712 WITH HOUSE AMENDMENT

Senator Lucio called **SB 712** 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 712** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to prohibiting the use of certain aversive techniques on students enrolled in public schools.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0023 to read as follows:

Sec. 37.0023. PROHIBITED AVERSIVE TECHNIQUES. (a) In this section, "aversive technique" means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain. The term includes a technique or intervention that:

(1) is designed to or likely to cause physical pain, other than an intervention or technique permitted under Section 37.0011;

(2) notwithstanding Section 37.0011, is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks;

(3) involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;

(4) denies adequate sleep, air, food, water, shelter, bedding, physical comfort, or access to a restroom facility;

(5) ridicules or demeans the student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse;

(6) employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;

(7) impairs the student's breathing, including any procedure that involves:

(A) applying pressure to the student's torso or neck; or

(B) obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;

(8) restricts the student's circulation;

(9) secures the student to a stationary object while the student is in a sitting or standing position;

(10) inhibits, reduces, or hinders the student's ability to communicate;

(11) involves the use of a chemical restraint;

(12) constitutes a use of timeout that precludes the student from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the student's individualized education program, including isolating the student by the use of physical barriers; or

(13) except as provided by Subsection (c), deprives the student of the use of one or more of the student's senses.

(b) A school district or school district employee or volunteer or an independent contractor of a school district may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a student.

(c) Notwithstanding Subsection (a)(13), an aversive technique described by Subsection (a)(13) may be used if the technique is executed in a manner that:

(1) does not cause the student discomfort or pain; or

(2) complies with the student's individualized education program or behavior intervention plan.

(d) Nothing in this section may be construed to prohibit a teacher from removing a student from class under Section 37.002.

(e) In adopting procedures under this section, the commissioner shall provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (b).

SECTION 2. This Act applies beginning with the 2019-2020 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 712**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 751 WITH HOUSE AMENDMENT

Senator Hughes called **SB 751** 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 751** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the creation of a criminal offense for fabricating a deceptive video with intent to influence the outcome of an election.

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

SECTION 1. Section 255.004, Election Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A person commits an offense if the person, with intent to injure a candidate or influence the result of an election:

(1) creates a deep fake video; and

(2) causes the deep fake video to be published or distributed within 30 days of an election.

(e) In this section, "deep fake video" means a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

SECTION 2. This Act takes effect September 1, 2019.

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 751**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1564 WITH HOUSE AMENDMENTS

Senator West called **SB 1564** 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 1564** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.03115 to read as follows:

Sec. 32.03115. REIMBURSEMENT FOR MEDICATION-ASSISTED TREATMENT FOR OPIOID OR SUBSTANCE USE DISORDER. (a) In this section, "medication-assisted opioid or substance use disorder treatment" means the use of methadone, buprenorphine, oral buprenorphine/naloxone, or naltrexone to treat opioid or substance use disorder.

(b) Notwithstanding Sections 531.072 and 531.073, Government Code, or any other law and subject to Subsections (c) and (d), the commission shall provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment without requiring a recipient of medical assistance or health care provider to obtain prior authorization or precertification for the treatment.

(c) The duty to provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment under Subsection (b) does not apply with respect to:

(1) a prescription for methadone;

(2) a recipient for whom medication-assisted opioid or substance use disorder treatment is determined to be medically contraindicated by the recipient's physician; or

(3) a recipient who is subject to an age-related restriction applicable to medication-assisted opioid or substance use disorder treatment.

(d) The commission may provide medical assistance reimbursement for medication-assisted opioid or substance use disorder treatment only if the treatment is prescribed to a recipient of medical assistance by a licensed health care provider who is authorized to prescribe methadone, buprenorphine, oral buprenorphine/naloxone, or naltrexone.

(e) This section expires August 31, 2023.

SECTION ____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Floor Amendment No. 2

Amend **SB 1564** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Sections 481.0765(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A prescriber is not subject to the requirements of Section 481.0764(a) if:

(1) the patient has been diagnosed with cancer or sickle cell disease or the patient is receiving hospice care; and

(2) the prescriber clearly notes in the prescription record that the patient was diagnosed with cancer or sickle cell disease or is receiving hospice care, as applicable.

(b) A dispenser is not subject to the requirements of Section 481.0764(a) if it is clearly noted in the prescription record that the patient has been diagnosed with cancer or sickle cell disease or is receiving hospice care.

SECTION ____. Section 481.0765, Health and Safety Code, as amended by this Act, applies only to a prescription issued on or after the effective date of this Act. A prescription issued before the effective date of this Act is governed by the law in effect on the date the prescription is issued, and the former law is continued in effect for that purpose.

The amendments were read.

Senator West moved to concur in the House amendments to **SB 1564**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1519 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 1519** 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 1519** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 531.058(a-1), Government Code, as amended by Chapters 590 (S.B. 924) and 836 (H.B. 2025), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a-1) As part of the informal dispute resolution process established under this section, the commission shall contract with an appropriate disinterested person to adjudicate disputes between an institution or facility licensed under Chapter 242, Health and Safety Code, or a facility licensed under Chapter 247, Health and Safety Code, and the commission concerning a statement of violations prepared by the commission in connection with a survey conducted by the commission of the institution or facility. Section 2009.053 does not apply to the selection of an appropriate disinterested person under this subsection. The person with whom the commission contracts shall adjudicate all disputes described by this subsection. The informal dispute resolution process for the statement of violations must require:

(1) the surveyor who conducted the survey for which the statement was prepared to be available to clarify or answer questions related to the facility or the statement that are asked by the person reviewing the dispute or by the facility; and

(2) the commission's review of the institution's or facility's informal dispute resolution request to be conducted by a registered nurse with long-term care experience for a standard of care violation.

SECTION ____. Section 242.0445, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the commission or the commission's representative conducting an inspection, survey, or investigation under Section 242.043 or 242.044 identifies a violation that constitutes immediate jeopardy to the health or safety of a resident:

(1) the commission shall immediately notify the facility's management of the violation; and

(2) a commission representative shall remain in or be accessible to the facility until the commission receives the facility's plan of removal related to the violation.

SECTION ____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Floor Amendment No. 1 on Third Reading

Amend **SB 1519** (house committee report) as follows:

(1) On page 2, line 23, strike "and regarding" and substitute ",".

(2) On page 2, line 24, between "facilities" and the underlined period, insert ", and the allocation of Medicaid beds in those facilities".

(3) On page 3, strike line 4.

(4) On page 3, line 7, strike the underlined period and substitute the following: ; and

(4) study and make recommendations relating to the allocation of and need for Medicaid beds in long-term care facilities, including studying and making recommendations relating to:

(A) the effectiveness of rules adopted by the executive commissioner relating to the procedures for certifying and decertifying Medicaid beds in long-term care facilities; and

(B) the need for modifications to those rules to better control the procedures for certifying and decertifying Medicaid beds in long-term care facilities.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 1519**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1504 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1504** 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 1504** as follows:

(1) On page 1, line 8, strike "2021" and substitute "2024".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1504**.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Miles.

SENATE BILL 1451 WITH HOUSE AMENDMENT

Senator Taylor called **SB 1451** 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 1451** (house committee printing) as follows:

(1) On page 2, line 3, strike "Subsection (b-1)" and substitute "Subsections (b-1) and (e)".

(2) On page 2, between lines 8 and 9, insert the following:

(e) A student who is sent to the campus behavior coordinator's or other administrator's office under Subsection (a) or removed from class under Subsection (b) is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

The amendment was read.

Senator Taylor moved to concur in the House amendment to **SB 1451**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1454 WITH HOUSE AMENDMENT

Senator Taylor called **SB 1454** 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 1454** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the ownership, sale, lease, and disposition of property and management of assets of an open-enrollment charter school.

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

SECTION 1. Section 12.1012, Education Code, is amended by adding Subdivisions (7) and (8) to read as follows:

(7) "Payable obligation" means a contractually obligated expenditure that was reasonably incurred for the benefit of students enrolled at an open-enrollment charter school before the open-enrollment charter school ceased operations, including a debt described by Section 12.128(e). The term does not include any amount owed to a former charter holder or officer or director of the school.

(8) "Remaining funds" means funds that are held by a former charter holder after satisfaction of all payable obligations and that were received:

(A) under Section 12.106; or

(B) from the disposition of property.

SECTION 2. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.10125 to read as follows:

Sec. 12.10125. OPEN-ENROLLMENT CHARTER SCHOOL NOT IN OPERATION. An open-enrollment charter school ceases to operate if:

(1) the school's charter:

(A) has been revoked;

(B) has expired;

(C) has been surrendered; or

(D) has been abandoned; or

(2) the school has otherwise ceased operation as a public school.

SECTION 3. Section 12.106, Education Code, is amended by adding Subsections (h), (i), and (j) to read as follows:

(h) Except as provided by Subsection (i), all remaining funds of a charter holder for an open-enrollment charter school that ceases to operate must be returned to the agency and deposited in the charter school liquidation fund.

(i) The agency may approve a transfer of a charter holder's remaining funds to another charter holder if the charter holder receiving the funds has not received notice of the expiration or revocation of the charter holder's charter for an open-enrollment charter school or notice of a reconstitution of the governing body of the charter holder under Section 12.1141 or 12.115.

(j) The commissioner may adopt rules specifying:

(1) the time during which a former charter holder must return remaining funds under Subsection (h); and

(2) the qualifications required for a charter holder to receive a transfer of remaining funds under Subsection (i).

SECTION 4. Section 12.107(a), Education Code, is amended to read as follows:

(a) Funds received under Section 12.106 after September 1, 2001, by a charter holder:

(1) are considered to be public funds for all purposes under state law;

(2) are held in trust by the charter holder for the benefit of the students of the open-enrollment charter school;

(3) may be used only for a purpose for which a school may use local funds under Section 45.105(c); [~~and~~]

(4) pending their use, must be deposited into a bank, as defined by Section 45.201, with which the charter holder has entered into a depository contract; and

(5) may not:

(A) be pledged or used to secure loans or bonds for any other organization, including a non-charter operation or out-of-state operation conducted by the charter holder or a related party, as defined by commissioner rule adopted under Section 12.1166; or

(B) be used to support an operation or activity not related to the educational activities of the charter holder.

SECTION 5. Section 12.1163, Education Code, is amended by adding Subsection (d) to read as follows:

(d) If the aggregate amount of all transactions between a charter holder and a related party, as defined by commissioner rule adopted under Section 12.1166, exceeds $5,000, an audit under Subsection (a) may include the review of any real property transactions between the charter holder and the related party. If the commissioner determines that a transaction with a related party using funds received under Section 12.106 was structured in a manner that did not benefit the open-enrollment charter school or that the transaction was in excess of fair market value, the commissioner may order that the transaction be reclassified or that other action be taken as necessary to protect the school's interests. Failure to comply with the commissioner's order is a material violation of the charter.

SECTION 6. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1166, 12.1167, and 12.1168 to read as follows:

Sec. 12.1166. RELATED PARTY TRANSACTIONS. (a) The commissioner shall adopt a rule defining "related party" for purposes of this subchapter. The definition of "related party" must include:

(1) a party with a current or former board member, administrator, or officer who is:

(A) a board member, administrator, or officer of an open-enrollment charter school; or

(B) related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to a board member, administrator, or officer of an open-enrollment charter school;

(2) a charter holder's related organizations, joint ventures, and jointly governed organizations;

(3) an open-enrollment charter school's board members, administrators, or officers or a person related to a board member, administrator, or officer within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code; and

(4) any other disqualified person, as that term is defined by 26 U.S.C. Section 4958(f).

(b) For purposes of Subsection (a)(1), a person is a former board member, administrator, or officer if the person served in that capacity within one year of the date on which a financial transaction between the charter holder and a related party occurred.

(c) In a charter holder's annual audit filed under Section 44.008, the charter holder must include a list of all transactions with a related party.

Sec. 12.1167. APPRAISAL OF CERTAIN PROPERTY. The commissioner may adopt rules to require an open-enrollment charter school to:

(1) notify the commissioner that the school intends to enter into a transaction with a related party, as defined by commissioner rule adopted under Section 12.1166; and

(2) provide an appraisal from a certified appraiser to the agency.

Sec. 12.1168. FINANCIAL REPORT OF CERTAIN SCHOOLS. (a) In this section, "related party" has the meaning adopted by commissioner rule under Section 12.1166.

(b) A financial report filed under Section 44.008 by an open-enrollment charter school must separately disclose:

(1) all financial transactions between the open-enrollment charter school and any related party, separately stating the principal, interest, and lease payments; and

(2) the total compensation and benefits provided by the school and any related party for each member of the governing body and each officer and administrator of the school and the related party.

(c) The commissioner may adopt rules to implement this section.

SECTION 7. Section 12.128, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (b-1), (b-2), (c-1), (c-2), and (f) to read as follows:

(a) Property purchased [~~or leased~~] with funds received by a charter holder under Section 12.106 after September 1, 2001:

(1) is considered to be public property for all purposes under state law;

(2) is property of this state held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and

(3) may be used only for a purpose for which a school district may use school district property.

(a-1) Property leased with funds received by a charter holder under Section 12.106 after September 1, 2001:

(1) is considered to be public property for all purposes under state law;

(2) is property of this state held in trust by the charter holder for the benefit of the students of the open-enrollment charter school; and

(3) may be used only for a purpose for which a school district may use school district property.

(b-1) Subject to Subsection (b-2), while an open-enrollment charter school is in operation, the charter holder holds title to any property described by Subsection (a) or (b) and may exercise complete control over the property as permitted under the law.

(b-2) A charter holder may not transfer, sell, or otherwise dispose of any property described by this section without the prior written consent of the agency if:

(1) the charter holder has received notice of:

(A) the expiration of the charter holder's charter under Section 12.1141 and the charter has not been renewed; or

(B) the charter's revocation under Section 12.115(c);

(2) the charter holder has received notice that the open-enrollment charter school is under discretionary review by the commissioner, which may result in the revocation of the charter or a reconstitution of the governing body of the charter holder under Section 12.115; or

(3) the open-enrollment charter school for which the charter is held has otherwise ceased to operate.

(c) The commissioner shall:

(1) take possession and assume control of the property described by Subsection (a) of an open-enrollment charter school that ceases to operate; and

(2) supervise the disposition of the property in accordance with this subchapter [~~law~~].

(c-1) Notwithstanding Subsection (c), if an open-enrollment charter school ceases to operate, the agency:

(1) for property purchased with state funds, shall direct the charter holder to dispose of the property through one of the following methods:

(A) retain or liquidate the property and provide reimbursement to the state as provided by Section 12.1281;

(B) transfer the property to:

(i) the agency under Section 12.1281(h); or

(ii) a school district or open-enrollment charter school under Section 12.1282;

(C) close the operations of the open-enrollment charter school under Section 12.1284; or

(D) take any combination of the actions described by Paragraphs (A), (B), and (C); and

(2) for property leased with state funds, may direct the charter holder to assign the charter holder's interest in the lease to the agency.

(c-2) The agency may approve an expenditure of remaining funds by a former charter holder for insurance or utilities for or maintenance, repairs, or improvements to property described by this section if the agency determines that the expenditure is reasonably necessary to dispose of the property or preserve the property's value.

(f) A decision by the agency under this section is final and may not be appealed.

SECTION 8. Subchapter D, Chapter 12, Education Code, is amended by adding Sections 12.1281, 12.1282, 12.1283, and 12.1284 to read as follows:

Sec. 12.1281. DISPOSITION OF PROPERTY PURCHASED WITH STATE FUNDS. (a) A former charter holder of an open-enrollment charter school that has ceased to operate may retain property described by Section 12.128 if the former charter holder reimburses the state with non-state funds and the former charter holder:

(1) provides written assurance that the requirements of Section 12.1284 will be met; and

(2) receives approval from the agency.

(b) On receiving consent from the agency under Section 12.128(b-2) and a written agreement from any creditor with a security interest described by Section 12.128(e), the former charter holder may:

(1) sell property for fair market value; or

(2) transfer property to an open-enrollment charter school or a school district as provided under Section 12.1282.

(c) The amount of funds the state is entitled to as reimbursement for property of a former charter holder is:

(1) for property retained by the former charter holder, the current fair market value less the amount of any debt subject to a security interest or lien described by Section 12.128(e), multiplied by the percentage of state funds used to purchase the property; or

(2) for property sold by the former charter holder, the net sales proceeds of the property multiplied by the percentage of state funds used to purchase the property.

(d) To determine the amount of state funds a former charter holder used to purchase property, the agency shall calculate:

(1) an estimated state reimbursement amount based on the last annual financial report filed under Section 44.008 available at the time the former charter holder retains or sells the property; and

(2) a final state reimbursement amount using the former charter holder's final financial audit filed under Section 44.008.

(e) A former charter holder retaining property under Subsection (a) or selling the property under Subsection (b)(1) shall:

(1) file an affidavit in the real property records of the county in which the property is located disclosing the state interest in the property;

(2) place in escrow with the state comptroller an amount of non-state funds equal to 110 percent of the estimated state reimbursement amount not later than:

(A) the closing date of the sale of the property if the charter holder is selling the property; or

(B) the 90th day after the charter school's last day of instruction if the charter holder is retaining the property; and

(3) not later than two weeks after the date the charter holder's final financial audit is filed under Section 44.008, submit to the state the final state reimbursement amount using the funds in escrow in addition to any other funds necessary to pay the full amount of state reimbursement.

(f) A former charter holder may retain any funds remaining after complying with this section.

(g) As soon as the agency is satisfied that the former charter holder complied with Subsection (e), the agency shall file written notice of the release of the state interest in property the former charter holder retains under this section and authorize the return of any funds not used for state reimbursement to the former charter holder.

(h) Subject to the satisfaction of any security interest or lien described by Section 12.128(e), if a former charter holder does not dispose of property under Subsection (a) or (b), the former charter holder shall transfer the property, including a conveyance of title, to the agency in accordance with the procedures and time requirements established by the agency.

(i) Subject to the satisfaction of any security interest or lien described by Section 12.128(e), if the agency determines a former charter holder failed to comply with this section or Section 12.1282, on request of the agency, the attorney general shall take any appropriate legal action to compel the former charter holder to convey title to the agency or other governmental entity authorized by the agency to maintain or dispose of property.

(j) A decision by the agency under this section is final and may not be appealed.

(k) The commissioner may adopt rules necessary to administer this section.

Sec. 12.1282. TRANSFER OF PROPERTY PURCHASED WITH STATE FUNDS. (a) The agency may approve the transfer of property described by Section 12.128 from an open-enrollment charter school that has ceased to operate, or may transfer property conveyed to the agency by the former charter holder under Section 12.1281, to a school district or an open-enrollment charter school if:

(1) the open-enrollment charter school or school district receiving the property:

(A) agrees to the transfer; and

(B) agrees to identify the property as purchased wholly or partly using state funds on the school's annual financial report filed under Section 44.008;

(2) any creditor with a security interest in or lien on the property described by Section 12.128(e) agrees to the transfer; and

(3) the transfer of the property does not make the open-enrollment charter school or school district receiving the property insolvent.

(b) Property received by an open-enrollment charter school or school district under this section is considered to be state property under Section 12.128(a).

(c) The commissioner may adopt rules necessary to administer this section, including rules establishing qualifications and priority for a school district or open-enrollment charter school to receive a transfer of property under this section.

(d) If the agency determines that the cost of disposing of personal property described by Section 12.128 transferred to the agency by an open-enrollment charter school that ceases to operate exceeds the return of value from the sale of the property, the agency may distribute the personal property to open-enrollment charter schools and school districts in a manner determined by the commissioner.

(e) A determination by the agency under this section is final and may not be appealed.

Sec. 12.1283. SALE OF PROPERTY PURCHASED WITH STATE FUNDS. (a) After the agency receives title to property described by Section 12.128, the agency may sell the property at any price acceptable to the agency.

(b) On request of the agency, the following state agencies shall enter into a memorandum of understanding to sell property for the agency:

(1) for real property, the General Land Office; and

(2) for personal property, the Texas Facilities Commission.

(c) A memorandum of understanding entered into as provided by Subsection (b) may allow the General Land Office or Texas Facilities Commission to recover from the sale proceeds any cost incurred by the office or commission in the sale of the property.

(d) Subject to the satisfaction of any security interest or lien described by Section 12.128(e), proceeds from the sale of property under this section shall be deposited in the charter school liquidation fund.

(e) The commissioner may adopt rules as necessary to administer this section.

Sec. 12.1284. CLOSURE OF CHARTER SCHOOL OPERATIONS. (a) After extinguishing all payable obligations owed by an open-enrollment charter school that ceases to operate, including a debt described by Section 12.128(e), a former charter holder shall:

(1) remit to the agency:

(A) any remaining funds described by Section 12.106(h); and

(B) any state reimbursement amounts from the sale of property described by Section 12.128; or

(2) transfer the remaining funds to another charter holder under Section 12.106(i).

(b) The agency shall deposit any funds received under Subsection (a)(1) in the charter school liquidation fund.

(c) The commissioner may adopt rules necessary to administer this section.

SECTION 9. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.141 to read as follows:

Sec. 12.141. RECLAIMED FUNDS. (a) The agency shall deposit funds received under Sections 12.106, 12.128, 12.1281, 12.1283, and 12.1284 into the charter school liquidation fund and may use the funds to:

(1) pay expenses relating to managing and closing an open-enrollment charter school that ceases to operate, including:

(A) maintenance of the school's student and other records; and

(B) the agency's personnel costs associated with managing and closing the school;

(2) dispose of property described by Section 12.128; and

(3) maintain property described by Section 12.128, including expenses for insurance, utilities, maintenance, and repairs.

(b) The agency may not use funds under this section until the commissioner determines if the open-enrollment charter school that ceases to operate received an overallocation of funds under Section 12.106 that must be recovered for the Foundation School Program.

(c) The agency shall annually review the amount of funds in the charter school liquidation fund and transfer any funds exceeding $2 million:

(1) for use in funding a grant program established by the agency to:

(A) encourage high school students to enter the teaching profession; and

(B) assist current paraprofessionals and instructional aides in pursuing the necessary credentials to become full-time teachers; or

(2) to the comptroller to deposit in the charter district bond guarantee reserve fund under Section 45.0571.

(d) The agency may delay a transfer of funds under Subsection (c) if the excess is less than $100,000. Funds set aside for an overallocation of funds from the Foundation School Program are not included in determining whether the amount of funds exceeds $2 million.

(e) The commissioner may adopt rules necessary to implement this section.

SECTION 10. Section 39A.256, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A board of managers appointed for the final closure of a former open-enrollment charter school under Subsection (b) has the authority to:

(1) access and manage any former charter holder's bank account that contains funds received under Section 12.106; and

(2) subject to approval by a creditor with a security interest in or lien on property described by Section 12.128 and in accordance with Sections 12.1281 and 12.1282, sell or transfer to another charter holder or school district any property titled to the former charter holder that is identified in the former open-enrollment charter school's annual financial report filed under Section 44.008 as being acquired, wholly or partly, with funds received under Section 12.106.

SECTION 11. Section 39A.259(c), Education Code, is amended to read as follows:

(c) The agency [~~commissioner~~] shall use funds received by or due to the former charter holder under Section 12.106 or funds returned to the state from liquidation of [~~state~~] property described by Section 12.128 and held by a former charter holder for compensation of a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent.

SECTION 12. Section 43.001(a), Education Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the permanent school fund, which is a perpetual endowment for the public schools of this state, consists of:

(1) all land appropriated for the public schools by the constitution and laws of this state;

(2) all of the unappropriated public domain remaining in this state, including all land recovered by the state by suit or otherwise except pine forest land as defined by Section 88.111 and property described by Section 12.128;

(3) all proceeds from the authorized sale of permanent school fund land;

(4) all proceeds from the lawful sale of any other properties belonging to the permanent school fund;

(5) all investments authorized by Section 43.003 of properties belonging to the permanent school fund; and

(6) all income from the mineral development of permanent school fund land, including income from mineral development of riverbeds and other submerged land.

SECTION 13. Section 44.008, Education Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) An open-enrollment charter school shall provide an accounting of each parcel of the school's real property, including identifying the amount of local, state, and federal funds used to purchase or improve each parcel of property.

(g) An open-enrollment charter school for which the charter has expired, been revoked, or been surrendered or an open-enrollment charter school that otherwise ceases to operate shall submit a final annual financial report to the agency. The report must verify that all state property held by the charter holder has been returned or disposed of in accordance with Section 12.128.

(h) The commissioner may adopt rules necessary to implement this section, including rules defining local funds.

SECTION 14. A transfer of property from an open-enrollment charter school that ceases to operate to another open-enrollment charter school that occurred before the effective date of this Act is ratified if both open-enrollment charter schools classified the property as purchased with state funds on each school's annual financial report under Section 44.008, Education Code.

SECTION 15. 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 Taylor moved to concur in the House amendment to **SB 1454**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 1757 WITH HOUSE AMENDMENT

Senator Creighton called **SB 1757** 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 on Third Reading

Amend **SB 1757** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 61.9835(a), Education Code, is amended to read as follows:

(a) The board may provide repayment assistance under this subchapter for the repayment of any student loan that:

(1) is for education at:

(A) a public or private institution of higher education; or

(B) a nonprofit, tax-exempt, regionally accredited college or university operating in accordance with a memorandum of understanding with this state under an executive order issued by the governor; and

(2) is received by an eligible person through an eligible lender.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 1757**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE BILL 2128 WITH HOUSE AMENDMENT

Senator Creighton called **SB 2128** 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 2128** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the recording by a county clerk of certain documents concerning real or personal property.

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

SECTION 1. Section 193.003(b), Local Government Code, is amended to read as follows:

(b) The index must be a cross-index that contains the names of the grantors and grantees in alphabetical order. If a deed is made by a sheriff, the index entry must contain the name of the sheriff and the defendant in execution. If a deed is made by an executor, administrator, or guardian, the index entry must contain the name of that person and the name of the person's testator, intestate, or ward. If a deed is made by an attorney, the index entry must contain the name of the attorney and the attorney's constituents. If a deed is made by a commissioner or trustee, the index entry must contain the name of the commissioner or trustee and the name of the person whose estate is conveyed. The index entry for a correction instrument must contain the

names of the grantors and grantees as stated in the correction instrument. The index entry for a paper document described by Section 12.0011(b)(3), Property Code, must contain the names of the grantors and grantees.

SECTION 2. Section 12.0011(b), Property Code, is amended to read as follows:

(b) A paper document concerning real or personal property may not be recorded or serve as notice of the paper document unless:

(1) the paper document contains an original signature or signatures that are acknowledged, sworn to with a [~~proper~~] jurat, or proved according to law; [~~or~~]

(2) the paper document is attached as an exhibit to a paper affidavit or other document that has an original signature or signatures that are acknowledged, sworn to with a [~~proper~~] jurat, or proved according to law; or

(3) the paper document is a tangible copy of an electronic record that has been declared to be a true and correct copy of the electronic record as provided by Section 12.0013 by a notary public or other officer who may take an acknowledgment or proof of a written instrument under Section 121.001, Civil Practice and Remedies Code.

SECTION 3. Chapter 12, Property Code, is amended by adding Section 12.0013 to read as follows:

Sec. 12.0013. RECORDATION OF PAPER OR TANGIBLE COPY OF ELECTRONIC RECORD. (a) In this section:

(1) "Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(2) "Electronic," "electronic record," and "electronic signature" have the meanings assigned by Section 322.002, Business & Commerce Code.

(b) A county clerk shall record a paper or tangible copy of an electronic record that is otherwise eligible under state law to be recorded in the real property records if the paper or tangible copy of the electronic record:

(1) contains an image of an electronic signature or signatures that are acknowledged, sworn to with a jurat, or proved according to law; and

(2) has been declared by a notary public or other officer who may take an acknowledgment or proof under Section 121.001, Civil Practice and Remedies Code, to be a true and correct copy of the electronic record as provided by Subsection (d).

(c) A document that is a paper or tangible copy of an electronic record and is printed and declared to be a true and correct copy as provided by Subsection (d) satisfies any requirement of law that, as a condition for recording, the document:

(1) be an original or be in writing;

(2) be signed or contain an original signature, if the document contains an image of an electronic signature of the person required to sign the document; and

(3) be notarized, acknowledged, verified, witnessed, made under oath, sworn to with a jurat, or proved according to law, if the document contains an image of an electronic signature of the person authorized to perform that act and all other information required to be included.

(d) A notary public or other officer who may take an acknowledgment or proof under Section 121.001, Civil Practice and Remedies Code, may declare that a paper or tangible copy of an electronic record is a true and correct copy of an electronic record by:

(1) executing and attaching an official seal to a tangible paper declaration under penalty of perjury; and

(2) affixing or attaching the declaration to the printed paper or tangible copy of an electronic record.

(e) The form of declaration required under Subsection (d) must be substantially as follows:

DECLARATION OF AUTHENTICITY

State of _____

County of _____

The attached document, _____(insert title), dated _____ and containing __ pages, is a true and correct copy of an electronic record printed by me or under my supervision. At the time of printing, no security features present on the electronic record indicated any changes or errors in an electronic signature or other information in the electronic record after the electronic record's creation or execution. This declaration is made under penalty of perjury.

Signed this ____ day of _____, ____.

_____(signature of notary public or other officer)

(seal of office)

_____(printed name of notary public or other officer)

My commission expires: _____

SECTION 4. This Act takes effect September 1, 2019.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 2128**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

RECESS

On motion of Senator Whitmire, the Senate at 3:55 p.m. recessed until 7:30 p.m. today.

AFTER RECESS

The Senate met at 7:44 p.m. and was called to order by President Pro Tempore Watson.

BILLS AND RESOLUTION SIGNED

The President Pro Tempore announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

HB 25, **HB 37**, **HB 53**, **HB 337**, **HB 440**, **HB 477**, **HB 720**, **HB 1019**, **HB 1052**, **HB 1059**, **HB 1065**, **HB 1070**, **HB 1079**, **HB 1090**, **HB 1152**, **HB 1181**, **HB 1251**, **HB 1325**, **HB 1342**, **HB 1346**, **HB 1387**, **HB 1442**, **HB 1501**, **HB 1528**, **HB 1535**, **HB 1651**, **HB 1767**, **HB 1780**, **HB 1829**, **HB 1848**, **HB 1865**, **HB 1883**, **HB 1899**,

HB 1927, **HB 1964**, **HB 1992**, **HB 1997**, **HB 2018**, **HB 2038**, **HB 2059**, **HB 2060**, **HB 2077**, **HB 2088**, **HB 2110**, **HB 2119**, **HB 2140**, **HB 2176**, **HB 2179**, **HB 2184**, **HB 2202**, **HB 2205**, **HB 2248**, **HB 2271**, **HB 2272**, **HB 2315**, **HB 2362**, **HB 2410**, **HB 2430**, **HB 2454**, **HB 2497**, **HB 2503**, **HB 2514**, **HB 2526**, **HB 2554**, **HB 2564**, **HB 2569**, **HB 2604**, **HB 2613**, **HB 2625**, **HB 2629**, **HB 2633**, **HB 2659**, **HB 2668**, **HB 2671**, **HB 2680**, **HB 2694**, **HB 2736**, **HB 2737**, **HB 2767**, **HB 2783**, **HB 2793**, **HB 2828**, **HB 2835**, **HB 2837**, **HB 2840**, **HB 2845**, **HB 2929**, **HB 2945**, **HB 2955**, **HB 2971**, **HB 2977**, **HB 3001**, **HB 3014**, **HB 3019**, **HB 3029**, **HB 3045**, **HB 3047**, **HB 3070**, **HB 3078**, **HB 3079**, **HB 3084**, **HB 3171**, **HB 3343**, **HB 3361**, **HB 3435**, **HB 3436**, **HB 3540**, **HB 3542**, **HB 3598**, **HB 3603**, **HB 3609**, **HB 3616**, **HB 3650**, **HB 3652**, **HB 3655**, **HB 3706**, **HB 3771**, **HB 3815**, **HB 3838**, **HB 3850**, **HB 3855**, **HB 3863**, **HB 4211**, **HB 4257**, **HB 4289**, **HB 4342**, **HB 4345**, **HB 4347**, **HB 4468**, **HB 4505**, **HB 4569**, **HB 4584**, **HB 4628**, **HB 4629**, **HB 4631**, **HB 4639**, **HB 4640**, **HB 4642**, **HB 4643**, **HB 4645**, **HB 4655**, **HB 4660**, **HB 4679**, **HB 4682**, **HB 4683**, **HJR 4**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Saturday, May 25, 2019 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 186 Darby
Instructing the enrolling clerk of the house to make technical corrections to House Bill No. 3371.

HCR 187 Miller
Instructing the enrolling clerk of the house to make corrections in H.B. No. 4712.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 812 (144 Yeas, 0 Nays, 1 Present, not voting)

HB 1504 (137 Yeas, 0 Nays, 1 Present, not voting)

HB 2402 (122 Yeas, 18 Nays, 1 Present, not voting)

HB 4749 (75 Yeas, 62 Nays, 2 Present, not voting)

SB 18 (106 Yeas, 37 Nays, 1 Present, not voting)

SB 355 (139 Yeas, 0 Nays, 1 Present, not voting)

SB 568 (131 Yeas, 10 Nays, 1 Present, not voting)

SB 583 (118 Yeas, 17 Nays, 1 Present, not voting)

SB 1511 (144 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

CONFERENCE COMMITTEE REPORT ON SENATE BILL 616 ADOPTED

Senator Birdwell called from the President's table the Conference Committee Report on **SB 616**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Birdwell, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 355 ADOPTED

Senator West called from the President's table the Conference Committee Report on **SB 355**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1511 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **SB 1511**. The Conference Committee Report was filed with the Senate on Thursday, May 23, 2019.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3582 ADOPTED

Senator Menéndez called from the President's table the Conference Committee Report on **HB 3582**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Menéndez, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3842 ADOPTED

Senator Hinojosa called from the President's table the Conference Committee Report on **HB 3842**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 1.

Nays: Hall.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1504 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **HB 1504**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2858 ADOPTED

Senator Schwertner called from the President's table the Conference Committee Report on **HB 2858**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2402 ADOPTED

Senator Fallon called from the President's table the Conference Committee Report on **HB 2402**. The Conference Committee Report was filed with the Senate on Thursday, May 23, 2019.

On motion of Senator Fallon, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 4.

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

Nays: Bettencourt, Birdwell, Hall, Schwertner.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2432 ADOPTED

Senator Taylor called from the President's table the Conference Committee Report on **SB 2432**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Taylor, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 3.

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

Nays: Perry, Schwertner, Zaffirini.

Absent-excused: Miles.

(President in Chair)

CONFERENCE COMMITTEE REPORT ON SENATE BILL 18 ADOPTED

Senator Huffman called from the President's table the Conference Committee Report on **SB 18**. The Conference Committee Report was filed with the Senate on Thursday, May 23, 2019.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 1.

Nays: Watson.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 562 ADOPTED

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 562**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Zaffirini, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 812 ADOPTED

Senator Whitmire called from the President's table the Conference Committee Report on **HB 812**. The Conference Committee Report was filed with the Senate on Thursday, May 23, 2019.

On motion of Senator Whitmire, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 568 ADOPTED

Senator Huffman called from the President's table the Conference Committee Report on **SB 568**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 668 ADOPTED

Senator Hughes called from the President's table the Conference Committee Report on **SB 668**. The Conference Committee Report was filed with the Senate on Thursday, May 23, 2019.

On motion of Senator Hughes, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 583 ADOPTED

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 583**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Hinojosa, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4749 ADOPTED

Senator Hughes called from the President's table the Conference Committee Report on **HB 4749**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Hughes, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 2.

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

Nays: Bettencourt, Hall.

Absent-excused: Miles.

SENATE RESOLUTION 841

Senator Hancock offered the following resolution:

RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 86th Legislature, Regular Session, 2019, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 2 (ad valorem taxation; authorizing fees) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 2. Chapter 1, Tax Code, is amended by adding Section 1.045 to read as follows:

Sec. 1.045. REFERENCE TO CERTAIN TERMS IN LAW. Unless the context indicates otherwise:

(1) a reference in law to a taxing unit's effective maintenance and operations rate is a reference to the taxing unit's no-new-revenue maintenance and operations rate, as defined by Chapter 26;

(2) a reference in law to a taxing unit's effective tax rate is a reference to the taxing unit's no-new-revenue tax rate, as defined by Chapter 26; and

(3) a reference in law to a taxing unit's rollback tax rate is a reference to the taxing unit's voter-approval tax rate, as defined by Chapter 26.

Explanation: The addition is necessary to ensure that references in other law to terms in Title 1 of the Tax Code that are changed in the bill are construed in accordance with the way those terms are used in the bill.

(2) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 36 of the bill, in added Section 26.04(c-1)(2), Tax Code, to read as follows:

(2) the third tax year after the tax year in which the disaster occurred.

Explanation: The change is necessary to limit the period of time during which certain taxing units may calculate the voter-approval tax rate of the taxing unit at a higher rate following certain disasters.

(3) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 36 of the bill, in amended Section 26.04(e), Tax Code, to read as follows:

(e) By August 7 or as soon thereafter as practicable, the designated officer or employee shall submit the rates to the governing body. The designated officer or employee [~~He~~] shall post prominently on the home page of the taxing unit's Internet website [~~deliver by mail to each property owner in the unit or publish in a newspaper~~] in the form prescribed by the comptroller:

(1) the no-new-revenue [~~effective~~] tax rate, the voter-approval [~~rollback~~] tax rate, and an explanation of how they were calculated;

(2) the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligation; and

(3) a schedule of the taxing unit's debt obligations showing:

(A) the amount of principal and interest that will be paid to service the taxing unit's debts in the next year from property tax revenue, including payments of lawfully incurred contractual obligations providing security for the payment of the principal of and interest on bonds and other evidences of indebtedness issued on behalf of the taxing unit by another political subdivision and, if the taxing unit is created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, payments on debts that the taxing unit anticipates to incur in the next calendar year;

(B) the amount by which taxes imposed for debt are to be increased because of the taxing unit's anticipated collection rate; and

(C) the total of the amounts listed in Paragraphs (A)-(B), less any amount collected in excess of the previous year's anticipated collections certified as provided in Subsection (b)[~~;~~

[~~(4) the amount of additional sales and use tax revenue anticipated in calculations under Section 26.041;~~

[~~(5) a statement that the adoption of a tax rate equal to the effective tax rate would result in an increase or decrease, as applicable, in the amount of taxes imposed by the unit as compared to last year's levy, and the amount of the increase or decrease;~~

[~~(6) in the year that a taxing unit calculates an adjustment under Subsection (i) or (j), a schedule that includes the following elements:~~

[~~(A) the name of the unit discontinuing the department, function, or activity;~~

[~~(B) the amount of property tax revenue spent by the unit listed under Paragraph (A) to operate the discontinued department, function, or activity in the 12 months preceding the month in which the calculations required by this chapter are made; and~~

[~~(C) the name of the unit that operates a distinct department, function, or activity in all or a majority of the territory of a taxing unit that has discontinued operating the distinct department, function, or activity; and~~

[~~(7) in the year following the year in which a taxing unit raised its rollback rate as required by Subsection (j), a schedule that includes the following elements:~~

[~~(A) the amount of property tax revenue spent by the unit to operate the department, function, or activity for which the taxing unit raised the rollback rate as required by Subsection (j) for the 12 months preceding the month in which the calculations required by this chapter are made; and~~

[~~(B) the amount published by the unit in the preceding tax year under Subdivision (6)(B)~~].

Explanation: The change is necessary to remove the requirement that the designated officer or employee of a taxing unit publish certain tax information in a newspaper.

(4) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 37 of the bill, in added Section 26.041(c-1)(2), Tax Code, to read as follows:

(2) the third tax year after the tax year in which the disaster occurred.

Explanation: The change is necessary to limit the period of time during which certain taxing units may calculate the voter-approval tax rate of the taxing unit at a higher rate following certain disasters.

(5) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 43 of the bill by adding the following new Section 26.0443, Tax Code, to the bill:

Sec. 26.0443. TAX RATE ADJUSTMENT FOR ELIGIBLE COUNTY HOSPITAL EXPENDITURES. (a) In this section:

(1) "Eligible county hospital" means a hospital that:

(A) is:

(i) owned or leased by a county and operated in accordance with Chapter 263, Health and Safety Code; or

(ii) owned or leased jointly by a municipality and a county and operated in accordance with Chapter 265, Health and Safety Code; and

(B) is located in an area not served by a hospital district created under Sections 4 through 11, Article IX, Texas Constitution.

(2) "Eligible county hospital expenditures" for a tax year means the amount paid by a county or municipality in the period beginning on July 1 of the tax year preceding the tax year for which the tax is adopted and ending on June 30 of the tax year for which the tax is adopted to maintain and operate an eligible county hospital.

(b) If a county's or municipality's eligible county hospital expenditures exceed the amount of those expenditures for the preceding tax year, the no-new-revenue maintenance and operations rate for the county or municipality, as applicable, is increased by the lesser of the rates computed according to the following formulas:

(Current Tax Year's Eligible County Hospital Expenditures - Preceding Tax Year's Eligible County Hospital Expenditures) / (Current Total Value - New Property Value)

or

(Preceding Tax Year's Eligible County Hospital Expenditures x 0.08) / (Current Total Value - New Property Value)

(c) The county or municipality shall include a notice of the increase in the no-new-revenue maintenance and operations rate provided by this section, including a description and amount of eligible county hospital expenditures, in the information published under Section 26.04(e) and, as applicable, in the notice prescribed by Section 26.06 or 26.061.

Explanation: The addition is necessary to add a provision to Title 1 of the Tax Code to provide for a tax rate adjustment for eligible county hospital expenditures.

(6) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 48 of the bill, in amended Section 26.06(a), Tax Code, to read as follows:

(a) A public hearing required by Section 26.05 may not be held before the fifth [~~seventh~~] day after the date the notice of the public hearing is given. The [~~second hearing may not be held earlier than the third day after the date of the first hearing. Each~~] hearing must be on a weekday that is not a public holiday. The [~~Each~~] hearing must be held inside the boundaries of the unit in a publicly owned building or, if a

suitable publicly owned building is not available, in a suitable building to which the public normally has access. At the hearing [~~hearings~~], the governing body must afford adequate opportunity for proponents and opponents of the tax increase to present their views.

Explanation: The change is necessary to prohibit holding a public hearing on certain proposed tax rates before the fifth day after the date the notice of hearing is given.

(7) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 48 of the bill, in added Sections 26.06(b-1) and (b-3), Tax Code, in the language of the statement prescribed by those subsections that describes the effect of the rejection by the voters of the proposed tax rate, to read as follows:

If a majority of the voters reject the proposed tax rate, the tax rate of the (name of taxing unit) will be the voter-approval tax rate.

Explanation: The change is necessary to provide notice of what tax rate applies to a taxing unit in a tax year if the voters reject a proposed tax rate that exceeds the voter-approval tax rate.

(8) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter not in disagreement in SECTION 48 of the bill, in added Sections 26.06(b-1), (b-2), and (b-3), Tax Code, to read as follows:

"The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state."

Explanation: The addition is necessary to require that the notice of a public hearing on certain proposed tax rates include a statement that the 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated.

(9) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 48 of the bill, in amended Sections 26.06(d) and (e), Tax Code, to read as follows:

(d) The governing body may vote on the proposed tax rate at the public hearing. If the governing body does not vote on the proposed tax rate at the public hearing, [~~At the public hearings~~] the governing body shall announce at the public hearing the date, time, and place of the meeting at which it will vote on the proposed tax rate. [~~After each hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:~~

[~~"NOTICE OF TAX REVENUE INCREASE~~

[~~"The (name of the taxing unit) conducted public hearings on (date of first hearing) and (date of second hearing) on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent.~~

[~~"The total tax revenue proposed to be raised last year at last year's tax rate of (insert tax rate for the preceding year) for each $100 of taxable value was (insert total amount of taxes imposed in the preceding year).~~

[~~"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each $100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value).~~

[~~"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each $100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by current total value).~~

[~~"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date of meeting) at (location of meeting, including mailing address) at (time of meeting).~~

[~~"The (governing body of the taxing unit) proposes to use the increase in total tax revenue for the purpose of (description of purpose of increase)."~~]

(e) A [~~The~~] meeting to vote on the tax increase may not be held [~~earlier than the third day or~~] later than the seventh [~~14th~~] day after the date of the [~~second~~] public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. [~~If the governing body does not adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate by the 14th day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or the effective tax rate.~~]

Explanation: The changes are necessary to provide the manner in which the governing body of a taxing unit must in certain circumstances provide notice of the meeting at which the governing body will adopt the taxing unit's proposed tax rate.

(10) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter not in disagreement in SECTION 49 of the bill, in added Section 26.061(b), Tax Code, to read as follows:

"The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state."

Explanation: The addition is necessary to require that the notice of a meeting on certain proposed tax rates include a statement that the 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated.

(11) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 57 of the bill, in added Section 26.16(d-2), Tax Code, to read as follows:

(d-2) Not later than August 7, the county assessor-collector shall post on the website the tax rate calculation forms described by Subsection (d-1)(1) for the current tax year.

Explanation: The change is necessary to give the county assessor-collector of a county more time to post certain tax rate calculation forms on the Internet.

(12) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter not in disagreement in SECTION 57 of the bill, in added Section 26.17(a), Tax Code, to read as follows:

(6) includes the following statement: "The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.".

Explanation: The addition is necessary to require the chief appraiser of an appraisal district to include in a property tax database a statement that the 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated.

(13) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 58 of the bill, in amended Section 31.12(b)(2), Tax Code, to read as follows:

(2) if the refund is required by Section 26.07(g) or 26.075(k), on the date the results of the election to approve or reduce the tax rate, as applicable, are certified;

Explanation: The change is necessary to change the date on which liability for certain tax refunds arises.

(14) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter not in disagreement in SECTION 66 of the bill, in amended Section 41.66, Tax Code, to read as follows:

(j-2) An appraisal review board must schedule a hearing on a protest filed by a property owner who is 65 years of age or older, disabled, a military service member, a military veteran, or the spouse of a military service member or military veteran before scheduling a hearing on a protest filed by a designated agent of a property owner.

Explanation: The addition is necessary to require an appraisal review board to schedule a hearing on a protest filed by certain persons before those of other persons.

(15) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement by omitting SECTION 68 of the senate engrossment of Senate Bill 2 and the corresponding section of the bill as the bill was amended by the house, which reads as follows:

SECTION 68. Section 45.105(e), Education Code, is amended to read as follows:

(e) The governing body of an independent school district that governs a junior college district under Subchapter B, Chapter 130, in a county with a population of more than two million may dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. To be effective, the dedication must be made by the governing body on or before the date on which the governing body adopts its tax rate for a year. The amount of local tax funds derived from the percentage of the local tax levy dedicated to a junior college district from a tax levy may not exceed the amount that would be levied by five percent of the no-new-revenue [~~effective~~] tax rate for the tax year calculated as provided by Section 26.04, Tax Code, on all property taxable by the school district. All real property purchased with these funds is the property of the school district, but is subject to the exclusive control of the governing body of the junior college district for as long as the junior college district uses the property for educational purposes.

Explanation: The omission is necessary to ensure consistency of terminology used in the Education Code to describe certain tax rates.

(16) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 76. Section 281.107(j), Health and Safety Code, is amended to read as follows:

(j) The portion of the rate of ad valorem tax that is to be levied and assessed each year by or for the district that is allocated by the district to the payment of the principal of and the interest on bonds and other obligations or the maintenance of reserves therefor in accordance with this section shall be applied as a payment on current debt in calculating the current debt rate under the applicable voter-approval tax rate [~~rollback~~] provisions of Chapter 26, Tax Code.

SECTION 77. The heading to Section 281.124, Health and Safety Code, is amended to read as follows:

Sec. 281.124. ELECTION TO APPROVE TAX RATE IN EXCESS OF VOTER-APPROVAL [~~ROLLBACK~~] TAX RATE.

Explanation: The addition is necessary to ensure consistency of terminology used in the Health and Safety Code and Title 1 of the Tax Code to describe certain tax rates.

(17) Senate Rule 12.03(3) is suspended to permit the committee to add text on a matter not in disagreement in SECTION 78 of the bill, in amended Section 281.124, Health and Safety Code, to read as follows:

(b) The board may hold an election at which the registered voters of the district may approve a tax rate for the current tax year that exceeds the district's voter-approval [~~rollback~~] tax rate for the year computed under Chapter 26, Tax Code, by a specific rate stated in dollars and cents per $100 of taxable value.

(c) An election under this section must be held at least 180 days before the date on which the district's tax rate is adopted by the board. At the election, the ballot shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of $ (insert total proposed tax rate) per $100 valuation in (insert district name) for the (insert current tax year) tax year, a rate that exceeds the district's voter-approval [~~rollback~~] tax rate. The proposed ad valorem tax rate exceeds the ad valorem tax rate most recently adopted by the district by $ (insert difference between proposed and preceding year's tax rates) per $100 valuation."

Explanation: The addition is necessary to ensure consistency of terminology used in the Health and Safety Code and Title 1 of the Tax Code to describe certain tax rates.

(18) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 85. Section 49.057, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The board shall adopt an annual budget. The board of a developed district, as defined by Section 49.23602, shall include as an appendix to the budget the district's:

(1) audited financial statements;

(2) bond transcripts; and

(3) engineer's reports required by Section 49.106.

(b-1) All district employees are employed at the will of the district unless the district and employee execute a written employment contract.

Explanation: The addition is necessary to ensure that the board of certain special districts includes an appendix in the district's budget that includes certain information.

(19) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 105 of the bill, in the transition language, to read as follows:

SECTION 105. (a) An appraisal district established in a county with a population of 200,000 or more and each taxing unit located wholly or primarily in such an appraisal district shall comply with Sections 26.04(e-2), 26.05(d-1) and (d-2), 26.17, and 26.18, Tax Code, as added by this Act, beginning with the 2020 tax year.

(b) An appraisal district established in a county with a population of less than 200,000 and each taxing unit located wholly or primarily in such an appraisal district shall comply with Sections 26.04(e-2), 26.05(d-1) and (d-2), 26.17, and 26.18, Tax Code, as added by this Act, beginning with the 2021 tax year.

Explanation: The change is necessary to provide for the applicability and implementation of certain provisions of the Tax Code added by the bill.

(20) Senate Rule 12.03(1) is suspended to permit the committee to amend text not in disagreement in proposed SECTION 111 of the bill, in the transition language, to read as follows:

SECTION 111. Sections 41.46, 41.461, 41.47, 41.66(h), (i), and (j), and 41.67, Tax Code, as amended by this Act, and Sections 41.66(j-1), (j-2), and (p), Tax Code, as added by this Act, apply only to a protest for which the notice of protest was filed by a property owner or the designated agent of the owner with the appraisal review board established for an appraisal district on or after January 1, 2020.

Explanation: The change is necessary to provide for the implementation of certain provisions of the Tax Code added by the bill.

(21) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 115. Section 42.081, Tax Code, as added by this Act, applies only to an appeal under Chapter 42, Tax Code, that is filed on or after January 1, 2020.

SECTION 117. Section 49.057, Water Code, as amended by this Act, applies only to a budget adopted on or after January 1, 2020.

Explanation: The changes are necessary to provide for the implementation of certain provisions of the Tax Code and Water Code added by the bill.

(22) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in SECTION 110 of the senate engrossment of Senate Bill 2 and the corresponding section of the bill as the bill was amended by the house by striking references to Sections 26.04(e-2), (e-3), and (e-4) and Sections 26.05(d-1) and (d-2), Tax Code.

Explanation: The omission is necessary to implement the changes made in SECTION 105 by the bill.

SR 841 was read and was adopted by the following vote: Yeas 21, Nays 9.

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

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

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2 ADOPTED

Senator Bettencourt called from the President's table the Conference Committee Report on **SB 2**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Bettencourt, the Conference Committee Report was adopted by the following vote: Yeas 21, Nays 9.

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

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

Absent-excused: Miles.

SENATE BILL 1804 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 1804** 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 1804** (house committee printing) on page 1, lines 12 and 13, between "the order to" and "the chief", by inserting "the appropriate attorney representing the state and either to".

Floor Amendment No. 2

Amend **SB 1804** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) The district may increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. An election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. The board may call an election on its own motion and shall call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In this section, "taxing authority" means any entity authorized to impose a local sales and use tax.

(b) If the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) This section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) If the comptroller determines that an effective date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax imposed under this subchapter may be used by the district for any purpose of the district authorized by law.

SECTION ___. Section 1061.151(b), Special District Local Laws Code, is amended to read as follows:

(b) The proposed budget must contain a complete financial statement of:

(1) the outstanding obligations of the district;

(2) the cash on hand in each district fund;

(3) the money received by the district from all sources during the previous year;

(4) the money available to the district from all sources during the ensuing year;

(5) the balances expected at the end of the year in which the budget is being prepared;

(6) the estimated revenue and balances available to cover the proposed budget;

(7) the estimated ad valorem tax rate required; and

(8) the proposed expenditures and disbursements and the estimated receipts and collections for the following fiscal year.

SECTION ___. The heading to Subchapter F, Chapter 1061, Special District Local Laws Code, is amended to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION ___. Section 26.012(1), Tax Code, is amended to read as follows:

(1) "Additional sales and use tax" means an additional sales and use tax imposed by:

(A) a city under Section 321.101(b);

(B) a county under Chapter 323; or

(C) a hospital district, other than a hospital district:

(i) created on or after September 1, 2001, that:

(a) [~~(i)~~] imposes the sales and use tax under Subchapter I, Chapter 286, Health and Safety Code; or

(b) [~~(ii)~~] imposes the sales and use tax under Subchapter L, Chapter 285, Health and Safety Code; or

(ii) that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Local Laws Code.

Floor Amendment No. 3

Amend **SB 1804** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Chapter 772, Government Code, is amended by adding Section 772.0077 to read as follows:

Sec. 772.0077. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) In this section:

(1) "Criminal justice division" means the criminal justice division established under Section 772.006.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b) The criminal justice division shall establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 or 17.49, Code of Criminal Procedure. A grant recipient may use funds from a grant awarded under the program only for monitoring conducted for the purpose of restoring a measure of security and safety for a victim of family violence.

(c) The criminal justice division shall establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) The criminal justice division shall include in the biennial report required by Section 772.006(a)(9) a detailed reporting of the results and performance of the grant program administered under this section.

(e) The criminal justice division may use any revenue available for purposes of this section.

Floor Amendment No. 1 on Third Reading

Amend **SB 1804** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Notwithstanding Section 1(b), Chapter 790 (H.B. 2662), Acts of the 85th Legislature, Regular Session, 2017, Section 401.207(g), Health and Safety Code, as amended by that Act, takes effect September 1, 2021.

SECTION ___. Notwithstanding Section 3(b), Chapter 790 (H.B. 2662), Acts of the 85th Legislature, Regular Session, 2017, Section 401.2445, Health and Safety Code, as added by that Act, takes effect September 1, 2021.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 1804**.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Hall, Menéndez, Watson, Zaffirini.

Absent-excused: Miles.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Saturday, May 25, 2019 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 3 (139 Yeas, 0 Nays)

SB 2 (88 Yeas, 50 Nays)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 2104 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 2104** 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 2104** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION ____. Section 434.017(c), Government Code, is amended to read as follows:

(c) Money in the fund may only be appropriated to the Texas Veterans Commission. Money appropriated under this subsection shall be used to:

(1) make grants to address veterans' needs;

(2) make grants to provide pro bono legal services to veterans, active duty members of the United States armed forces, and members of the state military forces;

(3) administer the fund; and

(4) [~~(3)~~] analyze and investigate data received from the federal Public Assistance Reporting Information System (PARIS) that is administered by the Administration for Children and Families of the United States Department of Health and Human Services.

SECTION ____. Section 434.0171, Government Code, is amended to read as follows:

Sec. 434.0171. STATE EMPLOYEE CONTRIBUTIONS TO FUND FOR VETERANS' ASSISTANCE. For purposes of Subchapter I, Chapter 659:

(1) the Texas Veterans Commission, for the sole purpose of managing the fund for veterans' assistance, is considered an eligible charitable organization entitled to participate in the state employee charitable campaign; and

(2) a state employee is entitled to authorize a deduction for contributions to the Texas Veterans Commission for the purposes of managing the fund for veterans' assistance as a charitable contribution under Section 659.132, and the Texas Veterans Commission may use the contributions for the purposes listed in Section 434.017(c)[~~, as redesignated and amended by Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular Session, 2007~~].

SECTION ____. Section 434.154(a), Government Code, is amended to read as follows:

(a) The council may, by majority vote, establish the following coordinating workgroups to focus on specific issues affecting veterans, servicemembers, and their families:

(1) health;
(2) mental health;
(3) employment;
(4) higher education;
(5) criminal justice;
(6) housing;
(7) transportation;
(8) women veterans;
(9) pro bono legal services for veterans, including opportunities and obstacles for providing those services; and
(10) [~~(9)~~] any other coordinating workgroup considered necessary.

Floor Amendment No. 2 on Third Reading

Amend **SB 2104** on third reading as follows:

(1) Strike SECTION 2 of the bill (page 3, line 10) and substitute the following:

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

(b) Section 54.241, Education Code, as amended by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 54.241, Education Code, as amended by this Act, takes effect September 1, 2019.

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

SECTION ____. Section 54.241(g), Education Code, is amended to read as follows:

(g) If a member of the Armed Forces of the United States is stationed outside Texas, an [~~and the member's spouse or child establishes residence in Texas by residing in Texas and by filing with the Texas institution of higher education at which the spouse or child plans to register a letter of intent to establish residence in Texas, the~~] institution of higher education shall:

(1) permit the member's spouse or child to pay the tuition, fees, and other charges provided for Texas residents without regard to the length of time that the spouse or child has resided in Texas if the spouse or child establishes residence in

Texas by residing in Texas and by filing with the Texas institution of higher education at which the spouse or child plans to register a letter of intent to establish residence in Texas; and

(2) permit the member's spouse to pay the tuition, fees, and other charges provided for Texas residents if the spouse:

(A) graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state; and

(B) maintained a domicile in this state continuously for at least one year before the member was assigned to duty outside Texas.

SECTION ____. Section 54.241, Education Code, as amended by this Act, applies beginning with tuition and fees charged for the 2019 fall semester.

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 2104**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

SENATE RESOLUTION 851

Senator Taylor offered the following resolution:

RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 86th Legislature, Regular Session, 2019, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 3 (public school finance and public education; creating a criminal offense; authorizing the imposition of a fee) to consider and take action on the following matters:

(1) Senate Rule 12.03(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.004 of the bill, amending Section 325.084, Education Code, to read as follows:

SECTION 1.004. (a) Effective September 1, 2019, Section 25.084(b), Education Code, is amended to read as follows:

(b) The operation of schools year-round by a district does not affect the amount of state funds to which the district is entitled under Chapter 48 [~~42~~].

(b) Effective September 1, 2020, Section 25.084, Education Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

Explanation: The change is necessary to delay the implementation of certain provisions of Section 25.084, Education Code.

(2) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.009 of the bill, in added Section 45.0032(e), Education Code, to read as follows:

(e) For the 2019 tax year, Section 48.202(f) applies to a district's maintenance and operations tax rate after adjusting the district's rate in accordance with this section. This subsection expires September 1, 2020.

Explanation: The addition is necessary to determine the application of Section 48.202(f), Education Code, to a school district's maintenance and operations tax rate for the 2019 tax year.

(3) Senate Rule 12.03(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.014 of the bill, adding Section 48.0051, Education Code, to read as follows:

SECTION 1.014. Effective September 1, 2020, Subchapter A, Chapter 48, Education Code, as added by this Act, is amended by adding Section 48.0051 to read as follows:

Explanation: The change is necessary to delay the implementation of Section 48.0051, Education Code.

(4) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in SECTION 1.014 of the bill, in added Section 48.0051, Education Code, to read as follows:

(f) A school district or open-enrollment charter school may use funding attributable to the incentive provided under this section to pay costs associated with providing academic instruction in a voluntary summer program for students enrolled in the district or school.

Explanation: The addition is necessary to allow school districts and open-enrollment charter schools to use certain funding to pay costs associated with certain summer programs.

(5) Senate Rule 12.03(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.015 of the bill, in transferred, redesignated, and amended Sections 48.006(a) and (c), Education Code, to read as follows:

(a) The [~~From funds specifically appropriated for the purpose or other funds available to the commissioner for that purpose, the~~] commissioner may [~~shall~~] adjust the average daily attendance of a school district all or part of which is located in an area declared a disaster area by the governor under Chapter 418, Government Code, if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

(c) The commissioner may [~~shall~~] make the adjustment under [~~required by~~] this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Explanation: The changes are necessary to give the commissioner discretion in adjusting the average daily attendance of a school district located wholly or partly in a disaster area.

(6) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.019 of the bill, in added Sections 48.011(a-1), (b), and (d), Education Code, to read as follows:

(a-1) The commissioner may modify dates relating to the adoption of a school district's maintenance and operations tax rate and, if applicable, an election required for the district to adopt that rate as necessary to implement the changes made by H.B. 3, 86th Legislature, Regular Session, 2019.

(b) Before making an adjustment under Subsection (a) or (a-1), the commissioner shall notify and must receive approval from the Legislative Budget Board and the office of the governor.

(d) Beginning with the 2021-2022 school year, the commissioner may not make an adjustment under Subsection (a) or (a-1).

Explanation: The addition is necessary to permit the commissioner to modify dates relating to a school district's maintenance and operations tax rate after receiving approval from the Legislative Budget Board and the office of the governor until the beginning of the 2021-2022 school year.

(7) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.021 of the bill, in transferred, redesignated, and amended Section 48.051, Education Code, to read as follows:

(d) In this section, "compensation" includes benefits such as insurance premiums.

Explanation: The addition is necessary to include benefits in the definition of "compensation."

(8) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.024 of the bill, in added Section 48.101, Education Code, to read as follows:

(d) Instead of the allotment under Subsection (b) or (c)(1), a school district that has fewer than 300 students in average daily attendance and is the only school district located in and operating in a county is entitled to an annual allotment for each student in average daily attendance based on the following formula:

AA = ((1,600 - ADA) X .00047) X BA

Explanation: The addition is necessary to provide an allotment for school districts with fewer than 300 students in average daily attendance that are the only district located in and operating in a county.

(9) Senate Rule 12.03(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.025 of the bill, in transferred, redesignated, and amended Section 48.102(h), Education Code, to read as follows:

(h) At least 55 percent of the funds [~~Funds~~] allocated under this section[~~, other than an indirect cost allotment established under State Board of Education rule,~~] must be used in the special education program under Subchapter A, Chapter 29.

Explanation: The change is necessary to require a certain percentage of funding provided by the special education allotment to be used for a special education program under Subchapter A, Chapter 29, Education Code.

(10) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new language to proposed SECTION 1.031 of the bill:

Sec. 48.1101. STUDY ON ALTERNATIVE CAREER READINESS MEASURES FOR SMALL AND RURAL DISTRICTS. (a) The agency shall conduct a study on alternative career readiness measures for small and rural school districts to determine if annual graduates demonstrate career readiness under Section 48.110(f)(2)(B).

(b) Not later than January 1, 2021, the agency shall submit to the legislature a report on the results of the study and any recommendations for legislative or other action.

(c) This section expires September 1, 2021.

Explanation: The addition is necessary to require a study on alternative career readiness measures for small and rural school districts to determine if annual graduates demonstrate career readiness.

(11) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.031 of the bill, in added Section 48.112(g), Education Code, to read as follows:

(g) A district is entitled to receive an increased allotment under this section in the amount necessary for reimbursement for any fees paid under Section 21.3521.

Explanation: The addition is necessary to permit a school district to receive an allotment in an amount necessary for reimbursement for fees paid under Section 21.3521, Education Code.

(12) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.038 of the bill, in transferred, redesignated, and amended Section 48.202, Education Code, to read as follows:

(f-1) Notwithstanding Subsection (f), for the 2019-2020 school year, the reduction of a school district's tax rate required under Subsection (f) applies to the district's total enrichment tax rate under Section 45.0032(b) minus eight cents. This subsection expires September 1, 2020.

Explanation: The addition is necessary to determine the portion of a school district's enrichment tax rate to which the reduction required under Section 48.202(f-1), Education Code, applies for the 2019-2020 school year.

(13) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 1.040 of the bill, in transferred, redesignated, and amended Section 48.256, Education Code, to read as follows:

(d) This subsection applies to a school district in which the board of trustees entered into a written agreement with a property owner under Section 313.027, Tax Code, for the implementation of a limitation on appraised value under Subchapter B or C, Chapter 313, Tax Code. For purposes of determining "DPV" under Subsection (a) for a school district to which this subsection applies, the commissioner shall exclude a portion of the market value of property not otherwise fully taxable by the district under Subchapter B or C, Chapter 313, Tax Code, before the expiration of the subchapter. The comptroller shall provide information to the agency necessary for this subsection. A revenue protection payment required as part of an agreement for a limitation on appraised value shall be based on the district's taxable value of property for the preceding tax year.

(e) Subsection (d) does not apply to property that was the subject of an application under Subchapter B or C, Chapter 313, Tax Code, made after May 1, 2009, that the comptroller recommended should be disapproved. [~~A school district must raise its total local share of the Foundation School Program to be eligible to receive foundation school fund payments.~~]

Explanation: The addition is necessary to determine "DPV" for a school district that has entered into an agreement for the implementation of a limitation on appraised value under Subchapter B or C, Chapter 313, Tax Code.

(14) Senate Rule 12.03(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.041 of the bill, in added Sections 48.257(a) and (b), Education Code, to read as follows:

(a) Subject to Subsection (b), if a school district's tier one local share under Section 48.256 exceeds the district's entitlement under Section 48.266(a)(1) less the district's distribution from the state available school fund, the district must reduce the

district's tier one revenue level in accordance with Chapter 49 to a level not to exceed the district's entitlement under Section 48.266(a)(1) less the district's distribution from the state available school fund.

(b) This subsection applies only to a school district to which Subsection (a) applies. If a district's maintenance and operations tax collections from the tax rate described by Section 45.0032(a) for the current tax year minus the required reduction in a district's tier one revenue level under Subsection (a) results in an amount that is less than the amount of the district's entitlement under Section 48.266(a)(1) less the district's distribution from the state available school fund, the agency shall adjust the amount of the reduction required in the district's tier one revenue level under Subsection (a) up to the amount of local funds necessary for the district's entitlement under Section 48.266(a)(1) less the district's distribution from the state available school fund.

Explanation: The change is necessary to determine the amount by which a school district is required to reduce the district's local revenue level under Section 48.257(a), Education Code, to a level not to exceed the district's entitlement less the district's distribution from the state available school fund.

(15) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to proposed ARTICLE 1 of the bill:

SECTION 1.046. Subchapter G, Chapter 48, Education Code, as added by this Act, is amended by adding Section 48.302 to read as follows:

Sec. 48.302. SUBSIDY FOR HIGH SCHOOL EQUIVALENCY EXAMINATION FOR CERTAIN INDIVIDUALS. (a) In this section, "commission" means the Texas Workforce Commission.

(b) The agency shall enter into a memorandum of understanding with the commission for the agency to transfer to the commission funds specifically appropriated to the agency for the commission to provide to an individual who is 21 years of age or older a subsidy in an amount equal to the cost of taking one high school equivalency examination administered under Section 7.111.

(c) The commission shall adopt rules to implement the subsidy program described by Subsection (b), including rules regarding eligibility requirements.

Explanation: The addition is necessary to provide for a subsidy for certain individuals to take a high school equivalency examination.

(16) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 1.061 to the bill, amending Section 403.302(d), Government Code, to read as follows:

SECTION 1.061. Section 403.302(d), Government Code, is amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the study for each school district;

(3) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(4) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by former Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) generates taxes paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(5) the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone:

(i) created on or before December 31, 2008, by a municipality with a population of less than 18,000; and

(ii) the project plan for which includes the alteration, remodeling, repair, or reconstruction of a structure that is included on the National Register of Historic Places and requires that a portion of the tax increment of the zone be used for the improvement or construction of related facilities or for affordable housing;

(B) generates school district taxes that are paid into a tax increment fund created under Chapter 311, Tax Code; and

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

(6) the total dollar amount of any exemptions granted under Section 11.251 or 11.253, Tax Code;

(7) the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(8) the portion of the appraised value of residence homesteads of individuals who receive a tax limitation under Section 11.26, Tax Code, on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(9) a portion of the market value of property not otherwise fully taxable by the district at market value because of[~~:~~

[~~(A)~~] action required by statute or the constitution of this state, other than Section 11.311, Tax Code, that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted; [~~or~~

[~~(B) action taken by the district under Subchapter B or C, Chapter 313, Tax Code, before the expiration of the subchapter;~~]

(10) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(11) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(12) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; and

(13) the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section.

Explanation: The addition is necessary to remove from the definition of "taxable value" a portion of the market value of certain property.

(17) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 1A.001 to the bill, amending Section 13.054, Education Code, to read as follows:

SECTION 1A.001. Effective September 1, 2020, Section 13.054, Education Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) For five years beginning with the school year in which the annexation occurs, a school district shall receive additional funding under this subsection or Subsection (h). The amount of funding shall be determined by multiplying the lesser of the enlarged district's local fund assignment computed under Section 48.256 [~~42.252~~] or the enlarged district's total cost of tier one by a fraction, the numerator of which is the number of students residing in the territory annexed to the receiving district preceding the date of the annexation and the denominator of which is the number of students residing in the district as enlarged on the date of the annexation, and multiplying the resulting product by the quotient of the enlarged district's maximum compressed tax rate, as determined under Section 48.2551, for the current school year divided by the receiving district's maximum compressed tax rate, as determined under Section 48.2551, for the year in which the annexation occurred.

(f-1) Notwithstanding Subsection (f), for an annexation that occurred before September 1, 2019, for five years beginning with the school year in which the annexation occurs, a school district shall receive additional funding under this subsection or Subsection (h). The amount of funding shall be determined by multiplying the lesser of the enlarged district's local fund assignment computed under Section 48.256 or the enlarged district's total cost of tier one by a fraction, the numerator of which is the number of students residing in the territory annexed to the

receiving district preceding the date of the annexation and the denominator of which is the number of students residing in the district as enlarged on the date of the annexation, and dividing the receiving district's maximum compressed tax rate, as determined under Section 48.2551. This subsection expires September 1, 2021.

Explanation: The addition is necessary to determine an additional amount of funding to which a district to which territory is annexed under Section 13.054, Education Code, is entitled beginning September 1, 2020.

(18) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new language to SECTION 1A.007 of the bill:

Sec. 48.2554. STUDY ON DISTRICT PROPERTY TAX COMPRESSION. (a) The Legislative Budget Board, in conjunction with other appropriate state agencies, shall study possible methods of providing property tax relief through the reduction of school district maintenance and operations taxes. The study must evaluate:

(1) potential sources of revenue that may be used to reduce school district maintenance and operations taxes;

(2) methods of limiting increases in maintenance and operations tax revenue that adjust for enrollment growth, inflation, and other relevant factors; and

(3) for each method of providing property tax relief considered:

(A) any difference in anticipated benefits to property taxpayers based on the school district in which the taxpayer resides;

(B) the cost to the state; and

(C) the anticipated impact on equity in the public school finance system.

(b) Not later than September 1, 2020, the Legislative Budget Board shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report on the results of the study and any recommendations for legislative or other action.

(c) This section expires September 1, 2021.

Explanation: The addition is necessary to require a study on methods of providing property tax relief through the reduction of school district maintenance and operations taxes.

(19) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 2.005 to the bill, adding Section 21.048(a-2), Education Code, to read as follows:

SECTION 2.005. Section 21.048, Education Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) The board shall adopt rules that provide that in order to teach any grade level from prekindergarten through grade six a person must demonstrate proficiency in the science of teaching reading on a certification examination for each class of certificate issued by the board after January 1, 2021.

Explanation: The addition is necessary to require the State Board for Educator Certification to adopt rules requiring certain teachers to demonstrate proficiency in the science of teaching reading on a certification examination.

(20) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 2.008 to the bill, adding Section 21.3521, Education Code, to read as follows:

SECTION 2.008. Subchapter H, Chapter 21, Education Code, is amended by adding Section 21.3521 to read as follows:

Sec. 21.3521. LOCAL OPTIONAL TEACHER DESIGNATION SYSTEM. (a) Subject to Subsection (b), a school district or open-enrollment charter school may designate a certified classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals that comply with Section 21.351 or 21.352.

(b) The commissioner shall establish performance and validity standards for each local optional teacher designation system. The performance standards:

(1) must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

(2) may not require a district to use an assessment instrument adopted under Section 39.023 to evaluate teacher performance.

(c) Notwithstanding performance standards established under Subsection (b), a classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as recognized.

(d) The commissioner shall:

(1) ensure that local optional teacher designation systems:

(A) meet the requirements of this section; and

(B) prioritize high needs campuses; and

(2) enter into a memorandum of understanding with Texas Tech University to monitor the quality and fairness of local optional teacher designation systems.

(e) The agency shall develop and provide technical assistance for school districts and open-enrollment charter schools that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses.

(f) A teacher has no vested property right in a teacher designation assigned to the teacher under this section. A teacher designation issued under this section is void in the determination that the designation was issued improperly. Subchapters C through H, Chapter 2001, Government Code, do not apply to the voiding of a teacher designation under this subsection.

(g) The agency shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems under this section and the teacher incentive allotment under Section 48.112 and report the results of the evaluations to the legislature. A school district or open-enrollment charter school that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment shall participate in the evaluations.

(h) The agency shall collect information necessary to implement this section. Information otherwise confidential remains confidential and is not subject to Chapter 552, Government Code.

(i) The commissioner may adopt fees to implement this section. A fee adopted by the agency under this section is not subject to Sections 2001.0045 and 2001.0221, Government Code.

(j) The commissioner may adopt rules to implement this section. A decision made by the commissioner under this section is final and may not be appealed.

Explanation: The addition is necessary to permit school districts and open-enrollment charter schools to develop local optional teacher designation systems.

(21) Senate Rule 12.03(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 2.011 of the bill, adding Section 25.085(i), Education Code, to read as follows:

SECTION 2.011. Effective September 1, 2020, Section 25.085, Education Code, is amended by adding Subsection (i) to read as follows:

Explanation: The change is necessary to delay the implementation of Section 25.085(i), Education Code.

(22) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to proposed ARTICLE 2 of the bill:

SECTION 2.013. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0062 to read as follows:

Sec. 28.0062. READING STANDARDS FOR KINDERGARTEN THROUGH THIRD GRADE. (a) Each school district and open-enrollment charter school shall:

(1) provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills;

(2) ensure that:

(A) not later than the 2021-2022 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Section 21.4552; and

(B) each classroom teacher and each principal initially employed in a grade level or at a campus described by Paragraph (A) for the 2021-2022 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Section 21.4552 before the teacher's or principal's first year of placement in that grade level or campus; and

(3) certify to the agency that the district or school:

(A) prioritizes placement of highly effective teachers in kindergarten through second grade; and

(B) has integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade.

(b) The agency shall provide assistance to school districts and open-enrollment charter schools in complying with the requirements under this section.

(c) The agency shall:

(1) monitor the implementation of this section; and

(2) periodically report to the legislature on the implementation of this section and the effectiveness of this section in improving educational outcomes.

(d) The commissioner shall establish an advisory board to assist the agency in fulfilling the agency's duties under this section. Chapter 2110, Government Code, does not apply to the advisory board.

(e) The commissioner may adopt rules to implement this section.

Explanation: The addition is necessary to provide reading standards for kindergarten through third grade.

(23) Senate Rule 12.03(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 4.001 of the bill by repealing Section 403.302(m), Government Code.

Explanation: The addition is necessary to repeal Section 403.302(m), Government Code, which is no longer necessary with the addition of Section 48.256(e), Education Code.

(24) Senate Rule 12.03(3), is suspended to permit the committee to add text on a matter not in disagreement in proposed SECTION 5.002 of the bill, in the transition language, to read as follows:

SECTION 5.002. Except as otherwise provided by this Act, Section 26.08, Tax Code, as amended by this Act, applies beginning with the 2019 tax year. A school district is required to calculate the district's rollback tax rate for the 2019 tax year in the manner provided by Section 26.08, Tax Code, as amended by this Act, regardless of whether the district has already calculated that rate or adopted a tax rate for the 2019 tax year before September 1, 2019.

Explanation: The addition is necessary to ensure a school district calculates the district's rollback tax rate for the 2019 tax year in accordance with Section 26.08, Tax Code, as amended by the bill.

SR 851 was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3 ADOPTED

Senator Taylor called from the President's table the Conference Committee Report on **HB 3**. The Conference Committee Report was filed with the Senate on Friday, May 24, 2019.

On motion of Senator Taylor, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON	ZERWAS
HUFFMAN	G. BONNEN
KOLKHORST	S. DAVIS
NICHOLS	LONGORIA
TAYLOR	WALLE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2551

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 2551** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HINOJOSA	BURROWS
CAMPBELL	P. KING
HANCOCK	MARTINEZ FISCHER
NICHOLS	MEYER
WHITMIRE	PHELAN
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to liability, payment, and benefits for certain workers' compensation claims.

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

SECTION 1. Section 607.055, Government Code, is amended to read as follows:

Sec. 607.055. CANCER. (a) A firefighter or emergency medical technician who suffers from cancer resulting in death or total or partial disability is presumed to have developed the cancer during the course and scope of employment as a firefighter or emergency medical technician if:

(1) the firefighter or emergency medical technician:

(A) regularly responded on the scene to calls involving fires or fire fighting; or

(B) regularly responded to an event involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician; and

(2) the cancer is [~~known to be associated with fire fighting or exposure to heat, smoke, radiation, or a known or suspected carcinogen, as~~] described by Subsection (b).

(b) This section applies only to:

(1) cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain;

(2) non-Hodgkin's lymphoma;

(3) multiple myeloma;

(4) malignant melanoma; and

(5) renal cell carcinoma [~~a type of cancer that may be caused by exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer~~].

SECTION 2. Section 607.058, Government Code, is amended to read as follows:

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section 607.053, 607.054, 607.055, or 607.056 may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about [~~caused~~] the individual's disease or illness, without which the disease or illness would not have occurred.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about [~~caused~~] the individual's disease or illness, without which the disease or illness would not have occurred.

(c) In addressing an argument based on a rebuttal offered under this section, an administrative law judge shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion that, based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

SECTION 3. Section 409.021, Labor Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) An insurance carrier is not required to comply with Subsection (a) if the claim results from an employee's disability or death for which a presumption is claimed to be applicable under Subchapter B, Chapter 607, Government Code, and, not later than the 15th day after the date on which the insurance carrier received written notice of the injury, the insurance carrier has provided the employee and the division with a notice that describes all steps taken by the insurance carrier to investigate the injury before the notice was given and the evidence the carrier reasonably believes is necessary to complete its investigation of the compensability of the injury. The commissioner shall adopt rules as necessary to implement this subsection.

SECTION 4. Section 409.022, Labor Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An insurance carrier has not committed an administrative violation under Section 409.021 if the carrier has sent notice to the employee as required by Subsection (d) of this section or Section 409.021(a-3).

SECTION 5. Section 415.021, Labor Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) In determining whether to assess an administrative penalty involving a claim in which the insurance carrier provided notice under Section 409.021(a-3), the commissioner shall consider whether:

(1) the employee cooperated with the insurance carrier's investigation of the claim;

(2) the employee timely authorized access to the applicable medical records before the insurance carrier's deadline to:

(A) begin payment of benefits; or

(B) notify the division and the employee of the insurance carrier's refusal to pay benefits; and

(3) the insurance carrier conducted an investigation of the claim, applied the statutory presumptions under Subchapter B, Chapter 607, Government Code, and expedited medical benefits under Section 504.055.

SECTION 6. Section 504.053(e), Labor Code, is amended to read as follows:

(e) Nothing in this chapter waives sovereign immunity or creates a new cause of action, except that a political subdivision that self-insures either individually or collectively is liable for:

(1) sanctions, administrative penalties, and other remedies authorized under Chapter 415;

(2) attorney's fees as provided by Section 408.221(c); and

(3) attorney's fees as provided by Section 417.003.

SECTION 7. Subchapter D, Chapter 504, Labor Code, is amended by adding Section 504.074 to read as follows:

Sec. 504.074. SELF-INSURANCE ACCOUNT FOR DEATH BENEFITS AND LIFETIME INCOME BENEFITS. (a) A pool or a political subdivision that self-insures may establish an account for the payment of death benefits and lifetime income benefits under Chapter 408.

(b) An account established under this section may accumulate assets in an amount that the pool or political subdivision, in its sole discretion, determines is necessary in order to pay death benefits and lifetime income benefits. The establishment of an account under this section or the amount of assets accumulated in the account does not affect the liability of a pool or political subdivision for the payment of death benefits and lifetime income benefits.

(c) Chapter 2256, Government Code, does not apply to the investment of assets in an account established under this section. A pool or political subdivision investing or reinvesting the assets of an account shall discharge its duties solely in the interest of current and future beneficiaries:

(1) for the exclusive purposes of:

(A) providing death benefits and lifetime income benefits to current and future beneficiaries; and

(B) defraying reasonable expenses of administering the account;

(2) with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in a like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;

(3) by diversifying the investments of the account to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(4) in accordance with the documents and instruments governing the account to the extent that the documents and instruments are consistent with this section.

(d) In choosing and contracting for professional investment management services for an account established under this section and in continuing the use of an investment manager, the pool or political subdivision must act prudently and in the interest of the current and future beneficiaries of the account.

SECTION 8. Sections 607.055 and 607.058, Government Code, as amended by this Act, apply only to a claim for workers' compensation benefits filed on or after the effective date of this Act. A claim filed before that date is governed by the law as it existed on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 9. The commissioner of workers' compensation shall adopt rules as required by or necessary to implement this Act not later than January 1, 2020.

SECTION 10. (a) Section 504.053(e)(1), Labor Code, as added by this Act, applies only to an administrative violation that occurs on or after the effective date of this Act. An administrative violation that occurs before the effective date of this Act is governed by the law applicable to the violation immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 504.053(e)(2), Labor Code, as added by this Act, applies only to a claim for workers' compensation benefits filed on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The Conference Committee Report on **SB 2551** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 766

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 766** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WATSON	HUBERTY
CREIGHTON	GUILLEN
HUFFMAN	STUCKY
POWELL	WALLE
TAYLOR	HOWARD
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 766** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1735

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1735** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WATSON	HOWARD
CREIGHTON	BUTTON
HUFFMAN	FRULLO
POWELL	LOZANO
TAYLOR	C. TURNER
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1735** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 926

Senator Hall submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 926** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HALL	MIDDLETON
TAYLOR	ASHBY
CAMPBELL	HUBERTY
CREIGHTON	
BETTENCOURT	
On the part of the Senate	On the part of the House

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:

(1) that:

(A) has a population of:

(i) less than 40,000; or

(ii) more than 285,000 and less than 300,000; and

(B) is adjacent to a county with a population of more than 3.3 million;

(2) that borders or contains a portion of the Neches River, the Sabine River, and Lake Tawakoni;

(3) that has a population of 2.2 million or more and is adjacent to a county with a population of more than 600,000;

(4) that has a population of less than 120,000 and is adjacent to a county described by Subdivision (3);

(5) that has a population of less than 8,000 and the southern boundary of which follows the South Sulphur River;

(6) that has a population of less than 50,000 and the northern boundary of which follows the South Sulphur River;

(7) that has a population of less than 40,000, borders the Red River, and includes a wildlife management area;

(8) that has a population of less than 95,000 and is adjacent to a county with a land area of less than 150 square miles; or

(9) that has a population of less than 15,000 and borders or contains a portion of Lake Fork Reservoir.

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 Conference Committee Report on **SB 926** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1177

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1177** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CREIGHTON PHELAN

HALL	G. BONNEN
FALLON	METCALF
	NEVÁREZ
	WHITE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1177** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1313

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1313** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BIRDWELL	P. KING
BUCKINGHAM	SANFORD
HINOJOSA	GUILLEN
LUCIO	MURPHY
PAXTON	CALANNI
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1313** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 700

Senator Powell submitted the following corrected Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 700** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

POWELL	GUILLEN
CREIGHTON	ANDERSON
FALLON	FIERRO
FLORES	LUCIO III
ZAFFIRINI	WRAY
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 700** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 621

Senator Nichols submitted the following corrected Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 621** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS	LAMBERT
BIRDWELL	GEREN
HALL	NEVÁREZ
HANCOCK	PADDIE
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.

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

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5), (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and (7-a) to read as follows:

(1) "Advisory board" [~~"Board"~~] means the Texas [~~State Board of~~] Plumbing Advisory Board established under Subchapter C [~~Examiners~~].

(1-a) "Commission" means the Texas Commission of Licensing and Regulation.

(1-b) "Control valve" means a valve that operates each time water is supplied to, or shut off from, a receptacle or plumbing fixture. The term does not include a stop valve that may be installed in the water supply branch to the control valve.

(1-c) "Department" means the Texas Department of Licensing and Regulation.

(2) [~~(1-b)~~] "Executive director" means the executive director of the department [~~Texas State Board of Plumbing Examiners~~].

(3) "Drain cleaning" [~~(2) "Drain cleaner"~~] means [~~a person who~~]:

(A) installing [~~has completed at least 4,000 hours working under the supervision of a responsible master plumber as a drain cleaner restricted registrant;~~

[~~(B) has fulfilled the requirements of and is registered with the board; and~~

[~~(C) installs~~] cleanouts and removing [~~removes~~] and resetting [~~resets~~] p-traps to eliminate obstructions in building drains and sewers under the supervision of a [~~responsible~~] master plumber; or

(B) clearing[~~.~~

[~~(3) "Drain cleaner restricted registrant" means a person who:~~

[~~(A) has worked as a plumber's apprentice under the supervision of a responsible master plumber;~~

[~~(B) has fulfilled the requirements of and is registered with the board; and~~

[~~(C) clears~~] obstructions in sewer and drain lines through any code-approved existing opening under the supervision of a [~~responsible~~] master plumber.

(4) "Journeyman plumber" means a person licensed under this chapter who:

(A) has met the qualifications for registration as a plumber's apprentice or for licensing as a tradesman plumber-limited license holder;

(B) has completed at least 8,000 hours working under the supervision of a [~~responsible~~] master plumber;

(C) installs, changes, repairs, services, or renovates plumbing or supervises any of those activities under the supervision of a [~~responsible~~] master plumber;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the commission [~~board~~].

(5) "Master plumber" means a person licensed under this chapter who:

(A) is skilled in the design, planning, and superintending of plumbing and in the practical installation, repair, and servicing of plumbing;

(B) has worked as a journeyman plumber:

(i) for at least four years; or

(ii) for at least one year and has successfully completed a training program approved by the United States Department of Labor Office of Apprenticeship or another nationally recognized apprentice training program accepted by the commission [~~board~~];

(C) performs or supervises plumbing work;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the commission [~~board~~].

(6) "Plumber's apprentice" means a person other than a master plumber, journeyman plumber, or tradesman plumber-limited license holder who:

(A) [~~,~~] as the person's principal occupation, learns about and assists in the installation of plumbing, including drain cleaning and residential utilities installation;

(B) has fulfilled the requirements of the commission and is registered by the department; [~~board,~~] and

(C) works under the supervision of a [~~responsible~~] master plumber [~~and the direct supervision of a licensed plumber~~].

(7-a) "Plumbing contractor" means a person licensed as a plumbing contractor under this chapter who:

(A) is a master plumber, or employs a master plumber, for the purpose of offering and performing plumbing work that will be performed or supervised by the master plumber;

(B) is authorized to obtain permits for plumbing work;

(C) assumes responsibility for plumbing work performed for compensation paid to the person; and

(D) has submitted a certificate of insurance as required by Section 1301.3576.

(8) "Plumbing inspector" means a person who:

(A) is employed by a political subdivision or state agency, or contracts as an independent contractor with a political subdivision or state agency, to inspect plumbing in connection with health and safety laws, including ordinances, and plumbing and gas codes;

(B) has passed the required examination; and

(C) has fulfilled the other requirements of the commission [~~board~~].

(9) "Residential utilities installation" [~~"Residential utilities installer"~~] means constructing and installing [~~a person who:~~

[~~(A) has completed at least 2,000 hours working under the supervision of a master plumber as a plumber's apprentice;~~

[~~(B) has fulfilled the requirements of and is registered with the board; and~~

[~~(C) constructs and installs~~] yard water service piping for one-family or two-family dwellings and building sewers under the supervision of a [~~responsible~~] master plumber.

(10) "Tradesman plumber-limited license holder" means a person who:

(A) has completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice;

(B) has passed the required examination;

(C) constructs and installs plumbing for one-family or two-family dwellings under the supervision of a [~~responsible~~] master plumber; and

(D) has fulfilled the other requirements of the commission [~~board~~].

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the department [~~board~~] to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture or appliance.

SECTION 2. Sections 1301.056 and 1301.057, Occupations Code, are amended to read as follows:

Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed by the department under this chapter [~~board~~] is not required to be licensed by another board or agency to install or work on a lawn irrigation system.

Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not required to be licensed under this chapter to perform plumbing, limited to the provision of a residential potable water supply or residential sanitary sewer connection, for a project that:

(1) is in a county a part of which is within 50 miles of an international border; and

(2) is performed by an organization that:

(A) is certified by the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality to provide self-help project assistance; and

(B) provides the department [~~board~~] with the following information before the 30th day before the date the project begins:

(i) the exact location of the project;

(ii) the intended duration of the project; and

(iii) other information the department [~~board~~] requires.

(b) The department [~~board~~] may require under Subsection (a)(2)(B)(iii) that the organization provide a post-construction report signed by a plumbing inspector stating that the plumbing is safe.

(c) The department [~~board~~] may provide training to an organization that provides self-help project assistance under this section.

SECTION 3. The heading to Subchapter C, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER C. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY BOARD [~~EXAMINERS~~]

SECTION 4. Section 1301.151, Occupations Code, is amended to read as follows:

Sec. 1301.151. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY BOARD [~~EXAMINERS~~] MEMBERSHIP. (a) The Texas [~~State Board of~~] Plumbing Advisory Board [~~Examiners~~] consists of nine members appointed by the governor [~~with the advice and consent of the senate~~] as follows:

(1) one member who has at least 10 years' practical experience and is licensed as a master plumber;

(2) one member who has at least five years' practical experience and is licensed as a journeyman plumber;

(3) one member who has at least five years' practical experience and is licensed as a plumbing inspector;

(4) one member who is [~~has been~~] a plumbing contractor [~~responsible master plumber for at least five years with at least 10 years' experience as a licensed journeyman plumber or master plumber~~];

(5) one member who is a licensed engineer practicing in the field of plumbing engineering;

(6) two members who are building contractors with at least five years' contracting experience, one of whom is principally engaged in home building and one of whom is principally engaged in commercial building; [~~and~~]

(7) one member who is a licensed plumber; and

(8) one member [~~two members~~] who represents [~~represent~~] the public.

(b) Each member of the advisory board must be a United States citizen.

(c) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(d) Chapter 2110, Government Code, does not apply to the composition or duration of the advisory board or to the appointment of the advisory board's presiding officer.

SECTION 5. Section 1301.152, Occupations Code, is amended to read as follows:

Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBER [~~MEMBERS~~]. A person is not eligible for appointment as a public member of the advisory board if the person or the person's spouse:

(1) is licensed by an occupational regulatory agency in the building construction industry;

(2) is employed by or participates in the management of an agency or business entity related to the building construction industry; or

(3) has, other than as a consumer, a financial interest in a business entity related to the building construction industry.

SECTION 6. Section 1301.154, Occupations Code, is amended to read as follows:

Sec. 1301.154. TERMS. Advisory board [~~Board~~] members serve staggered six-year terms.

SECTION 7. Section 1301.157, Occupations Code, is amended to read as follows:

Sec. 1301.157. OFFICER [~~OFFICERS~~]. [~~(a)~~] The governor shall designate a member of the advisory board as the presiding officer of the board to serve in that capacity at the pleasure of the governor.

[~~(b) The board shall elect a secretary from its membership.~~]

SECTION 8. Section 1301.158, Occupations Code, is amended to read as follows:

Sec. 1301.158. COMPENSATION [~~PER DIEM; REIMBURSEMENT~~]. An advisory [~~(a) A~~] board member may not receive compensation [~~a fixed salary~~] for service on the advisory board.

[~~(b) A board member is entitled to receive a per diem as set by the General Appropriations Act for each day the member engages in the business of the board.~~

[~~(c) A board member may not receive reimbursement for travel expenses, including expenses for meals and lodging, other than transportation expenses. A member is entitled to reimbursement for transportation expenses as provided by the General Appropriations Act.~~]

SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is amended by adding Section 1301.160 to read as follows:

Sec. 1301.160. DUTIES OF ADVISORY BOARD. The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration and enforcement of this chapter, including examinations, licensing qualifications, plumbing code requirements, supervision, and continuing education requirements.

SECTION 10. The heading to Subchapter D, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR AND OTHER BOARD~~] PERSONNEL

SECTION 11. Section 1301.202, Occupations Code, is amended to read as follows:

Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [~~EXAMINER~~]. (a) If an examination required for the issuance of a license, endorsement, or certificate of registration under this chapter contains a practical component, the department [~~The board~~] shall employ or contract with one or more plumbing examiners to administer that portion of the examination. [~~A plumbing examiner serves at the will of the board.~~] A plumbing examiner must:

(1) hold a license as a plumber issued under this chapter; and

(2) be knowledgeable of this chapter and municipal ordinances relating to plumbing[~~; and~~

[~~(3) be qualified by experience and training in plumbing practice~~].

(b) A plumbing examiner shall:

(1) examine the fitness and qualifications of a person applying to the department [~~board~~] for a license as a master plumber, journeyman plumber, tradesman plumber-limited license holder, or plumbing inspector; and

(2) promptly certify the result of the examination to the department [~~board~~].

SECTION 12. Section 1301.203, Occupations Code, is amended to read as follows:

Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS. (a) The department shall [~~board may~~] employ a field representative to assist the department [~~board~~] in enforcing this chapter and rules adopted under this chapter. A field representative must[~~:~~

[~~(1) hold a license as a plumber under this chapter;~~

[~~(2)~~] be knowledgeable of this chapter and municipal ordinances relating to plumbing[~~; and~~

[~~(3) be qualified by experience and training in plumbing practice~~].

(b) A field representative may:

(1) conduct on-site license checks to determine compliance with this chapter;

(2) investigate consumer complaints [~~filed under Section 1301.303~~]; and

(3) assist municipal plumbing inspectors in enforcing this chapter[~~;~~

[~~(4) issue citations as provided by Section 1301.502; and~~

[~~(5) in the performance of the field representative's other duties under this chapter, check the license, registration, or endorsement of a person regulated by the Texas Department of Licensing and Regulation in accordance with the memorandum of understanding adopted under Section 1301.259 and report any noncompliance to that agency~~].

(c) For a department inspection or investigation that involves the quality of plumbing work, including whether the plumbing work complies with any applicable plumbing code requirements, the department shall employ or contract with a person who holds a license as a plumber under this chapter to conduct or assist in the inspection or investigation.

SECTION 13. The heading to Subchapter E, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER E. [~~BOARD~~] POWERS AND DUTIES

SECTION 14. Sections 1301.251 and 1301.253, Occupations Code, are amended to read as follows:

Sec. 1301.251. GENERAL DUTIES [~~OF BOARD~~]. The executive director or commission, as appropriate, [~~board~~] shall:

(1) administer this chapter; and

(2) adopt and enforce rules necessary to administer this chapter, including requirements for the issuance and renewal of a license, endorsement, or certificate of registration under this chapter[~~; and~~

[~~(3) keep a record of each proceeding conducted before and action taken by the board~~].

Sec. 1301.253. FEES. The commission [~~board~~] shall set fees under this chapter in amounts that are reasonable and necessary to cover the cost of administering this chapter.

SECTION 15. Sections 1301.255(a), (b), (c), and (d), Occupations Code, are amended to read as follows:

(a) The commission [~~board~~] shall adopt the following plumbing codes, as those codes existed on May 31, 2001:

(1) the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials; and

(2) the International Plumbing Code, as published by the International Code Council.

(b) The commission [~~board~~] by rule may adopt later editions of the plumbing codes listed in Subsection (a).

(c) Plumbing installed in an area not otherwise subject to regulation under this chapter by a person licensed under this chapter must be installed in accordance with a plumbing code adopted by the commission [~~board~~] under Subsection (a) or (b).

(d) In adopting a code for the design, installation, and maintenance of a plumbing system under this section, a municipality or an owner of a public water system may amend any provisions of the code to conform to local concerns that do not substantially vary from commission [~~board~~] rules or other rules of this state.

SECTION 16. Section 1301.262, Occupations Code, is amended to read as follows:

Sec. 1301.262. CODES [~~PLUMBING INSPECTOR CODE~~] OF CONDUCT. (a) The commission [~~board~~] by rule shall establish a code of conduct for licensed plumbing inspectors. The code of conduct shall require a plumbing inspector to enforce this chapter and commission [~~board~~] rules in a consistent manner across job sites.

(b) The commission by rule may establish standards of conduct for a holder of a license, endorsement, or certificate of registration issued under this chapter.

SECTION 17. Subchapter E, Chapter 1301, Occupations Code, is amended by adding Section 1301.263 to read as follows:

Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT. (a) The department shall recognize, prepare, administer, or arrange for the administration of an examination required by this chapter.

(b) The department shall determine the minimum requirements and passing score for an examination required by this chapter.

(c) If an examination required by this chapter contains a practical component, the practical component must be administered by a plumbing examiner as provided by Section 1301.202.

SECTION 18. The heading to Subchapter F, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER F. PRACTICE BY LICENSE HOLDER [~~CONSUMER INTEREST INFORMATION AND COMPLAINT PROCEDURES~~]

SECTION 19. Section 1301.302, Occupations Code, is amended to read as follows:

Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the plumbing contractor [~~responsible master plumber~~] and the name, mailing address, and telephone number of the department [~~board~~]. The person who performed the services shall give the customer an invoice or completed contract document on completion of the job, regardless of whether the person charged a fee for performing the services.

SECTION 20. Subchapter F, Chapter 1301, Occupations Code, is amended by adding Section 1301.305 to read as follows:

Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR PLUMBING WORK. (a) The commission by rule shall:

(1) require that, for each task involved in plumbing, a master plumber:

(A) perform the task; or

(B) provide general or direct supervision of a less experienced plumber who performs the task;

(2) require that each plumber's apprentice and tradesman plumber-limited license holder perform plumbing under the direct or general supervision of a more experienced plumber;

(3) specify the plumbing tasks that a plumber's apprentice or tradesman plumber-limited license holder must perform under direct supervision and the plumbing tasks a plumber's apprentice or tradesman plumber-limited license holder must perform under general supervision;

(4) specify the amount of classroom training meeting the requirements of Subsection (b), practical plumbing experience, or a combination of that training and experience necessary to:

(A) exempt a plumber from the direct supervision requirements under this section; and

(B) permit the plumber to perform the plumbing under general supervision;

(5) require a plumber, other than a master plumber, to document the plumber's:

(A) classroom training that meets the requirements of Subsection (b); and

(B) practical plumbing experience; and

(6) require the plumbing contractor, and supervising plumber, if any, to assume responsibility for plumbing performed, including the quality of the plumbing and the supervision of less experienced plumbers.

(b) Notwithstanding the minimum requirements for a continuing education program or instructor established under this chapter, the commission by rule shall establish minimum requirements for classroom training, other than a continuing education program under this chapter, that, if successfully completed and documented by a plumber, the department shall credit toward:

(1) the necessary classroom training required to:

(A) exempt the plumber from the direct supervision requirements under this section; and

(B) permit the plumber to perform specified plumbing tasks under general supervision;

(2) the continuing education required under this chapter to renew a license, endorsement, or certificate of registration, as applicable to the plumber; and

(3) the eligibility requirements for a license under this chapter, as applicable to the plumber.

SECTION 21. Sections 1301.351(a), (a-1), and (c), Occupations Code, are amended to read as follows:

(a) A person[~~, other than a responsible master plumber,~~] may not perform or offer to perform [~~engage in~~] plumbing for compensation unless:

(1) the person holds:

(A) a plumbing contractor license; and

(B) the proper license, endorsement, or certificate of registration[~~, or endorsement~~] required by this chapter to perform or supervise the performance of plumbing; [~~and~~]

(2) the person:

(A) is employed by a plumbing contractor;

(B) performs or supervises the plumbing on behalf of the plumbing contractor; and

(C) holds the proper license, endorsement, or certificate of registration required by this chapter; or

(3) the person offers to perform plumbing and contracts with a plumbing contractor for the performance of the plumbing [~~the person's work is supervised and controlled by a person licensed under this chapter~~].

(a-1) A person may not act as a plumbing contractor [~~responsible master plumber~~] unless the person holds the appropriate license and meets the applicable requirements [~~for a responsible master plumber~~] under this chapter.

(c) A plumbing contractor [~~license holder~~] who is supervising and controlling [~~under Subsection (a)(2)~~] the work of a person engaged in the business of plumbing in the construction of a new one-family or two-family dwelling in an unincorporated area of the state must have training and management responsibility for, and shall review and inspect, the person's work. The plumbing contractor [~~license holder~~] is not required to provide continuous or uninterrupted on-the-job oversight of the person's work.

SECTION 22. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3515 to read as follows:

Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The department shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The department may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record information check of each applicant for a license using information:

(1) provided by the individual under this section; and

(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The department may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

SECTION 23. Section 1301.352, Occupations Code, is amended to read as follows:

Sec. 1301.352. EXAMINATION REQUIRED. The department [~~board~~] shall issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder, medical gas piping installation

endorsement holder, water supply protection specialist, or multipurpose residential fire protection sprinkler specialist to a person who demonstrates the fitness, competence, and qualifications to receive the license or endorsement by passing a uniform, reasonable examination.

SECTION 24. Section 1301.3522, Occupations Code, is amended to read as follows:

Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The department [~~board~~] shall develop a review course in English and Spanish to assist license applicants in preparation for each license examination offered by the department [~~board~~]. If the department [~~board~~] provides the review course, the department [~~board~~] may charge a fee to an applicant who applies to take the review course.

(b) The department [~~board~~] may provide the review course training materials to private course providers for a fee determined by the commission [~~board~~].

SECTION 25. Section 1301.353, Occupations Code, is amended to read as follows:

Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The department [~~board~~] may not issue a plumbing inspector license to a person who has a financial or advisory interest in a plumbing company.

SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and (d), Occupations Code, are amended to read as follows:

(b) A person who has worked as a plumber's apprentice for a period established by law or commission [~~board~~] rule may apply to take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder. Before the applicant may take the examination, the applicant must complete classroom training provided by a department-approved [~~board-approved~~] instructor in a department-approved [~~board-approved~~] training program in the areas of health and safety, applicable plumbing codes, and water conservation for at least:

(1) 24 hours if the applicant is applying to take a tradesman plumber-limited license holder examination; or

(2) 48 hours if the applicant is applying to take a journeyman plumber examination.

(b-1) At the applicant's request, the department [~~board~~] may credit an applicant under Subsection (b) with a number of hours determined by commission [~~board~~] rule against the number of hours of work experience required to take an examination if the applicant has received an associate of applied science degree from a plumbing technology program that:

(1) includes a combination of classroom and on-the-job training; and

(2) is approved by the department [~~board~~] and the Texas Higher Education Coordinating Board.

(c) At the applicant's request, the department [~~board~~] may credit an applicant under Subsection (b) with up to 1,000 hours of the work experience required before taking an examination if the applicant has completed the classroom portion of a training program:

(1) approved by the United States Department of Labor, Office of Apprenticeship; or

(2) provided by a person approved by the department [~~board~~] and based on course materials approved by the department [~~board~~].

(c-1) At the applicant's request, the department [~~board~~] may credit an applicant under Subsection (b) with up to 250 hours of the work experience required before taking an examination if the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the State Board of Education.

(d) Notwithstanding the classroom training required by Subsection (b), a plumber's apprentice may apply for and take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder if the apprentice has received an associate of applied science degree from a plumbing technology program that:

(1) includes a combination of classroom and on-the-job training; and

(2) is approved by the department [~~board~~] and the Texas Higher Education Coordinating Board.

SECTION 27. Section 1301.3541, Occupations Code, is amended to read as follows:

Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The commission [~~board~~] by rule may adopt registration requirements for plumber's apprentices, including training and education requirements.

SECTION 28. 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) The department may credit an applicant who submits an application under Section 1301.354(b) with a number of hours determined by commission rule against the number of hours of work experience required to take an examination under that section, if the applicant 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.

(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 or paying any registration fee. A person who is no longer enrolled in a high school shall comply with the requirements of this chapter related to the person's eligibility to apply for and take an examination for a license issued under this chapter, including any registration or fee requirements.

(c) The commission shall develop the courses described by Subsection (a). The courses must be approved by the State Board of Education.

(d) 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.

(e) 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.

(f) A person described by Subsection (e) may provide the instruction in a full-time or part-time capacity as an employee, contractor, or volunteer of a high school.

(g) 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).

SECTION 29. Sections 1301.356(d) and (e), Occupations Code, are amended to read as follows:

(d) An endorsement under this section coincides with rules adopted by the executive commissioner of the Health and Human Services Commission [~~Texas Department of Health~~].

(e) A plumbing inspector who meets the requirements of the commission [~~board~~] may hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 30. Sections 1301.3565(b) and (f), Occupations Code, are amended to read as follows:

(b) The department [~~board~~] shall issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who:

(1) holds the license described by Subsection (a);

(2) applies to the department [~~board~~] on a form prescribed by the department [~~board~~];

(3) pays a fee set by the commission [~~board~~];

(4) presents evidence satisfactory to the department [~~board~~] of successful completion of a training program approved by the department [~~board~~] that provides the training necessary for the proper design and installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and

(5) passes an examination required by the department [~~board~~].

(f) A plumbing inspector who meets the requirements of the commission [~~board~~] may inspect a multipurpose residential fire protection sprinkler installation.

SECTION 31. Section 1301.357(b), Occupations Code, is amended to read as follows:

(b) The department [~~board~~] shall issue an endorsement as a water supply protection specialist to a person who:

(1) is licensed under this chapter as a master plumber or journeyman plumber;

(2) applies to the department [~~board~~] on a form prescribed by the department [~~board~~];

(3) pays a fee set by the commission [~~board~~];

(4) presents evidence satisfactory to the department [~~board~~] of successful completion of a certification program approved by the department [~~board~~] for water supply protection specialists; and

(5) passes an examination required by the department [~~board~~].

SECTION 32. Section 1301.3575, Occupations Code, is amended to read as follows:

Sec. 1301.3575. REGISTRATION OF PLUMBER'S APPRENTICES [~~CERTAIN PERSONS~~]. The department [~~board~~] shall register a person who complies with this chapter as a [~~drain cleaner, drain cleaner restricted registrant, residential utilities installer, or~~] plumber's apprentice.

SECTION 33. Section 1301.3576, Occupations Code, is amended to read as follows:

Sec. 1301.3576. CERTIFICATE OF INSURANCE [~~AND TRAINING~~] FOR PLUMBING CONTRACTOR [~~RESPONSIBLE MASTER PLUMBER~~]. Before a plumbing contractor offers or performs plumbing [~~master plumber works as a responsible master plumber~~], the plumbing contractor [~~master plumber~~] must[~~:~~

[~~(1)~~] provide the department [~~board~~] with a certificate of insurance that meets the requirements of Section 1301.552[~~; and~~

[~~(2) present evidence satisfactory to the board of successful completion of a training program approved or administered by the board regarding the laws and rules applicable to the operation of a plumbing business in this state~~].

SECTION 34. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Sections 1301.3581 and 1301.360 to read as follows:

Sec. 1301.3581. RECIPROCITY. (a) The commission or department may issue a license, endorsement, or certificate of registration under this chapter for an applicant who holds a similar license, endorsement, or certificate issued by another jurisdiction.

(b) An applicant under this section must:

(1) apply in the same manner and form as any other applicant under this chapter; and

(2) provide the department with documents and other evidence that substantiate the applicant's qualifications.

(c) An applicant for a license, endorsement, or certificate of registration issued under this section may not be required to undergo an examination to obtain the license, endorsement, or certificate if the applicant has held an equivalent license, endorsement, or certificate in another jurisdiction for at least two years. The department in accordance with commission rules may determine whether a license, endorsement, or certificate issued by another jurisdiction is equivalent to a license, endorsement, or certificate issued under this chapter.

Sec. 1301.360. TEMPORARY LICENSE. (a) The department may issue a temporary license, endorsement, or certificate of registration to an applicant as provided by Section 51.407.

(b) Notwithstanding Section 51.407, a temporary license issued under this section expires on the 30th day after the date of issuance and may not be renewed.

SECTION 35. Section 1301.401, Occupations Code, is amended to read as follows:

Sec. 1301.401. [~~ANNUAL~~] RENEWAL REQUIRED. (a) A license or certificate of registration under this chapter is valid for one or two years as determined by commission rule [~~year~~]. On payment of the required fee, a license may be renewed [~~annually~~].

(b) The commission [~~board~~] by rule shall establish the requirements for renewing a license, endorsement, or certificate of registration under this chapter and may adopt a system under which licenses, endorsements, and certificates of registration [~~registrations~~] expire on various dates during the year.

(c) An endorsement issued under Section 1301.356, 1301.3565, or 1301.357 expires on the date the master plumber or journeyman plumber license of the endorsement holder expires. Any continuing education requirement established by rule and applicable to an endorsement issued under this chapter must be completed before the endorsement holder may renew the endorsement.

SECTION 36. Sections 1301.404(a), (c), (d), (e), and (f), Occupations Code, are amended to read as follows:

(a) The commission by rule [~~board~~] shall establish:

(1) minimum curriculum standards for [~~recognize, approve, and administer~~] continuing education programs and courses for persons who hold a license [~~licenses~~] or endorsement issued [~~endorsements~~] under this chapter; and

(2) minimum qualifications for an instructor of the continuing education programs and courses described by Subdivision (1).

(c) The department shall approve:

(1) a program or course that meets the minimum curriculum standards established by the commission under Subsection (a); and

(2) an instructor who meets the minimum qualifications established by the commission under Subsection (a) [~~board by rule shall adopt the criteria for the continuing professional education~~].

(d) A person may receive credit for participating in a continuing professional education program or course only if the program or course is approved by the department [~~provided:~~

[~~(1) by an individual, business, or association approved by the board; and~~

[~~(2) according to criteria adopted by the board~~].

(e) A person may complete the continuing professional education requirement of this section through a correspondence course as approved by the department [~~board~~].

(f) The commission [~~board~~] by rule may exempt certain persons from the requirements of this section if the commission [~~board~~] determines that the exemption is in the public interest.

SECTION 37. Section 1301.405, Occupations Code, is amended to read as follows:

Sec. 1301.405. [~~MANDATORY~~] TRAINING FOR PLUMBER'S APPRENTICE [~~DRAIN CLEANER, DRAIN CLEANER RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES INSTALLER~~]. The commission by rule may establish continuing education requirements for persons [~~(a) To renew the certificate of registration, a person~~] who hold [~~holds~~] a certificate of registration under this chapter as a plumber's apprentice [~~drain cleaner, drain cleaner restricted registrant, or residential utilities installer must annually complete at least six hours of approved training that includes training in health and safety requirements, board-approved plumbing codes, and water conservation~~].

[~~(b) A person may receive credit for participating in a training program only if the program is provided:~~

[~~(1) by a person approved by the board; and~~

[~~(2) according to criteria adopted by the board.~~

[~~(c) The board by rule may exempt certain persons from the requirements of this section if the board determines that the exemption is in the public interest.~~]

SECTION 38. Sections 1301.406(a) and (c), Occupations Code, are amended to read as follows:

(a) On approval by the department [~~board~~], a person who holds an unexpired license under this chapter and whose license has been held continuously for at least 35 consecutive years may transfer the license number on the date of the person's retirement or death to another person who:

(1) is related within the second degree by consanguinity to the transferor; and

(2) holds a license issued under this chapter that is the same type of license as the license held by the transferor.

(c) The department [~~board~~] shall transfer a license number to a person who submits an application and presents evidence satisfactory to the department [~~board~~] that:

(1) the person meets the requirements under Subsections (a)(1) and (a)(2); and

(2) the transferor is retired or dead.

SECTION 39. The heading to Subchapter I, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTION [~~PROCEDURES~~]

SECTION 40. Section 1301.452, Occupations Code, is amended to read as follows:

Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. The commission, department, or executive director may enforce this chapter, a rule adopted under this chapter, or an order of the commission or executive director as provided by Chapter 51 [~~(a) A person is subject to disciplinary action under Section 1301.451 if the person violates this chapter, an order issued by the board, or a board rule~~]. A violation of this chapter includes:

(1) attempting to obtain or obtaining a license, endorsement, or registration through [~~error or~~] fraud;

(2) wilfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;

(3) making a misrepresentation of services provided or to be provided;

(4) making a false promise with the intent to induce a person to contract for a service; [~~or~~]

(5) employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or certificate of registration is required under this chapter;

(6) performing plumbing without holding the proper license, endorsement, or certificate of registration required by this chapter;

(7) offering to perform or performing plumbing for compensation without holding a plumbing contractor license, acting on behalf of a plumbing contractor, or contracting with a plumbing contractor to perform the offered plumbing;

(8) performing plumbing in violation of a plumbing code adopted under Section 1301.255; or

(9) failing to supervise plumbing as required by this chapter or commission rule.

[~~(b) Retesting procedures may be used to determine whether grounds exist for suspension or revocation of a license, endorsement, or registration due to incompetence or a wilful violation by a person licensed under this chapter.~~]

SECTION 41. Section 1301.501(b), Occupations Code, is amended to read as follows:

(b) The commission [~~board~~] shall adopt rules under this section that include a list describing the types of plumbing to which this section applies.

SECTION 42. Section 1301.502(a), Occupations Code, is amended to read as follows:

(a) A [~~field representative,~~] water district plumbing inspector[~~,~~] or, within the jurisdiction of the municipality, municipal plumbing inspector may issue a citation to a person who engages in conduct described by Section 1301.508.

SECTION 43. Sections 1301.507 and 1301.5071, Occupations Code, are amended to read as follows:

Sec. 1301.507. CIVIL PENALTY. A person who violates this chapter or a rule, permit, or order of the commission issued under this chapter [~~board~~] is subject to a civil penalty of not less than $50 or more than $1,000 for each act of violation and for each day of violation after notice is provided to the person.

Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE; RESTITUTION. (a) The commission [~~board~~] by rule shall establish procedures under which an informal settlement conference is conducted to resolve a complaint against a person licensed under this chapter.

(b) Subject to Subsection (c), the executive director [~~board~~] may order a person licensed under this chapter to pay restitution to a person as provided in an agreement resulting from an informal settlement conference instead of or in addition to assessing an administrative penalty [~~under Subchapter N~~].

(c) The amount of restitution ordered as provided by an agreement resulting from an informal settlement conference may not exceed the amount the person paid to the license holder for a service regulated by this chapter. The executive director [~~board~~] may not require payment of other damages or estimate harm in a restitution order.

SECTION 44. Section 1301.551(g), Occupations Code, is amended to read as follows:

(g) A [~~responsible master plumber,~~] plumbing contractor[~~,~~] or other person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

SECTION 45. Section 1301.552, Occupations Code, is amended to read as follows:

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION. A political subdivision that requires a plumbing contractor [~~responsible master plumber~~] or an agent of a plumbing contractor

[~~responsible master plumber~~] to obtain a permit before performing plumbing in the political subdivision shall verify through the department's [~~board's~~] Internet website, or by contacting the department [~~board~~] by telephone, that the plumbing contractor [~~responsible master plumber~~] has on file with the department [~~board~~] a certificate of insurance. The certificate of insurance must:

(1) be written by an insurer authorized to engage in the business of insurance in this state or an eligible surplus lines insurer under Chapter 981[~~, as defined by Section 981.002~~], Insurance Code;

(2) provide for commercial general liability insurance for the plumbing contractor [~~responsible master plumber~~] for a claim for property damage or bodily injury, regardless of whether the claim arises from negligence or on a contract; and

(3) provide coverage of not less than $300,000 for all claims arising in a one-year period.

SECTION 46. Sections 1301.652(a) and (b), Occupations Code, are amended to read as follows:

(a) The department [~~board~~] and the Texas Workforce Commission shall, through the local workforce development boards, coordinate efforts to educate the public about the plumbing profession and the resources available to employers for the recruitment and training of plumbers, including providing:

(1) each local workforce development board with:

(A) information about the licensing requirements for the plumbing profession; and

(B) available statistical data regarding plumbing; and

(2) a link to each agency's Internet site and to the Internet sites of other local workforce development boards.

(b) The department [~~board~~] may, during public and industry awareness seminars, raise awareness of the career ladder in the plumbing industry and the opportunities that plumbing apprenticeships offer.

SECTION 47. Section 132.002(a), Education Code, is amended to read as follows:

(a) The following schools or educational institutions may be exempted from this chapter by the commission under Subsection (d):

(1) a school or educational institution supported by taxation from either a local or state source;

(2) a nonprofit school owned, controlled, operated, and conducted by a bona fide religious, denominational, eleemosynary, or similar public institution exempt from property taxation under the laws of this state;

(3) a school or training program that offers instruction of purely avocational or recreational subjects as determined by the commission;

(4) a course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student;

(5) a course or courses of study or instruction sponsored by a recognized trade, business, or professional organization for the instruction of the members of the organization with a closed membership;

(6) a private college or university that awards a recognized baccalaureate, or higher degree, and that maintains and operates educational programs for which a majority of the credits given are transferable to a college, junior college, or university supported entirely or partly by taxation from either a local or state source;

(7) a school or course that is otherwise regulated and approved under and pursuant to any other law or rulemaking process of this state or approved for continuing education credit by an organization that accredits courses for the maintenance of a license, except as provided by Subsection (c);

(8) an aviation school or instructor approved by and under the supervision of the Federal Aviation Administration;

(9) a school that offers intensive review of a student's acquired education, training, or experience to prepare the student for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree program;

(10) a private school offering primary or secondary education, which may include a kindergarten or prekindergarten program, and that satisfies the compulsory attendance requirements of Section 25.085 pursuant to Section 25.086(a)(1);

(11) a course or courses of instruction by bona fide electrical trade associations for the purpose of preparing students for electrical tests required for licensing and for the purpose of providing continuing education to students for the renewal of electrical licenses;

(12) a nonprofit arts organization that has as its primary purpose the provision of instruction in the dramatic arts and the communications media to persons younger than 19 years of age;

(13) a course or training program conducted by a nonprofit association of air conditioning and refrigeration contractors approved by the Air Conditioning and Refrigeration Contractors Advisory Board to provide instruction for technical, business, or license examination preparation programs relating to air conditioning and refrigeration contracting, as that term is defined by Chapter 1302, Occupations Code;

(14) a course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, registration [~~certification~~], or endorsement or to provide continuing education approved by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~]; and

(15) a course of instruction in the use of technological hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the commission.

SECTION 48. Section 411.122(d), Government Code, is amended to read as follows:

(d) The following state agencies are subject to this section:

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;
(3) Texas Board of Chiropractic Examiners;
(4) State Board of Dental Examiners;
(5) Texas Board of Professional Engineers;
(6) Texas Funeral Service Commission;
(7) Texas Board of Professional Geoscientists;
(8) Health and Human Services Commission [~~Department of State Health Services~~], except as provided by Section 411.110, and agencies attached to the commission [~~department~~], including:
(A) Texas State Board of Examiners of Marriage and Family Therapists;
(B) Texas State Board of Examiners of Professional Counselors; and
(C) Texas State Board of Social Worker Examiners;
(9) Texas Board of Professional Land Surveying;
(10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;
(11) Texas Commission on Environmental Quality;
(12) Texas Board of Occupational Therapy Examiners;
(13) Texas Optometry Board;
(14) Texas State Board of Pharmacy;
(15) Texas Board of Physical Therapy Examiners;
(16) [~~Texas State Board of Plumbing Examiners;~~
[~~(17) Texas State Board of Podiatric Medical Examiners;~~
[~~(18)~~] Texas State Board of Examiners of Psychologists;
(17) [~~(19)~~] Texas Real Estate Commission;
(18) [~~(20)~~] Texas Department of Transportation;
(19) [~~(21)~~] State Board of Veterinary Medical Examiners;
(20) [~~(22)~~] Texas Department of Housing and Community Affairs;
(21) [~~(23)~~] secretary of state;
(22) [~~(24)~~] state fire marshal;
(23) [~~(25)~~] Texas Education Agency;
(24) [~~(26)~~] Department of Agriculture; and
(25) [~~(27)~~] Texas Department of Motor Vehicles.

SECTION 49. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:
(1) Texas Board of Chiropractic Examiners;
(2) Judicial Branch Certification Commission;
(3) State Board of Dental Examiners;
(4) Texas Funeral Service Commission;
(5) Texas Board of Professional Land Surveying;
(6) Texas Medical Board;
(7) Texas Board of Nursing;
(8) Texas Optometry Board;

(9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;

(10) Texas State Board of Pharmacy;

(11) Executive Council of Physical Therapy and Occupational Therapy Examiners;

(12) [~~Texas State Board of Plumbing Examiners;~~

[~~(13) Texas State Board of Podiatric Medical Examiners;~~

[~~(14)~~] Texas State Board of Examiners of Psychologists;

(13) [~~(15)~~] State Board of Veterinary Medical Examiners;

(14) [~~(16)~~] Texas Real Estate Commission;

(15) [~~(17)~~] Texas Appraiser Licensing and Certification Board;

(16) [~~(18)~~] Texas Department of Licensing and Regulation;

(17) [~~(19)~~] Texas State Board of Public Accountancy;

(18) [~~(20)~~] State Board for Educator Certification;

(19) [~~(21)~~] Texas Board of Professional Engineers;

(20) Health and Human Services Commission [~~(22) Department of State Health Services~~];

(21) [~~(23)~~] Texas Board of Architectural Examiners;

(22) [~~(24)~~] Texas Racing Commission;

(23) [~~(25)~~] Texas Commission on Law Enforcement; and

(24) [~~(26)~~] Texas Private Security Board.

SECTION 50. Sections 341.034(d) and (e), Health and Safety Code, are amended to read as follows:

(d) A person who inspects homes and businesses to identify potential or actual cross-connections or other contaminant hazards in public water systems must hold a license issued by the commission under Chapter 37, Water Code, unless the person is licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~] as a plumbing inspector or water supply protection specialist.

(e) Unless the person is licensed by the Texas Department of Licensing and Regulation to perform plumbing [~~State Board of Plumbing Examiners~~], a person must hold a license issued by the commission under Chapter 37, Water Code, if, under a contract, the person:

(1) installs, exchanges, connects, maintains, or services potable water treatment equipment and appliances in public or private water systems; or

(2) analyzes water to determine how to treat influent or effluent water, alter or purify water, or add or remove a mineral, chemical, or bacterial content or substance as part of the complete installation, exchange, connection, maintenance, or service of potable water treatment equipment and appliances.

SECTION 51. Section 341.042(b-2), Health and Safety Code, is amended to read as follows:

(b-2) A person who installs and maintains rainwater harvesting systems that are connected to a public water supply system and are used for potable purposes must be licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~] as a master plumber or journeyman plumber and hold an endorsement issued by the department [~~board~~] as a water supply protection specialist.

SECTION 52. Section 341.068(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner shall adopt rules to implement Subsection (a), including a rule that in providing sufficient restrooms a ratio of not less than 2:1 women's-to-men's restrooms or other minimum standards established in consultation with the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~] shall be maintained if the use of the restrooms is designated by gender. The rules shall apply to facilities where the public congregates and on which construction is started on or after January 1, 1994, or on which structural alterations, repairs, or improvements exceeding 50 percent of the entire facility are undertaken on or after January 1, 1994.

SECTION 53. Section 372.003(d), Health and Safety Code, is amended to read as follows:

(d) Rules adopted or amended under this section shall be developed by the commission in conjunction with a technical advisory panel of designated representatives of the Texas Water Development Board and the Texas [~~State Board of~~] Plumbing Advisory Board established under Subchapter C, Chapter 1301, Occupations Code [~~Examiners~~].

SECTION 54. Sections 372.0035(f) and (h), Health and Safety Code, are amended to read as follows:

(f) If a person licensed under Chapter 1301, Occupations Code, violates this section, the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~] may discipline the person [~~under Subchapter I of that chapter~~] as if a violation of this section were a violation of Chapter 1301, Occupations Code [~~that chapter~~].

(h) Within [~~A field representative of the Texas State Board of Plumbing Examiners or, within~~] the jurisdiction of a municipality, a municipal plumbing inspector may issue a citation to a person who violates this section.

SECTION 55. Section 233.154(a), Local Government Code, is amended to read as follows:

(a) A person who builds new residential construction described by Section 233.153 shall have the construction inspected to ensure building code compliance in accordance with this section as follows:

(1) for new residential construction on a vacant lot, a minimum of three inspections must be performed during the construction project to ensure code compliance, as applicable, at the following stages of construction:

(A) the foundation stage, before the placement of concrete;

(B) the framing and mechanical systems stage, before covering with drywall or other interior wall covering; and

(C) on completion of construction of the residence;

(2) for new residential construction of an addition to an existing residence as described by Section 233.151(a)(2), the inspections under Subdivision (1) must be performed as necessary based on the scope of work of the construction project; and

(3) for new residential construction on a vacant lot and for construction of an addition to an existing residence, the builder:

(A) is responsible for contracting to perform the inspections required by this subsection with:

(i) a licensed engineer;

(ii) a registered architect;

(iii) a professional inspector licensed by the Texas Real Estate Commission;

(iv) a plumbing inspector employed by a municipality and licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~];

(v) a building inspector employed by a political subdivision; or

(vi) an individual certified as a residential combination inspector by the International Code Council; and

(B) may use the same inspector for all the required inspections or a different inspector for each required inspection.

SECTION 56. Section 113.081(d), Natural Resources Code, is amended to read as follows:

(d) The commission by rule may exempt from Section 113.082(a)(4) [~~of this code~~] journeymen or master plumbers licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~].

SECTION 57. Section 113.087(o), Natural Resources Code, is amended to read as follows:

(o) The commission by rule may exempt from any provision of this section:

(1) a journeyman or master plumber licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~];

(2) a person licensed under Chapter 1302, Occupations Code; or

(3) company representatives, operations supervisors, or employees of a testing laboratory that was registered under former Section 113.135 prior to the effective date of this subsection.

SECTION 58. Section 113.097(j), Natural Resources Code, is amended to read as follows:

(j) The commission by rule may exempt from the insurance requirements of this section or adopt a reasonable alternative to those requirements for:

(1) a master or journeyman plumber licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~]; or

(2) a person licensed under Chapter 1302, Occupations Code.

SECTION 59. Section 1903.002(b), Occupations Code, is amended to read as follows:

(b) The licensing requirements of this chapter do not apply to a person who is:

(1) licensed, endorsed, or registered by the Texas Department of Licensing and Regulation to perform plumbing [~~Texas State Board of Plumbing Examiners~~]; or

(2) a licensed engineer, registered architect, or registered landscape architect to the extent the person's acts are incidental to the pursuit of the person's profession.

SECTION 60. The following provisions of the Occupations Code are repealed:

(1) Sections 51.351(c) and (d);

(2) Section 1301.002(9-a);

(3) Section 1301.003;

(4) Section 1301.153;
(5) Section 1301.155;
(6) Section 1301.156;
(7) Section 1301.159;
(8) Section 1301.201;
(9) Section 1301.204;
(10) Section 1301.205;
(11) Section 1301.207;
(12) Section 1301.208;
(13) Section 1301.252;
(14) Section 1301.254;
(15) Section 1301.256;
(16) Section 1301.258, as added by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular Session, 2003;
(17) Section 1301.258, as added by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular Session, 2003;
(18) Section 1301.259;
(19) Section 1301.260;
(20) Section 1301.261;
(21) Section 1301.301;
(22) Section 1301.3015;
(23) Section 1301.303;
(24) Section 1301.304;
(25) Section 1301.351(a-2);
(26) Section 1301.3521;
(27) Section 1301.355;
(28) Section 1301.356(c);
(29) Section 1301.3565(c);
(30) Section 1301.357(c);
(31) Section 1301.358;
(32) Section 1301.3585;
(33) Section 1301.402;
(34) Section 1301.403;
(35) Section 1301.451;
(36) Section 1301.4521;
(37) Section 1301.4522;
(38) Section 1301.453;
(39) Section 1301.454;
(40) Section 1301.502(b);
(41) Section 1301.504;
(42) Section 1301.5045;
(43) Section 1301.505;
(44) Section 1301.506; and
(45) Subchapter N, Chapter 1301.

SECTION 61. (a) The Texas State Board of Plumbing Examiners is abolished but continues in existence until September 1, 2020, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation assumes all of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners as they exist immediately before the effective date of this Act. All unexpended funds appropriated to the Texas State Board of Plumbing Examiners are transferred to the Texas Department of Licensing and Regulation.

(b) The Texas State Board of Plumbing Examiners and the Texas Department of Licensing and Regulation shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners to the Texas Department of Licensing and Regulation is completed not later than September 1, 2020.

(c) All rules of the Texas State Board of Plumbing Examiners are continued in effect as rules of the Texas Department of Licensing and Regulation until superseded by a rule of the Texas Department of Licensing and Regulation. A license, endorsement, or certificate of registration issued by the Texas State Board of Plumbing Examiners is continued in effect as provided by the law in effect immediately before the effective date of this Act. An application for a license, endorsement, or certificate of registration pending on the effective date of this Act is continued without change in status after the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act.

(d) Unless the context indicates otherwise, a reference to the Texas State Board of Plumbing Examiners in a law or administrative rule means the Texas Department of Licensing and Regulation.

SECTION 62. Notwithstanding any other provision of this Act:

(1) the authorization of a person holding a designation on September 1, 2019, to act as a responsible master plumber continues in effect until September 1, 2020;

(2) a person is not required to hold a plumbing contractor license to perform or offer to perform plumbing for compensation until September 1, 2020; and

(3) a person holding a designation to act as a responsible master plumber on September 1, 2019, may apply at no cost to the person for a plumbing contractor license until September 1, 2020, and after September 1, 2020, if the person applies for a plumbing contractor license, the person shall pay any fee required by law for the plumbing contractor license.

SECTION 63. (a) Not later than December 1, 2019, the governor shall appoint members to the Texas Plumbing Advisory Board in accordance with Section 1301.151, Occupations Code, as amended by this Act. A member whose term expired under Section 61 of this Act is eligible for appointment to the advisory board.

(b) The members of the Texas State Board of Plumbing Examiners whose terms expire under Section 61 of this Act shall continue to provide advice to the Texas Department of Licensing and Regulation until a majority of the members of the advisory board are appointed under Subsection (a) of this section and qualified.

SECTION 64. (a) Not later than:

(1) September 1, 2021, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's name, date of birth, and other alphanumeric identifiers on each person who:

(A) on September 1, 2019, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's name or fingerprints on submission of the person's initial license application; and

(2) September 1, 2023, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's fingerprints on each person who:

(A) on September 1, 2019, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's fingerprints on submission of the person's initial license application.

(b) The Texas Department of Licensing and Regulation may suspend the license of a person who holds a license under Chapter 1301, Occupations Code, who does not comply with a request by the department to provide information or fingerprints, in a form and manner prescribed by the department, that would enable the department to obtain criminal history record information as required by this section.

SECTION 65. (a) A violation of a law that is repealed by this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

(b) For purposes of this section, a violation was committed before September 1, 2019, if any element of the violation occurred before that date.

SECTION 66. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 67. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 621** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 601

Senator Hall submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 601** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HALL	PADDIE
BIRDWELL	FLYNN
BUCKINGHAM	LAMBERT
CAMPBELL	NEVÁREZ
WATSON	
On the part of the Senate	On the part of the House

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 denied claims assistance services; and

(3) 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 Subsection (b-1) to read as follows:

(b) To be appointed as an officer a person must:

(1) be qualified by education and training for the duties of the office; and

(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~~].

(b-1) In appointing an officer, the commissioners court shall give preference to a veteran who qualifies for a veteran's employment preference under Chapter 657. A commissioners court shall adopt and implement a county policy to give preference in appointing officers to veterans.

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; and

(4) have experience in providing trauma-informed care, with preference given to a candidate with at least two years of that experience.

SECTION 9. Section 434.033(c), Government Code, is repealed.

SECTION 10. (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 11. 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 12. (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 13. 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 14. (a) Subject to Subsection (b) of this section, Section 434.3525, Government Code, as added by this Act, applies only to an individual appointed to the position of program director under Section 434.352(c), Government Code, as amended by this Act, on or after the effective date of this Act.

(b) An individual appointed to the position of program director under Section 434.352(c), Government Code, before the effective date of this Act is not eligible to hold that position after September 1, 2021, unless the individual satisfies the eligibility requirements under Section 434.3525, Government Code, as added by this Act, on or before September 1, 2021.

SECTION 15. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 601** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2747

Senator Rodríguez submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2747** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

RODRÍGUEZ	S. THOMPSON
HUFFMAN	GUILLEN
NICHOLS	LANDGRAF
HANCOCK	ORTEGA
ZAFFIRINI	GOLDMAN
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2747** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 684

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 684** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES	CLARDY
BETTENCOURT	DUTTON
CAMPBELL	M. GONZÁLEZ
LUCIO	MEYER
PAXTON	VANDEAVER
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 684** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3745

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3745** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BIRDWELL	C. BELL
HINOJOSA	CAPRIGLIONE
HUGHES	M. GONZÁLEZ
NELSON	LONGORIA
TAYLOR	ZERWAS
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3745** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 410

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 410** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

JOHNSON	WHITE
FLORES	PRICE
HUFFMAN	SHEFFIELD
NICHOLS	SHERMAN
RODRÍGUEZ	ZEDLER
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 410** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 722

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 722** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY	LARSON
CREIGHTON	DOMINGUEZ
JOHNSON	FARRAR
KOLKHORST	METCALF
RODRÍGUEZ	PRICE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 722** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 500

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 500** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NELSON	ZERWAS
HINOJOSA	CAPRIGLIONE
HUFFMAN	M. GONZÁLEZ
KOLKHORST	MILLER
TAYLOR	ROSE
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to making supplemental appropriations and reductions in appropriations and giving direction, including direction regarding reimbursement, and adjustment authority regarding appropriations.

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

SECTION 1. COMPTROLLER OF PUBLIC ACCOUNTS: TEXAS TOMORROW FUND. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the amount necessary to fund the prepaid higher education tuition program described by Section 19, Article VII, Texas Constitution, for the two-year period beginning on the effective date of this Act (estimated to be $210,981,159) is appropriated from the economic stabilization fund to the comptroller of public accounts for that period for the purpose of immediately depositing that amount in the Texas tomorrow fund created under that section.

SECTION 2. APPROPRIATION REDUCTION: FACILITIES COMMISSION. The unencumbered appropriations from the general revenue fund to the Facilities Commission made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for lease payments are reduced by $22,589,128. The commission shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 3. APPROPRIATION REDUCTION: PUBLIC FINANCE AUTHORITY. The unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for bond debt service payments, including appropriations subject to Rider 3, page I-48, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the authority, are reduced by a total aggregate of

$35,078,954. The authority shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 4. APPROPRIATION REDUCTION: OFFICE OF THE ATTORNEY GENERAL. (a) It is the intent of the legislature that the Texas Child Support Enforcement System 2.0 project be canceled as of the effective date of this Act.

(b) The unencumbered appropriations from the general revenue fund to the Office of the Attorney General made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for Strategy B.1.1., Child Support Enforcement, as listed in that Act, are reduced by $21,799,752, including $11,370,987 from the Child Support Retained Collection Account.

SECTION 5. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR: DISASTER GRANTS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $100,000,000 is appropriated from the economic stabilization fund to the Trusteed Programs within the Office of the Governor for the two-year period beginning on the effective date of this Act for disaster grants under Strategy A.1.1., Disaster Funds, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 6. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR: SURGE OPERATIONS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $100,000,000 is appropriated from the economic stabilization fund to the Trusteed Programs Within the Office of the Governor for the two-year period beginning on the effective date of this Act for surge operations necessary to secure the border under Strategy B.1.3., Homeland Security, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act). Funds appropriated under this subsection may be allocated as authorized by Section 421.072, Government Code.

(b) It is the intent of the legislature that the Trusteed Programs Within the Office of the Governor work with the United States Department of Homeland Security to secure full federal reimbursement for funds appropriated under Subsection (a) of this section, to be deposited to the credit of the economic stabilization fund as provided by Section 88 of this Act.

SECTION 7. LIBRARY AND ARCHIVES COMMISSION: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $4,400,000 is appropriated from the general revenue fund to the Library and Archives Commission for the two-year period beginning on the effective date of this Act for renovating the Promontory Point Drive facility in the City of Austin, Texas, for the storage of public records.

SECTION 8. TEXAS HISTORICAL COMMISSION: NATIONAL MUSEUM OF THE PACIFIC WAR. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $2,149,600 is appropriated from the economic stabilization fund to the Texas Historical Commission for the two-year period beginning on the effective date of this Act for capital projects at the National

Museum of the Pacific War under Strategy A.1.4., Historic Sites, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), including:

(1) updates to the electrical, security, and heating, ventilation, and air conditioning systems;

(2) projects to address accessibility issues;

(3) exterior, roofing, and structural repairs to the Nimitz Barn maintenance area;

(4) refurbishment of the Bush Gallery to address wear and tear from visitor volume; and

(5) technology upgrades to exhibits in the Bush Gallery.

SECTION 9. TEXAS HISTORICAL COMMISSION: COURTHOUSE PRESERVATION GRANTS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $25,000,000 is appropriated from the economic stabilization fund to the Texas Historical Commission for the two-year period beginning on the effective date of this Act for courthouse preservation grants under Strategy A.1.3., Courthouse Preservation, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 10. TEXAS HISTORICAL COMMISSION: DEFERRED MAINTENANCE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, and in addition to other amounts appropriated by this Act, the following amounts are appropriated from the economic stabilization fund to the Texas Historical Commission for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for deferred maintenance projects:

(1) $300,000 for Strategy A.1.1., Architectural Assistance; and

(2) $2,586,250 for Strategy A.1.4., Historic Sites.

SECTION 11. TEXAS HISTORICAL COMMISSION: LEVI JORDAN PLANTATION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, and in addition to other amounts appropriated by this Act, $2,000,000 is appropriated from the economic stabilization fund to the Texas Historical Commission for the two-year period beginning on the effective date of this Act for historic site planning at the Levi Jordan Plantation, including architectural, engineering, interpretive, and site survey services and collections conservation and acquisition to develop museum exhibits, under Strategy A.1.4., Historic Sites, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 12. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: FOSTER CARE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $88,585,541 is appropriated from the general revenue fund to the Department of Family and Protective Services for the state fiscal year ending August 31, 2019, for foster care payments under Strategy B.1.9., Foster Care Payments, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 13. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: RELATIVE CAREGIVER PAYMENTS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $6,833,593 is appropriated from the general revenue fund to the Department of Family and Protective Services for the state fiscal year ending August 31, 2019, for relative caregiver payments under Strategy B.1.11., Relative Caregiver Payments, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

(b) The unencumbered appropriations from federal Temporary Assistance for Needy Families (TANF) funds to the Department of Family and Protective Services made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for relative caregiver payments under Strategy B.1.11., Relative Caregiver Payments, as listed in that Act, are reduced by $8,481,040.

SECTION 14. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: DAY CARE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $5,000,000 is appropriated from federal Child Care and Development Block Grant funds to the Department of Family and Protective Services for the state fiscal year ending August 31, 2019, for day care payments under Strategy B.1.3., TWC Contracted Day Care, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 15. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: PURCHASED CLIENT SERVICES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the general revenue fund to the Department of Family and Protective Services for the state fiscal year ending August 31, 2019, for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for purchased client services:

(1) $4,908,619 for Strategy B.1.4., Adoption Purchased Services;

(2) $10,550,475 for Strategy B.1.7., Substance Abuse Purchased Services; and

(3) $5,792,750 for Strategy B.1.8., Other CPS Purchased Services.

SECTION 16. DEPARTMENT OF STATE HEALTH SERVICES: X-ALD NEWBORN SCREENING. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $7,927,458 is appropriated from the general revenue fund to the Department of State Health Services for the two-year period beginning on the effective date of this Act for screening newborns for X-linked adrenoleukodystrophy (X-ALD) under Strategy A.4.1., Laboratory Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 17. DEPARTMENT OF STATE HEALTH SERVICES: EMERGENCY GENERATOR. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $12,000,000 is appropriated from the economic stabilization fund to the Department of State Health Services for the two-year period beginning on the effective date of this Act for an emergency

generator for the Austin laboratory to continue laboratory functions during a power outage under Strategy A.4.1., Laboratory Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 18. DEPARTMENT OF STATE HEALTH SERVICES: TRAUMA CAPACITY AND RESPONSE INFRASTRUCTURE. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $17,000,000 is appropriated from the economic stabilization fund to the Department of State Health Services for the two-year period beginning on the effective date of this Act for increasing trauma capacity and improving related trauma response infrastructure under Strategy B.2.1., EMS and Trauma Care Systems, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

(b) Of the amount appropriated under Subsection (a) of this section, $2,000,000 may be used only to provide funding in accordance with Section 780.004, Health and Safety Code, to trauma service area regional advisory councils for improving emergency management services.

(c) Of the amount appropriated under Subsection (a) of this section, $15,000,000 may be used only to provide funding in accordance with Section 780.004, Health and Safety Code, to hospitals that demonstrate regional need and the ability to efficiently and effectively increase trauma capacity and improve related trauma response infrastructure. The Department of State Health Services shall allocate:

(1) at least 40 percent of that amount to provide funding to hospitals in the Rio Grande Valley, prioritizing, to the extent consistent with general law, primary teaching hospitals in that region with a general surgery residency program pursuing designation as a level I trauma facility; and

(2) not more than 40 percent of that amount to provide funding to hospitals located in a region directly affected by Hurricane Harvey.

(d) Any funding provided to an entity under Subsection (b) or (c) of this section that is not spent for the purpose for which the funding was provided must be returned to the state.

(e) The unexpended balance of money allocated as provided by Subsection (b) or (c) of this section as of August 31, 2020, is appropriated to the Department of State Health Services for the state fiscal year ending August 31, 2021, for the purpose for which it was allocated.

SECTION 19. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID SHORTFALL. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $2,000,000,000 is appropriated from the general revenue fund, and $2,150,000,000 is appropriated from federal funds, to the Health and Human Services Commission for the state fiscal year ending August 31, 2019, for Medicaid client services under Goal A, Medicaid Client Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

(b) Of the amounts appropriated under Subsection (a) of this section, the Health and Human Services Commission shall transfer the following amounts from Goal A, Medicaid Client Services, to the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act):

(1) $5,500,000 to Strategy D.2.3., Community Mental Health Crisis Services; and

(2) $2,000,000 to Strategy D.2.2., Community Mental Health Services - Children.

SECTION 20. HEALTH AND HUMAN SERVICES COMMISSION: RATE INCREASE FOR CHILDREN'S HOSPITALS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $50,000,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the two-year period beginning on the effective date of this Act for a rate increase for children's hospitals under Strategy A.1.5., Children, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 21. HEALTH AND HUMAN SERVICES COMMISSION: REPLACEMENT OF MONEY TRANSFERRED TO ADDRESS NEEDS RESULTING FROM HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $110,000,000 is appropriated from the economic stabilization fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2019, for Medicaid client services under Strategy A.1.5., Children, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to replace money transferred from that strategy to disaster assistance programs to address needs resulting from Hurricane Harvey.

SECTION 22. HEALTH AND HUMAN SERVICES COMMISSION: STATE HOSPITAL CONSTRUCTION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $445,354,363 is appropriated from the economic stabilization fund to the Health and Human Services Commission for the two-year period beginning on the effective date of this Act for continuing improvements to state hospital facilities under Strategy G.4.2., Facility Capital Repairs and Renovations, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), as follows:

(1) $90,054,363 for construction of a 100-bed non-maximum security unit at Rusk State Hospital;

(2) $165,000,000 to begin construction of a 240-bed replacement campus of Austin State Hospital; and

(3) $190,300,000 to begin construction of a 300-bed replacement campus of San Antonio State Hospital.

SECTION 23. APPROPRIATION REDUCTION: HEALTH AND HUMAN SERVICES COMMISSION. The unencumbered appropriations from the economic stabilization fund to the Health and Human Services Commission made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for Strategy G.4.2., Facility Capital Repairs and Renovations, as listed in that Act, and

subject to Rider 221(b), page II-111, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the commission, are reduced by $2,000,000.

SECTION 24. HEALTH AND HUMAN SERVICES COMMISSION: CERTAIN TRANSFERS. From amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the Health and Human Services Commission shall transfer $6,154,893 from Goal A, Medicaid Client Services, to Strategy B.1.1., Medicaid Contracts and Administration, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use for contingency contracts.

SECTION 25. HEALTH AND HUMAN SERVICES COMMISSION: HEALTHY TEXAS WOMEN PROGRAM SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $10,300,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2019, for the Healthy Texas Women program under Strategy D.1.1., Women's Health Program, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 26. HEALTH AND HUMAN SERVICES COMMISSION: MENTAL HEALTH STATE HOSPITALS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $31,700,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2019, for mental health state hospital services under Strategy G.2.1., Mental Health State Hospitals, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 27. HEALTH AND HUMAN SERVICES COMMISSION: EARLY CHILDHOOD INTERVENTION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $1,500,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2019, for early childhood intervention under Strategy D.1.3., Early Childhood Intervention Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 28. HEALTH AND HUMAN SERVICES COMMISSION: STATE SUPPORTED LIVING CENTERS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $10,100,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2019, for state supported living centers under Strategy G.1.1., State Supported Living Centers, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 29. HEALTH AND HUMAN SERVICES COMMISSION: REPURPOSE OF EXPENDITURE OF FUNDS. Notwithstanding Section 20 of the Special Provisions Relating to All Health and Human Services Agencies, page II-124, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), the Health and Human Services Commission may use

$63,832,747 of the amount appropriated under that Act to the commission for Goal A, Medicaid Client Services, as listed in that Act and designated under that rider for use only for the health insurance providers fee, for Medicaid client services.

SECTION 30. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY; SUM-CERTAIN APPROPRIATION FOR FOUNDATION SCHOOL PROGRAM. (a) The unencumbered appropriations from the Foundation School Fund, general revenue account number 0193, to the Texas Education Agency made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for Strategy A.1.1., FSP - Equalized Operations, as listed in that Act, are reduced by $903,300,000.

(b) Notwithstanding Rider 3, page III-5, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the Texas Education Agency, the sum-certain appropriation to the Foundation School Program for the state fiscal year ending August 31, 2019, is $21,495,735,602.

SECTION 31. TEXAS EDUCATION AGENCY: SPECIAL EDUCATION SUPPORTS AND MAINTENANCE OF STATE FINANCIAL SUPPORT FOR SPECIAL EDUCATION. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the economic stabilization fund to the Texas Education Agency for the two-year period beginning on the effective date of this Act for the following purposes:

(1) $33,302,428 to offset federal funds withheld or expected to be withheld as a result of a failure to maintain state financial support for special education under 20 U.S.C. Section 1412(a)(18) during the state fiscal year ending August 31, 2012;

(2) $74,626,551 to negotiate a settlement agreement with the federal government to prevent the withholding of federal funds as a result of a failure to maintain state financial support for special education under 20 U.S.C. Section 1412(a)(18) during the state fiscal years ending August 31, 2017 (estimated to be $41,594,326), and August 31, 2018 (estimated to be $33,032,225); and

(3) $111,625,833 for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to prevent a failure to maintain state financial support for special education under 20 U.S.C. Section 1412(a)(18) during the state fiscal year ending August 31, 2019:

(A) $50,000,000 for Strategy A.2.3., Students with Disabilities, for grants to reimburse school districts for:

(i) providing extended school year services to students enrolled in a special education program under Subchapter A, Chapter 29, Education Code;

(ii) costs related to identification of students eligible to participate in a school district's special education program under Section 29.003, Education Code, including full individual and initial evaluations and independent education evaluations; and

(iii) compensatory services costs related to the provision of services to students under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.);

(B) $478,500 for information technology needs related to special education supports under Strategy B.3.5., Information Systems - Technology; and

(C) $61,147,333 for special education funding under Strategy A.1.1., FSP - Equalized Operations.

(b) The amount appropriated under Subsection (a)(1) of this section must be used in the same manner and for the same purposes as the withheld federal funds would have been provided.

(c) The amounts appropriated under Subsections (a)(2) and (3)(C) of this section must be used to provide funding for public schools under Strategy A.1.1., FSP - Equalized Operations, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to be distributed for each full-time equivalent student in average daily attendance in a special education program under Subchapter A, Chapter 29, Education Code, in proportion to the applicable weight for the student under the public school finance system.

(d) Not later than December 31, 2020, the Texas Education Agency shall report to the Legislative Budget Board and the office of the governor regarding the use of funds appropriated under Subsection (a)(3)(A) of this section.

SECTION 32. TEXAS EDUCATION AGENCY: POST-DISASTER SCHOOL SAFETY. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $10,930,000 is appropriated from the economic stabilization fund to the Texas Education Agency for the two-year period beginning on the effective date of this Act to provide a grant to a school district that experienced a school shooting resulting in one or more fatalities that occurred during the state fiscal biennium ending August 31, 2019.

(b) The Texas Education Agency may provide a grant to a school district with funding appropriated under Subsection (a) of this section only for uses relating to necessary and appropriate post-disaster recovery approved by the agency in accordance with procedures adopted under general law.

SECTION 33. TEXAS EDUCATION AGENCY: ADDITIONAL APPROPRIATIONS FOR SCHOOL SAFETY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $100,000,000 is appropriated from the economic stabilization fund to the Texas Education Agency for the two-year period beginning on the effective date of this Act to provide funding to public schools, including the School for the Blind and Visually Impaired and the School for the Deaf, under Strategy B.2.2., Health and Safety, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for:

(1) exterior doors with push bars;

(2) metal detectors at school entrances;

(3) erected vehicle barriers;

(4) security systems that monitor and record school entrances, exits, and hallways;

(5) campus-wide active shooter alarm systems that are separate from fire alarms;

(6) two-way radio systems;

(7) perimeter security fencing;

(8) bullet-resistant glass or film for school entrances; and

(9) door-locking systems.

SECTION 34. TEXAS EDUCATION AGENCY: EXPENSES RELATED TO HURRICANE HARVEY. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the economic stabilization fund to the Texas Education Agency for the state fiscal year ending August 31, 2019, for Strategy A.1.1., FSP - Equalized Operations, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for the following purposes related to increased state costs under the Foundation School Program resulting from Hurricane Harvey:

(1) $271,300,000 for:

(A) increased student costs;

(B) the reduction in school district property values; and

(C) the reduction of the amount owed by school districts under Chapter 41, Education Code, due to disaster remediation costs as provided by Section 41.0931, Education Code; and

(2) $535,200,000 for the adjustment of school district property values under Section 42.2523, Education Code, and reimbursement to school districts for disaster remediation costs under Section 42.2524, Education Code.

(b) In addition to other amounts appropriated for the state fiscal year ending August 31, 2019, $636,000,000 is appropriated from the economic stabilization fund to the Texas Education Agency for the two-year period beginning on the effective date of this Act for the increased state costs under the Foundation School Program resulting from the reduction in school district property values associated with Hurricane Harvey.

SECTION 35. TEXAS EDUCATION AGENCY: ADULT HIGH SCHOOL DIPLOMA AND INDUSTRY CERTIFICATION CHARTER SCHOOL PILOT PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $37,657 is appropriated from the general revenue fund to the Texas Education Agency for the state fiscal year ending August 31, 2019, for the adult high school diploma and industry certification charter school pilot program under Section 29.259, Education Code, under Strategy A.2.1., Statewide Educational Programs, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 36. UNIVERSITY OF TEXAS AT AUSTIN: MARINE SCIENCE INSTITUTE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $10,200,000 is appropriated from the economic stabilization fund to The University of Texas at Austin for the two-year period beginning on the effective date of this Act for storm damage prevention and compliance and the mitigation of damages related to Hurricane Harvey under Strategy C.2.1., Marine Science Institute, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 37. UNIVERSITY OF HOUSTON: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $20,288,883 is appropriated from the economic stabilization fund to the University of Houston for the two-year period beginning on the effective date of this Act for expenses related to Hurricane Harvey.

SECTION 38. UNIVERSITY OF HOUSTON - CLEARLAKE: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $83,668 is appropriated from the economic stabilization fund to the University of Houston - Clear Lake for the two-year period beginning on the effective date of this Act for expenses related to Hurricane Harvey.

SECTION 39. UNIVERSITY OF HOUSTON - DOWNTOWN: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $4,000,000 is appropriated from the economic stabilization fund to the University of Houston - Downtown for the two-year period beginning on the effective date of this Act for expenses related to Hurricane Harvey.

SECTION 40. UNIVERSITY OF HOUSTON - VICTORIA: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $1,703,828 is appropriated from the economic stabilization fund to the University of Houston - Victoria for the two-year period beginning on the effective date of this Act for expenses related to Hurricane Harvey.

SECTION 41. TEXAS SOUTHERN UNIVERSITY: THERMAL PLANT AND STEAM TUNNEL MAINTENANCE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $16,000,000 is appropriated from the economic stabilization fund to Texas Southern University for the two-year period beginning on the effective date of this Act for the maintenance of the university's central thermal plant and site/steam tunnels.

SECTION 42. LAMAR UNIVERSITY: PROPERTY DAMAGE RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $1,418,585 is appropriated from the economic stabilization fund to Lamar University for the two-year period beginning on the effective date of this Act for property damage related to Hurricane Harvey.

SECTION 43. LAMAR INSTITUTE OF TECHNOLOGY: PROPERTY DAMAGE RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $1,312,657 is appropriated from the economic stabilization fund to Lamar Institute of Technology for the two-year period beginning on the effective date of this Act for property damage related to Hurricane Harvey.

SECTION 44. LAMAR STATE COLLEGE - ORANGE: PROPERTY DAMAGE RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $406,112 is appropriated from the economic stabilization fund to Lamar State College - Orange for the two-year period beginning on the effective date of this Act for property damage related to Hurricane Harvey.

SECTION 45. LAMAR STATE COLLEGE - PORT ARTHUR: PROPERTY DAMAGE RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $6,319,458 is appropriated from the economic stabilization fund to Lamar State College - Port Arthur for the two-year period beginning on the effective date of this Act for property damage related to Hurricane Harvey.

SECTION 46. TEXAS STATE TECHNICAL COLLEGE SYSTEM ADMINISTRATION: FACILITY ABATEMENT AND DEMOLITION. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $29,644,640 is appropriated from the general revenue fund to the Texas State Technical College System Administration for the two-year period beginning on the effective date of this Act for the abatement and demolition of certain facilities on the system's Waco campus. The legislature finds there is a demonstrated need to undertake this abatement and demolition.

SECTION 47. TEXAS A&M FOREST SERVICE: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $2,458,240 is appropriated from the economic stabilization fund to the Texas A&M Forest Service for the state fiscal year ending August 31, 2019, for expenses related to Hurricane Harvey.

SECTION 48. TEXAS A&M FOREST SERVICE: WILDFIRES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $54,909,580 is appropriated from the economic stabilization fund to the Texas A&M Forest Service for the state fiscal year ending August 31, 2019, for expenses related to wildfires.

SECTION 49. KILGORE COLLEGE: HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $1,238,238 is appropriated from the general revenue fund to Kilgore College for the state fiscal year ending August 31, 2019, to provide for state contributions for health benefits.

SECTION 50. LONE STAR COLLEGE SYSTEM: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $13,100,000 is appropriated from the economic stabilization fund to the Lone Star College System for the two-year period beginning on the effective date of this Act for expenses related to Hurricane Harvey.

SECTION 51. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT: VISITING JUDGES PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $400,000 is appropriated from the general revenue fund to the Judiciary Section, Comptroller's Department, for the state fiscal year ending August 31, 2019, for visiting judge assignments to fill district court vacancies under Strategy A.1.2., Visiting Judges - Regions, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 52. JUDICIARY SECTION, COMPTROLLER'S DEPARTMENT: LONGEVITY PAY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $523,295 is appropriated from the general revenue fund to the Judiciary Section, Comptroller's Department, for the state fiscal year

ending August 31, 2019, for reimbursing counties for longevity pay made to eligible assistant district attorneys under Strategy D.1.1., Assistant Prosecutor Longevity Pay, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 53. DEPARTMENT OF CRIMINAL JUSTICE: SURVEILLANCE CAMERAS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $26,000,000 is appropriated from the economic stabilization fund to the Department of Criminal Justice for the two-year period beginning on the effective date of this Act for surveillance cameras under Strategy C.1.2., Correctional Support Operations, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 54. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONS INFORMATION TECHNOLOGY SYSTEM PROJECT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $24,164,000 is appropriated from the economic stabilization fund to the Department of Criminal Justice for the two-year period beginning on the effective date of this Act for corrections information technology system projects under Strategy G.1.4., Information Resources, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 55. DEPARTMENT OF CRIMINAL JUSTICE: REPAIR AND REHABILITATION OF BUILDINGS AND FACILITIES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $54,000,000 is appropriated from the economic stabilization fund to the Department of Criminal Justice for the two-year period beginning on the effective date of this Act for the repair and rehabilitation of buildings and facilities under Strategy D.1.1., Major Repair of Facilities, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 56. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $190,000,000 is appropriated from the general revenue fund to the Department of Criminal Justice for the state fiscal year ending August 31, 2019, for correctional managed health care under Strategy C.1.9., Hospital and Clinical Care, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 57. DEPARTMENT OF CRIMINAL JUSTICE: REPLACEMENT OF MONEY TRANSFERRED TO ADDRESS NEEDS RESULTING FROM HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $38,600,000 is appropriated from the economic stabilization fund to the Department of Criminal Justice for the state fiscal year ending August 31, 2019, for agency operations expenses under Strategy C.1.1., Correctional Security Operations, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to replace money transferred from that strategy to disaster assistance programs to address needs resulting from Hurricane Harvey.

SECTION 58. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL OFFICER OVERTIME. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $30,000,000 is appropriated from the general revenue fund to the Department of Criminal Justice for the state fiscal year ending August 31, 2019, for correctional officer overtime under Strategy C.1.1., Correctional Security Operations, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act) .

SECTION 59. JUVENILE JUSTICE DEPARTMENT: SURVEILLANCE CAMERAS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $7,547,000 is appropriated from the economic stabilization fund to the Juvenile Justice Department for the two-year period beginning on the effective date of this Act for surveillance cameras under Strategy F.1.2., Information Resources, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 60. DEPARTMENT OF PUBLIC SAFETY: HELICOPTER REPLACEMENT. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $6,229,489 is appropriated from the economic stabilization fund to the Department of Public Safety for the two-year period beginning on the effective date of this Act for the replacement of one helicopter under Strategy A.1.2., Criminal Interdiction, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 61. DEPARTMENT OF PUBLIC SAFETY: CRIME LABORATORIES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $5,770,426 is appropriated from the general revenue fund to the Department of Public Safety for the state fiscal year ending August 31, 2019, for crime laboratory operations under Strategy E.1.1., Crime Laboratory Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 62. DEPARTMENT OF PUBLIC SAFETY: EXPENSES RELATED TO HURRICANE HARVEY AND OTHER NATURAL DISASTERS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the economic stabilization fund to the Department of Public Safety for the state fiscal year ending August 31, 2019, for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for agency operations expenses related to Hurricane Harvey and other natural disasters:

(1) $34,954,409 for Strategy A.1.1., Organized Crime;

(2) $60,000,000 for Strategy C.1.1., Traffic Enforcement; and

(3) $2,000,000 for Strategy G.1.3., Information Technology.

SECTION 63. COMMISSION ON ENVIRONMENTAL QUALITY: EXPEDITED PROCESSING OF PERMIT APPLICATIONS. Notwithstanding Rider 29, page VI-24, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the Commission on Environmental Quality, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the commission is appropriated for the state fiscal year ending August 31, 2019, all fee revenues

collected from expedited permit review surcharges assessed under Section 382.05155, Health and Safety Code, and deposited to the Clean Air Account No. 151 in excess of the estimated amount of those revenues in the comptroller's biennial revenue estimate for the state fiscal biennium ending August 31, 2019, for costs incurred to support the expedited processing of permit applications.

SECTION 64. COMMISSION ON ENVIRONMENTAL QUALITY: LITIGATION EXPENSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $1,400,000 is appropriated from the general revenue fund to the Commission on Environmental Quality for the state fiscal year ending August 31, 2019, for litigation expenses under Strategy E.1.4., Rio Grande River Compact, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 65. COMMISSION ON ENVIRONMENTAL QUALITY: CAPITAL EXPENDITURES. (a) Notwithstanding Rider 2, page VI-18, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to the bill pattern of the appropriations to the Commission on Environmental Quality, the total amount that the commission may spend for capital budget items for the state fiscal year ending August 31, 2019, is increased by $1,700,000 for security upgrades and replacing carpet.

(b) Notwithstanding Section 14.03, Limitation on Expenditures - Capital Budget, Article IX, Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), the Commission on Environmental Quality may transfer capital budget item appropriations as necessary to make the security upgrades and replace carpet as authorized under Subsection (a) of this section.

SECTION 66. GENERAL LAND OFFICE: EXPENSES RELATED TO HURRICANE HARVEY. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the economic stabilization fund to the General Land Office for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to remove vessels and repair or replace structures or equipment damaged by Hurricane Harvey:

(1) $696,921 for Strategy A.2.1., Asset Management;
(2) $20,459,797 for Strategy B.1.1., Coastal Management;
(3) $430,000 for Strategy B.1.2., Coastal Erosion Control Grants; and
(4) $2,047,454 for Strategy B.2.1., Oil Spill Response.

(b) Contingent on the nonrenewal by the effective date of this Act of federal grant funding awarded by the Federal Emergency Management Agency for the building of emergency short-term housing, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $2,108,755 is appropriated from the economic stabilization fund to the General Land Office for the two-year period beginning on the effective date of this Act for full-time equivalent employees (FTEs) assigned to build emergency short-term housing under Strategy D.1.1., Rebuild Housing, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 67. GENERAL LAND OFFICE: ABANDONED VESSEL REMOVAL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $2,000,000 is appropriated from the Coastal Protection Account, general revenue dedicated account number 27, to the General Land Office for the two-year period beginning on the effective date of this Act for the removal of vessels abandoned as a result of Hurricane Harvey.

SECTION 68. APPROPRIATION REDUCTION: GENERAL LAND OFFICE. The unencumbered appropriations from the general revenue fund to the General Land Office made by Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2019, for Strategy D.1.1., Rebuild Housing, as listed in that Act, are reduced by $48,600,000.

SECTION 69. GENERAL LAND OFFICE: MATCHING FUNDS FOR U.S. ARMY CORPS OF ENGINEERS PROGRAMS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $200,000,000 is appropriated from the economic stabilization fund to the General Land Office for the two-year period beginning on the effective date of this Act to provide state matching funds to meet federal requirements for studies and projects planned to be conducted in the state by the United States Army Corps of Engineers.

SECTION 70. PARKS AND WILDLIFE DEPARTMENT: BATTLESHIP "TEXAS." (a) Contingent on Senate Bill No. 1511 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to the operation of the Battleship "Texas" becoming law, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the economic stabilization fund to the Parks and Wildlife Department for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for the Battleship "Texas":

(1) $35,000,000 for Strategy D.1.1., Improvements and Major Repairs; and

(2) $500,000 for Strategy B.1.1., State Park Operations.

(b) The amount appropriated under Subsection (a)(2) may be used only to conduct a curatorial study of artifacts associated with the Battleship "Texas."

SECTION 71. PARKS AND WILDLIFE DEPARTMENT: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $8,000,000 is appropriated from the economic stabilization fund to the Parks and Wildlife Department for the two-year period beginning on the effective date of this Act for Strategy D.1.1., Improvements and Major Repairs, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to repair structures or equipment damaged by Hurricane Harvey.

SECTION 72. PARKS AND WILDLIFE DEPARTMENT: PURCHASE OF INTEROPERABLE RADIOS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $5,000,000 is appropriated from the economic stabilization fund to the Parks and Wildlife Department for the state fiscal

year ending August 31, 2019, for the purchase of interoperable radios under Strategy C.1.1., Enforcement Programs, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 73. PARKS AND WILDLIFE DEPARTMENT: WYLER AERIAL TRAMWAY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $5,000,000 is appropriated from the economic stabilization fund to the Parks and Wildlife Department for the two-year period beginning on the effective date of this Act for overhaul and necessary construction related to the Wyler Aerial Tramway and the related tramway system under Strategy D.1.1., Improvements and Major Repairs, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 74. SOIL AND WATER CONSERVATION BOARD: DAM INFRASTRUCTURE PROJECTS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $150,000,000 is appropriated from the economic stabilization fund to the Soil and Water Conservation Board for the two-year period beginning on the effective date of this Act for dam infrastructure projects.

SECTION 75. WATER DEVELOPMENT BOARD: MATCHING FUNDS FOR FEMA HAZARD MITIGATION GRANT PROGRAM. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $273,000,000 is appropriated from the economic stabilization fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the purpose of providing matching funds for projects sponsored by municipalities and counties in this state and approved for the Hazard Mitigation Grant program administered by the Federal Emergency Management Agency.

(b) Contingent on Senate Bill No. 7 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects becoming law:

(1) the appropriation of money made in Subsection (a) of this section has no effect; and

(2) in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $273,000,000 is appropriated from the Texas infrastructure resiliency fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the purpose of providing matching funds for projects sponsored by municipalities and counties in this state and approved for the Hazard Mitigation Grant program administered by the Federal Emergency Management Agency.

SECTION 76. WATER DEVELOPMENT BOARD: MATCHING FUNDS FOR FEMA PUBLIC ASSISTANCE GRANT PROGRAM. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $365,000,000 is appropriated from the economic stabilization fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the purpose of providing matching funds for projects sponsored by municipalities and counties in this state and approved for the Public Assistance grant program administered by the Federal Emergency Management Agency.

(b) Contingent on Senate Bill No. 7 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects becoming law:

(1) the appropriation of money made in Subsection (a) of this section has no effect; and

(2) in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $365,000,000 is appropriated from the Texas infrastructure resiliency fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the purpose of providing matching funds for projects sponsored by municipalities and counties in this state and approved for the Public Assistance grant program administered by the Federal Emergency Management Agency.

(c) Out of the amount appropriated under Subsection (a) or (b) of this section, as applicable, $30,000,000 may be used only to provide a grant to Harris County to remove accumulated siltation and sediment deposits located at the confluence of the San Jacinto River and Lake Houston.

SECTION 77. WATER DEVELOPMENT BOARD: STATE FLOOD RISK MAPS AND STATE FLOOD PLAN. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, and in addition to other amounts appropriated by this Act, the following amounts are appropriated from the economic stabilization fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for developing or updating flood risk maps in the state, using current data and technology standards, to support development of a state flood plan:

(1) $43,970,000 for Strategy A.4.1., Perform Community Assistance Related to NFIP;

(2) $1,330,000 for Strategy D.1.1., Central Administration; and

(3) $1,700,000 for Strategy D.1.2., Information Resources.

(b) Contingent on Senate Bill No. 7 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects becoming law:

(1) the appropriation of money made in Subsection (a) of this section has no effect; and

(2) in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, and in addition to other amounts appropriated by this Act, the following amounts are appropriated from the floodplain management account 0330 in the Texas infrastructure resiliency fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for developing or updating flood risk maps in the state, using current data and technology standards, to support development of a state flood plan:

(A) $43,970,000 for Strategy A.4.1., Perform Community Assistance Related to NFIP;

(B) $1,330,000 for Strategy D.1.1., Central Administration; and

(C) $1,700,000 for Strategy D.1.2., Information Resources.

(c) Using money appropriated by Subsection (a) or (b) of this section, as applicable, the Water Development Board may employ 22.0 full-time equivalent employees (FTEs) during the state fiscal year ending August 31, 2020, and 36.0 FTEs during the state fiscal year ending August 31, 2021, in addition to the number of FTEs the board is authorized by other law to employ during those state fiscal years.

SECTION 78. WATER DEVELOPMENT BOARD: FLOOD INFRASTRUCTURE PROJECTS. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, and in addition to other amounts appropriated by this Act, the following amounts are appropriated from the economic stabilization fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for infrastructure projects related to drainage, flood mitigation, or flood control and for necessary and reasonable expenses of the board in administering those projects:

(1) $790,750,000 for Strategy A.4.1., Perform Community Assistance Related to NFIP;

(2) $995,000 for Strategy D.1.1., Central Administration; and

(3) $1,255,000 for Strategy D.1.2., Information Resources.

(b) Contingent on Senate Bill No. 7 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects becoming law and the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects being approved by the voters:

(1) the appropriation of money made in Subsection (a) of this section has no effect; and

(2) in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, and in addition to other amounts appropriated by this Act, the following amounts are appropriated from the flood infrastructure fund to the Water Development Board for the two-year period beginning on the effective date of this Act for the following strategies as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for infrastructure projects related to drainage, flood mitigation, or flood control and for necessary and reasonable expenses of the board in administering those projects:

(A) $790,750,000 for Strategy A.4.1., Perform Community Assistance Related to NFIP;

(B) $995,000 for Strategy D.1.1., Central Administration; and

(C) $1,255,000 for Strategy D.1.2., Information Resources.

(c) Using money appropriated by Subsection (a) or (b) of this section, as applicable, the Water Development Board may employ 9.0 full-time equivalent employees (FTEs) during the state fiscal year ending August 31, 2020, and 15.0 FTEs

during the state fiscal year ending August 31, 2021, in addition to the number of FTEs the board is authorized by other law to employ during those state fiscal years to administer the project funding.

SECTION 79. DEPARTMENT OF TRANSPORTATION: TRANSPORTATION INFRASTRUCTURE FUND. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $125,000,000 is appropriated from the economic stabilization fund to the Department of Transportation for the two-year period beginning on the effective date of this Act for Strategy A.1.8., Construction Grants and Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), to provide grants for transportation infrastructure projects under Subchapter C, Chapter 256, Transportation Code.

SECTION 80. DEPARTMENT OF TRANSPORTATION: EMERGENCY AND FIRST RESPONDER AIRPORT FACILITIES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $5,000,000 is appropriated from the economic stabilization fund to the Department of Transportation for the two-year period beginning on the effective date of this Act to expand an airport hangar at the South Texas International Airport used by the Department of Public Safety for emergency and first responders, including facilities used for Department of Public Safety aircraft staging and storage purposes, under Strategy C.5.1., Aviation Services, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 81. DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS: AFFORDABLE RENTAL HOUSING IN CERTAIN AREAS AFFECTED BY NATURAL DISASTERS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $4,000,000 is appropriated from the economic stabilization fund to the Department of Housing and Community Affairs for the two-year period beginning on the effective date of this Act for the provision of affordable rental housing in areas of the state most affected by natural disasters.

SECTION 82. TEXAS WORKFORCE COMMISSION: EXPENSES RELATED TO HURRICANE HARVEY. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $8,931,385 is appropriated from the economic stabilization fund to the Texas Workforce Commission for the state fiscal year ending August 31, 2019, for Strategy A.2.1., Vocational Rehabilitation, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act), for vocational rehabilitation services expenses related to Hurricane Harvey.

SECTION 83. BOARD OF PHARMACY: PRESCRIPTION MONITORING PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $6,099,312 is appropriated from the general revenue fund to the Board of Pharmacy for the two-year period beginning on the effective date of this Act for statewide integration of and upgrades to the prescription monitoring program database under Strategy B.1.1., Enforcement, as listed in Chapter 605 (S.B. 1), Acts of the 85th Legislature, Regular Session, 2017 (the General Appropriations Act).

SECTION 84. TEACHER RETIREMENT SYSTEM: ADDITIONAL PAYMENT. Contingent on compliance with the requirements regarding the amortization period of the unfunded actuarial liabilities of the Teacher Retirement System under Section 821.006, Government Code, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $589,000,000 is appropriated from the economic stabilization fund to the Teacher Retirement System for the two-year period beginning on the effective date of this Act for the purpose of providing a one-time additional payment to certain annuitants.

SECTION 85. TEACHER RETIREMENT SYSTEM: STATE CONTRIBUTION. Contingent on Senate Bill No. 12 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to the contributions and benefits under the Teacher Retirement System becoming law, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, the following amounts are appropriated from the economic stabilization fund to the Teacher Retirement System for the following periods for the purpose of immediately depositing that amount as a state contribution in the Teacher Retirement System Trust Account number 0960:

(1) $263,000,000 for the state fiscal year ending August 31, 2020; and

(2) $261,000,000 for the state fiscal year ending August 31, 2021.

SECTION 86. COMPTROLLER OF PUBLIC ACCOUNTS: TEXAS INFRASTRUCTURE RESILIENCY FUND. (a) Contingent on Senate Bill No. 7 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects becoming law, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $857,000,000 is appropriated from the economic stabilization fund to the comptroller of public accounts for the state fiscal year ending August 31, 2019, for the purpose of immediately depositing that amount to the credit of the Texas infrastructure resiliency fund.

(b) Of the amount appropriated under Subsection (a) of this section, the comptroller of public accounts shall deposit at least $47,000,000 to the credit of the floodplain management account 0330 in the Texas infrastructure resiliency fund.

SECTION 87. COMPTROLLER OF PUBLIC ACCOUNTS: FLOOD INFRASTRUCTURE FUND. Contingent on Senate Bill No. 7 or similar legislation of the 86th Legislature, Regular Session, 2019, relating to flood control planning and the funding of flood planning, mitigation, and infrastructure projects becoming law and the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, providing for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects being approved by the voters, in addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2019, $793,000,000 is appropriated from the economic stabilization fund to the comptroller of public accounts for the state fiscal year ending August 31, 2019, for the purpose of immediately depositing that amount to the credit of the flood infrastructure fund.

SECTION 88. REIMBURSEMENT TO ECONOMIC STABILIZATION FUND. If any state agency or public institution of higher education receives reimbursement from the federal government, an insurer, or another source for an expenditure paid from money appropriated by this Act:

(1) the agency or institution shall reimburse the state in an amount equal to the lesser of the amount appropriated under this Act and spent for that expenditure or the amount reimbursed by the other source for that expenditure; and

(2) the comptroller of public accounts shall deposit the amount of the reimbursement to the credit of the economic stabilization fund.

SECTION 89. EFFECTIVE DATE. (a) Subject to Subsections (b) and (c) of this section, this Act takes effect immediately.

(b) Sections 1, 5, 6, 8, 9, 10, 11, 17, 18, 21, 22, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 50, 53, 54, 55, 57, 59, 60, 62, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, and 87 of this Act take effect only if this Act receives a vote of two-thirds of the members present in each house of the legislature, as provided by Section 49-g(m), Article III, Texas Constitution.

(c) Section 46 of this Act takes effect only if this Act receives a vote of two-thirds of each house of the legislature, as provided by Section 17(j), Article VII, Texas Constitution.

The Conference Committee Report on **SB 500** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 891

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 891** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN	LEACH
FLORES	S. THOMPSON
NELSON	HOLLAND
SCHWERTNER	MURR
ZAFFIRINI	NEVÁREZ
On the part of the Senate	On the part of the House

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; increasing and imposing fees; 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) 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. Section 25.1972, Government Code, is amended by amending Subsections (a), (e), and (g) and adding Subsections (b) and (f) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Reeves County has:

(1) concurrent jurisdiction with the district court:

(A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;

(C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;

(D) in proceedings under Title 3, Family Code; and

(E) in any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059;

(3) contested elections; or

(4) except as provided by Subsections (a)(1)(D) and (E), family law cases [~~and proceedings~~].

(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) [~~and proceedings~~], and the county clerk serves as clerk of the court in all other matters.

SECTION 2.12. (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; 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.

(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.

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 within the budget guidelines established by the Commissioners Court of Grayson County [~~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 for an applicant after reviewing the applicant's credentials and determining the applicant holds a certification or license issued by another jurisdiction that has certification 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 or licensing requirements for court reporters 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 or license to engage in court reporting issued by another state that, as determined by the commission:

(A) has certification 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 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 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, Government Code, is amended to read as follows:

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.

(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 152.0811, 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.

SECTION 8.02. 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 8.03. 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 8.04. 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 court programs;

(3) monitor the specialty court programs for compliance with programmatic best practices as required by Subsection (d)(1); 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)(1).

(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 [~~If~~] 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 [~~If~~] 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)[~~,~~] 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 [~~If~~] 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 [~~, 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 [~~If~~] 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. 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.~~]

ARTICLE 13. CASES BROUGHT BY ATTORNEY GENERAL

SECTION 13.01. Section 231.103(a), Family Code, is amended to read as follows:

(a) The Title IV-D agency may:

(1) charge a reasonable application fee;

(2) charge a $35 [~~$25~~] annual service fee; and

(3) to the extent permitted by federal law, recover costs for the services provided in a Title IV-D case.

SECTION 13.02. 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 14. VISITING JUDGES

SECTION 14.01. 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 14.02. 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 14.03. 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.

ARTICLE 15. REPEALERS AND TRANSITIONS

SECTION 15.01. The following provisions of the Code of Criminal Procedure are repealed:

(1) Article 103.003(b-1); and

(2) Article 103.0033.

SECTION 15.02. The following provisions of the Estates Code are repealed:

(1) Section 51.054(c); and

(2) Section 1051.054(c).

SECTION 15.03. 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 15.04. The following provisions of the Local Government Code are repealed:

(1) Section 133.058(e); and

(2) Section 133.103(c-1).

SECTION 15.05. 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 16. EFFECTIVE DATE

SECTION 16.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2019.

The Conference Committee Report on **SB 891** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2764

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2764** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES	FRANK
FLORES	MOODY
KOLKHORST	KLICK
MENÉNDEZ	MINJAREZ
PERRY	NOBLE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2764** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4542

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 4542** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA	GUILLEN
HANCOCK	BURROWS
KOLKHORST	MURPHY
NELSON	RODRIGUEZ
BUCKINGHAM	WRAY
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 4542** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2342

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 2342** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON	LEACH
FALLON	MEYER
FLORES	PACHECO
HUFFMAN	SMITH
LUCIO	
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts.

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

SECTION 1. Section 22.004, Government Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) The supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions. The rules shall apply to civil actions in district courts, county courts at law, and statutory probate courts in which the amount in controversy, inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind, does not exceed $100,000. The rules shall address the need for lowering discovery costs in these actions and the procedure for ensuring that these actions will be expedited in the civil justice system. The supreme court may not adopt rules under this subsection that conflict with other statutory law [~~a provision of:~~

[~~(1) Chapter 74, Civil Practice and Remedies Code;~~

[~~(2) the Family Code;~~

[~~(3) the Property Code; or~~

[~~(4) the Tax Code~~].

(h-1) In addition to the rules adopted under Subsection (h), the supreme court shall adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed $250,000. The rules shall balance the need for lowering discovery costs in these actions against the complexity of and discovery needs in these actions. The supreme court may not adopt rules under this subsection that conflict with other statutory law.

SECTION 2. Section 25.0003(c), Government Code, is amended to read as follows:

(c) In addition to other jurisdiction provided by law, a statutory county court exercising civil jurisdiction concurrent with the constitutional jurisdiction of the county court has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds $500 but does not exceed $250,000 [~~$200,000~~], excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs, as alleged on the face of the petition; and

(2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy.

SECTION 3. Section 25.0007, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Practice in a statutory county court is that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, the drawing of jury panels, the selection of jurors, and all other matters pertaining to the conduct of trials and hearings in the statutory county courts[~~, other than the number of jurors,~~] that involve those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to the district courts in the county in which the statutory county court is located. This section does not affect local rules of administration adopted under Section 74.093.

(c) In a civil case pending in a statutory county court in which the matter in controversy exceeds $250,000, the jury shall be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors.

SECTION 4. Section 25.0052(a), Government Code, as amended by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, is reenacted and amended to read as follows:

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

(1) concurrent with the county court, the probate jurisdiction provided by general law for county courts; and

(2) concurrent jurisdiction with the district court in[~~:~~

[~~(A) civil cases in which the matter in controversy exceeds $500 but does not exceed $50,000, excluding interest; and~~

[~~(B)~~] family law cases and proceedings.

SECTION 5. Section 25.0102(h), Government Code, is amended to read as follows:

(h) If a family law case or proceeding 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 except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 6. Section 25.0202(a), Government Code, is amended 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; and

(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.

SECTION 7. Section 25.0222(m), Government Code, is amended to read as follows:

(m) When a jury trial is requested in a case of concurrent jurisdiction between the district courts and statutory county courts, and the case was instituted in district court, the jury shall be composed of 12 members. In all other cases in which a jury trial is requested in the statutory county courts the jury shall be composed of six jurors except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 8. Section 25.0362(f), Government Code, is amended to read as follows:

(f) Except as otherwise provided by this subsection, a jury in a county court at law shall be composed of six members except as provided by [~~unless~~] the constitution, Section 25.0007(c), or other law [~~requires a 12-member jury~~]. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. In matters in which the constitution or other law does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, the jury may be composed of 12 members if a party to the suit requests a 12-member jury [~~and the judge of the court consents~~]. In a civil case tried in a county court at law, the parties may, by mutual agreement [~~and with the consent of the judge~~], agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 9. Section 25.0722(i), Government Code, is amended to read as follows:

(i) If a family law case or proceeding 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 except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 10. Section 25.0812(k), Government Code, is amended to read as follows:

(k) If a jury trial is requested in a case of concurrent jurisdiction between the district courts and the county courts at law, and the case was instituted in the district court, the jury shall be composed of 12 members. In all other cases in which a jury trial is requested in the county courts at law, the jury shall be composed of six members except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 11. Section 25.0862(n), Government Code, is amended to read as follows:

(n) If a jury trial is requested in a case that is in a county court at law's jurisdiction as provided by Subsection (a), the jury shall be composed of six members unless the constitution, Section 25.0007(c), or other law requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.

SECTION 12. Section 25.0942(l), Government Code, is amended to read as follows:

(l) Except as otherwise provided by this subsection, a jury in a county court at law shall be composed of six members, unless the constitution, Section 25.0007(c), or other law requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. In matters in which the

constitution or other law does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, the jury shall be composed of 12 members if a party to the suit requests a 12-member jury. In a civil case tried in a county court at law, the parties may, by mutual agreement [~~and with the consent of the judge~~], agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 13. Section 25.1042(h), Government Code, is amended to read as follows:

(h) A jury must be composed of 12 members in[~~:~~

[~~(1) any civil case pending in which the amount in controversy is $200,000 or more; and~~

[~~(2)~~] any felony case.

SECTION 14. Sections 25.1132(c) and (o), Government Code, are amended to read as follows:

(c) A county court at law in Hood County has concurrent jurisdiction with the district court in:

(1) [~~civil cases in which the matter in controversy exceeds $500 but does not exceed $250,000, excluding interest;~~

[~~(2)~~] family law cases and related proceedings;

(2) [~~(3)~~] contested probate matters under Section 32.003(a), Estates Code; and

(3) [~~(4)~~] contested matters in guardianship proceedings under Section 1022.003(a), Estates Code.

(o) If a family law case or proceeding is tried before a jury in a county court at law, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 15. Section 25.1142(b), Government Code, is amended to read as follows:

(b) A county court at law does not have jurisdiction of:

(1) [~~civil cases in which the amount in controversy exceeds $200,000, excluding interest;~~

[~~(2)~~] felony jury trials;

(2) [~~(3)~~] suits on behalf of the state to recover penalties or escheated property;

(3) [~~(4)~~] misdemeanors involving official misconduct; or

(4) [~~(5)~~] contested elections.

SECTION 16. Sections 25.1252(j) and (m), Government Code, are amended to read as follows:

(j) If a family law case or proceeding is tried before a jury in a county court at law, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members except as provided by the constitution, Section 25.0007(c), or other law [~~A county court at law may exercise the jurisdiction vested in the district~~

~~court for the drawing, selection, and service of jurors. A panel not exceeding 24 jurors shall be drawn for any one week of a court, and the juries selected may not exceed six~~].

(m) Section [~~Sections~~] 25.0006 does [~~and 25.0007 do~~] not apply to the county courts at law of Jefferson County.

SECTION 17. Sections 25.1272(b) and (h), Government Code, are amended to read as follows:

(b) A county court at law in Jim Wells County has concurrent jurisdiction with the district court in:

(1) [~~civil cases in which the matter in controversy exceeds $500 but does not exceed $200,000, excluding interest;~~

[~~(2)~~] family law cases and proceedings;

(2) [~~(3)~~] Class A and Class B misdemeanors;

(3) [~~(4)~~] juvenile cases; and

(4) [~~(5)~~] appeals from justice and municipal courts.

(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 six members unless the constitution, Section 25.0007(c), or other law requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.

SECTION 18. Sections 25.1412(a) and (p), Government Code, are amended to read as follows:

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

(1) concurrent jurisdiction with the district court in:

(A) probate matters and proceedings, including will contests;

(B) family law cases and proceedings, including juvenile cases; and

(C) felony cases to conduct arraignments and pretrial hearings and to accept guilty pleas; and

[~~(D) civil cases in which the amount in controversy does not exceed $200,000, excluding interest; and~~]

(2) concurrent jurisdiction with the county and district courts over all suits arising under the Family Code.

(p) Except as otherwise provided by this subsection, a jury in a county court at law shall be composed of six members unless the constitution, Section 25.0007(c), or other law requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury. In matters in which the constitution or other law does not require a 12-member jury and the county court at law has concurrent jurisdiction with the district court, the jury may be composed of 12 members if a party to the suit requests a 12-member jury and the judge of the court consents. In a civil case tried in a county court at law, the parties may, by mutual agreement [~~and with the consent of the judge~~], agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that is less than the total number of jurors.

SECTION 19. Section 25.1722(f), Government Code, is amended to read as follows:

(f) Except as otherwise provided by this subsection, the constitution, Section 25.0007(c), or other law, juries in a county court at law shall be composed of six members. Juries in family law cases and proceedings shall be composed of 12 members, unless the parties agree to a six-member jury.

SECTION 20. Section 25.1732(l), Government Code, is amended to read as follows:

(l) A jury in a county court at law is composed of six persons unless the constitution, Section 25.0007(c), or other law requires a 12-member jury.

SECTION 21. Section 25.1802(o), Government Code, is amended to read as follows:

(o) 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 six members unless the constitution, Section 25.0007(c), or other law requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.

SECTION 22. Section 25.1862(k), Government Code, is amended to read as follows:

(k) If a jury trial is requested in a case that is in a county court at law's jurisdiction as provided by Subsection (a), the jury shall be composed of six members unless the constitution, Section 25.0007(c), or other law requires a 12-member jury. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury.

SECTION 23. Section 25.2142(v), Government Code, is amended to read as follows:

(v) Except as otherwise provided by this section, the constitution, Section 25.0007(c), or other law, juries in a county court at law shall be composed of six members. In matters of concurrent jurisdiction with the district court to which Section 25.0007(c) does not apply, if a party to the suit requests a 12-member jury, the jury shall be composed of 12 members. In a civil case tried in a county court at law, the parties may, by mutual agreement [~~and with the consent of the judge~~], agree to try the case with any number of jurors and agree to have a verdict rendered and returned by the vote of any number of jurors less than all those hearing the case.

SECTION 24. Section 25.2232(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Taylor County has[~~:~~

[~~(1)~~] concurrent jurisdiction with the county court in the trial of cases involving insanity and approval of applications for admission to state hospitals and special schools if admission is by application[~~; and~~

[~~(2) concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds $500 but does not exceed $200,000, excluding interest~~].

SECTION 25. Section 25.2292(d), Government Code, is amended to read as follows:

(d) In civil cases, the jury is composed of six members except as otherwise provided by the constitution, Section 25.0007(c), or other law. Failure to object before a six-member jury is seated and sworn constitutes a waiver of a 12-member jury [~~unless:~~

[~~(1) the amount in controversy exceeds $100,000; and~~

[~~(2) a party to the case files a written request for a 12-member jury not later than the 30th day before the date of the trial~~].

SECTION 26. Section 25.2362(i), Government Code, is amended to read as follows:

(i) 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 six members unless the constitution or other law requires a 12-member jury.

SECTION 27. Section 25.2412(j), Government Code, is amended to read as follows:

(j) 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, except as provided by Section 25.0007(c). In all other cases, the jury shall be composed of six members except as provided by the constitution or other law.

SECTION 28. Section 25.2462(k), Government Code, is amended to read as follows:

(k) A jury in a county court at law shall be composed of six members except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 29. Section 25.2482(l), Government Code, is amended to read as follows:

(l) A jury in a county court at law shall be composed of six members except as provided by the constitution, Section 25.0007(c), or other law.

SECTION 30. Section 25.2512(a), Government Code, is amended to read as follows:

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

(1) concurrent with the county court, the probate jurisdiction provided by general law for county courts; and

(2) concurrent jurisdiction with the district court in:

(A) eminent domain cases; and

(B) [~~civil cases in which the amount in controversy exceeds $500, but does not exceed $200,000, excluding interest and attorney's fees; and~~

[~~(C)~~] family law cases and proceedings.

SECTION 31. Section 26.042(a), Government Code, is amended to read as follows:

(a) A county court has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds $200 in value but does not exceed $20,000 [~~$10,000~~], exclusive of interest.

SECTION 32. Section 27.031(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than $20,000 [~~$10,000~~], exclusive of interest;

(2) cases of forcible entry and detainer;

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and

(4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits.

SECTION 33. Section 62.301, Government Code, is amended to read as follows:

Sec. 62.301. NUMBER OF JURORS. The jury in the county courts and in the justice courts is composed of six persons except as provided by the constitution or other law.

SECTION 34. The following provisions of the Government Code are repealed:

(1) Section 25.0007(a);

(2) Section 25.1092(p);

(3) Sections 25.2292(a) and (m); and

(4) Section 25.2392(i).

SECTION 35. Not later than January 1, 2021, the Supreme Court of Texas shall adopt rules as necessary to implement Section 22.004(h-1), Government Code, as added by this Act.

SECTION 36. 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 37. This Act takes effect September 1, 2020.

The Conference Committee Report on **SB 2342** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION 34

Senator Bettencourt submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HJR 34** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BETTENCOURT SHINE

CREIGHTON	BURROWS
HANCOCK	MURPHY
HINOJOSA	MARTINEZ FISCHER
PAXTON	DARBY
On the part of the Senate	On the part of the House

The Conference Committee Report on **HJR 34** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 492

Senator Taylor submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 492** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

TAYLOR	SHINE
BETTENCOURT	BURROWS
CREIGHTON	MURPHY
HINOJOSA	MARTINEZ FISCHER
PAXTON	DARBY
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 492** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1207

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1207** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY	KRAUSE
FLORES	JULIE JOHNSON
KOLKHORST	LEACH
NELSON	OLIVERSON
WATSON	PARKER
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

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

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

SECTION 1. 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 2. Section 531.024, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The rules promulgated under Subsection (a)(7) must provide due process to an applicant for Medicaid services and to a Medicaid recipient who seeks a Medicaid service, including a service that requires prior authorization. The rules must provide the protections for applicants and recipients required by 42 C.F.R. Part 431, Subpart E, including requiring that:

(1) the written notice to an individual of the individual's right to a hearing must:

(A) contain an explanation of the circumstances under which Medicaid is continued if a hearing is requested; and

(B) be delivered by mail, and postmarked [~~mailed~~] at least 10 business days, before the date the individual's Medicaid eligibility or service is scheduled to be terminated, suspended, or reduced, except as provided by 42 C.F.R. Section 431.213 or 431.214; and

(2) if a hearing is requested before the date a Medicaid recipient's service, including a service that requires prior authorization, is scheduled to be terminated, suspended, or reduced, the agency may not take that proposed action before a decision is rendered after the hearing unless:

(A) it is determined at the hearing that the sole issue is one of federal or state law or policy; and

(B) the agency promptly informs the recipient in writing that services are to be terminated, suspended, or reduced pending the hearing decision.

(c) The commission shall develop a process to address a situation in which:

(1) an individual does not receive adequate notice as required by Subsection (b)(1); or

(2) the notice required by Subsection (b)(1) is delivered without a postmark.

SECTION 3. (a) To the extent of any conflict, Section 531.024162, Government Code, as added by this section, prevails over any provision of another Act of the 86th Legislature, Regular Session, 2019, relating to notice requirements regarding Medicaid coverage or prior authorization denials or incomplete requests, that becomes law.

(b) Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.024162, 531.024163, 531.024164, 531.0601, 531.0602, 531.06021, 531.0603, and 531.0604 to read as follows:

Sec. 531.024162. NOTICE REQUIREMENTS REGARDING MEDICAID COVERAGE OR PRIOR AUTHORIZATION DENIAL AND INCOMPLETE REQUESTS. (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, partial denial, reduction, or termination of coverage or denial of prior authorization for a service includes:

(1) information required by federal and state law and applicable regulations;

(2) for the recipient:

(A) a clear and easy-to-understand explanation of the reason for the decision, including a clear explanation of the medical basis, applying the policy or accepted standard of medical practice to the recipient's particular medical circumstances;

(B) a copy of the information sent to the provider; and

(C) an educational component that includes a description of the recipient's rights, an explanation of the process related to appeals and Medicaid fair hearings, and a description of the role of an external medical review; and

(3) for the provider, a thorough and detailed clinical explanation of the reason for the decision, including, as applicable, information required under Subsection (b).

(b) The commission or a Medicaid managed care organization that receives from a provider a coverage or prior authorization request that contains insufficient or inadequate documentation to approve the request shall issue a notice to the provider and the Medicaid recipient on whose behalf the request was submitted. The notice issued under this subsection must:

(1) include a section specifically for the provider that contains:

(A) a clear and specific list and description of the documentation necessary for the commission or organization to make a final determination on the request;

(B) the applicable timeline, based on the requested service, for the provider to submit the documentation and a description of the reconsideration process described by Section 533.00284, if applicable; and

(C) information on the manner through which a provider may contact a Medicaid managed care organization or other entity as required by Section 531.024163; and

(2) be sent:

(A) to the provider:

(i) using the provider's preferred method of communication, to the extent practicable using existing resources; and

(ii) as applicable, through an electronic notification on an Internet portal; and

(B) to the recipient using the recipient's preferred method of communication, to the extent practicable using existing resources.

Sec. 531.024163. ACCESSIBILITY OF INFORMATION REGARDING MEDICAID PRIOR AUTHORIZATION REQUIREMENTS. (a) The executive commissioner by rule shall require each Medicaid managed care organization or other entity responsible for authorizing coverage for health care services under Medicaid to ensure that the organization or entity maintains on the organization's or entity's Internet website in an easily searchable and accessible format:

(1) the applicable timelines for prior authorization requirements, including:

(A) the time within which the organization or entity must make a determination on a prior authorization request;

(B) a description of the notice the organization or entity provides to a provider and Medicaid recipient on whose behalf the request was submitted regarding the documentation required to complete a determination on a prior authorization request; and

(C) the deadline by which the organization or entity is required to submit the notice described by Paragraph (B); and

(2) an accurate and up-to-date catalogue of coverage criteria and prior authorization requirements, including:

(A) for a prior authorization requirement first imposed on or after September 1, 2019, the effective date of the requirement;

(B) a list or description of any supporting or other documentation necessary to obtain prior authorization for a specified service; and

(C) the date and results of each review of the prior authorization requirement conducted under Section 533.00283, if applicable.

(b) The executive commissioner by rule shall require each Medicaid managed care organization or other entity responsible for authorizing coverage for health care services under Medicaid to:

(1) adopt and maintain a process for a provider or Medicaid recipient to contact the organization or entity to clarify prior authorization requirements or to assist the provider in submitting a prior authorization request; and

(2) ensure that the process described by Subdivision (1) is not arduous or overly burdensome to a provider or recipient.

Sec. 531.024164. EXTERNAL MEDICAL REVIEW. (a) In this section, "external medical reviewer" and "reviewer" mean a third-party medical review organization that provides objective, unbiased medical necessity determinations conducted by clinical staff with education and practice in the same or similar practice area as the procedure for which an independent determination of medical necessity is sought in accordance with applicable state law and rules.

(b) The commission shall contract with an independent external medical reviewer to conduct external medical reviews and review:

(1) the resolution of a Medicaid recipient appeal related to a reduction in or denial of services on the basis of medical necessity in the Medicaid managed care program; or

(2) a denial by the commission of eligibility for a Medicaid program in which eligibility is based on a Medicaid recipient's medical and functional needs.

(c) A Medicaid managed care organization may not have a financial relationship with or ownership interest in the external medical reviewer with which the commission contracts.

(d) The external medical reviewer with which the commission contracts must:

(1) be overseen by a medical director who is a physician licensed in this state; and

(2) employ or be able to consult with staff with experience in providing private duty nursing services and long-term services and supports.

(e) The commission shall establish a common procedure for reviews. To the greatest extent possible, the procedure must reduce administrative burdens on providers and the submission of duplicative information or documents. Medical necessity under the procedure must be based on publicly available, up-to-date, evidence-based, and peer-reviewed clinical criteria. The reviewer shall conduct the review within a period specified by the commission. The commission shall also establish a procedure and time frame for expedited reviews that allows the reviewer to:

(1) identify an appeal that requires an expedited resolution; and

(2) resolve the review of the appeal within a specified period.

(f) A Medicaid recipient or applicant, or the recipient's or applicant's parent or legally authorized representative, must affirmatively request an external medical review. If requested:

(1) an external medical review described by Subsection (b)(1) occurs after the internal Medicaid managed care organization appeal and before the Medicaid fair hearing and is granted when a Medicaid recipient contests the internal appeal decision of the Medicaid managed care organization; and

(2) an external medical review described by Subsection (b)(2) occurs after the eligibility denial and before the Medicaid fair hearing.

(g) The external medical reviewer's determination of medical necessity establishes the minimum level of services a Medicaid recipient must receive, except that the level of services may not exceed the level identified as medically necessary by the ordering health care provider.

(h) The external medical reviewer shall require a Medicaid managed care organization, in an external medical review relating to a reduction in services, to submit a detailed reason for the reduction and supporting documents.

(i) To the extent money is appropriated for this purpose, the commission shall publish data regarding prior authorizations reviewed by the external medical reviewer, including the rate of prior authorization denials overturned by the external medical reviewer and additional information the commission and the external medical reviewer determine appropriate.

Sec. 531.0601. LONG-TERM CARE SERVICES WAIVER PROGRAM INTEREST LISTS. (a) This section applies only to a child who is enrolled in the medically dependent children (MDCP) waiver program but becomes ineligible for services under the program because the child no longer meets:

(1) the level of care criteria for medical necessity for nursing facility care; or

(2) the age requirement for the program.

(b) A legally authorized representative of a child who is notified by the commission that the child is no longer eligible for the medically dependent children (MDCP) waiver program following a Medicaid fair hearing, or without a Medicaid fair hearing if the representative opted in writing to forego the hearing, may request that the commission:

(1) return the child to the interest list for the program unless the child is ineligible due to the child's age; or

(2) place the child on the interest list for another Section 1915(c) waiver program.

(c) At the time a child's legally authorized representative makes a request under Subsection (b), the commission shall:

(1) for a child who becomes ineligible for the reason described by Subsection (a)(1), place the child:

(A) on the interest list for the medically dependent children (MDCP) waiver program in the first position on the list; or

(B) except as provided by Subdivision (3), on the interest list for another Section 1915(c) waiver program in a position relative to other persons on the list that is based on the date the child was initially placed on the interest list for the medically dependent children (MDCP) waiver program;

(2) except as provided by Subdivision (3), for a child who becomes ineligible for the reason described by Subsection (a)(2), place the child on the interest list for another Section 1915(c) waiver program in a position relative to other persons on the list that is based on the date the child was initially placed on the interest list for the medically dependent children (MDCP) waiver program; or

(3) for a child who becomes ineligible for a reason described by Subsection (a) and who is already on an interest list for another Section 1915(c) waiver program, move the child to a position on the interest list relative to other persons on the list that is based on the date the child was initially placed on the interest list for the medically dependent children (MDCP) waiver program, if that date is earlier than the date the child was initially placed on the interest list for the other waiver program.

(d) Notwithstanding Subsection (c)(1)(B) or (c)(2), a child may be placed on an interest list for a Section 1915(c) waiver program in the position described by those subsections only if the child has previously been placed on the interest list for that waiver program.

(e) At the time the commission provides notice to a legally authorized representative that a child is no longer eligible for the medically dependent children (MDCP) waiver program following a Medicaid fair hearing, or without a Medicaid fair hearing if the representative opted in writing to forego the hearing, the commission shall inform the representative in writing about:

(1) the options under this section for placing the child on an interest list; and

(2) the process for applying for the Medicaid buy-in program for children with disabilities implemented under Section 531.02444.

(f) This section expires December 1, 2021.

Sec. 531.0602. MEDICALLY DEPENDENT CHILDREN (MDCP) WAIVER PROGRAM ASSESSMENTS AND REASSESSMENTS. (a) The commission shall ensure that the care coordinator for a Medicaid managed care organization under the STAR Kids managed care program provides the results of the initial assessment or annual reassessment of medical necessity to the parent or legally authorized representative of a recipient receiving benefits under the medically dependent children (MDCP) waiver program for review. The commission shall ensure the provision of the results does not delay the determination of the services to be provided to the recipient or the ability to authorize and initiate services.

(b) The commission shall require the parent's or representative's signature to verify the parent or representative received the results of the initial assessment or reassessment from the care coordinator under Subsection (a). A Medicaid managed care organization may not delay the delivery of care pending the signature.

(c) The commission shall provide a parent or representative who disagrees with the results of the initial assessment or reassessment an opportunity to request to dispute the results with the Medicaid managed care organization through a peer-to-peer review with the treating physician of choice.

(d) This section does not affect any rights of a recipient to appeal an initial assessment or reassessment determination through the Medicaid managed care organization's internal appeal process, the Medicaid fair hearing process, or the external medical review process.

Sec. 531.06021. MEDICALLY DEPENDENT CHILDREN (MDCP) WAIVER PROGRAM QUALITY MONITORING; REPORT. (a) The commission, based on the state's external quality review organization's initial report on the STAR Kids managed care program, shall determine whether the findings of the report necessitate additional data and research to improve the program. If the commission determines additional data and research are needed, the commission, through the external quality review organization, may:

(1) conduct annual surveys of Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program, or their representatives, using the Consumer Assessment of Healthcare Providers and Systems;

(2) conduct annual focus groups with recipients described by Subdivision (1) or their representatives on issues identified through:

(A) the Consumer Assessment of Healthcare Providers and Systems;

(B) other external quality review organization activities; or

(C) stakeholders, including the STAR Kids Managed Care Advisory Committee described by Section 533.00254; and

(3) in consultation with the STAR Kids Managed Care Advisory Committee described by Section 533.00254 and as frequently as feasible, calculate Medicaid managed care organizations' performance on performance measures using available data sources such as the collaborative innovation improvement network.

(b) Not later than the 30th day after the last day of each state fiscal quarter, the commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and each standing legislative committee with primary jurisdiction over Medicaid a report containing, for the most recent state fiscal quarter, the following information and data related to access to care for Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program:

(1) enrollment in the Medicaid buy-in for children program implemented under Section 531.02444;

(2) requests relating to interest list placements under Section 531.0601;

(3) use of the Medicaid escalation help line established under Section 533.00253, if the help line was operational during the applicable state fiscal quarter;

(4) use of, requests for, and outcomes of the external medical review procedure established under Section 531.024164; and

(5) complaints relating to the medically dependent children (MDCP) waiver program, categorized by disposition.

Sec. 531.0603. ELIGIBILITY OF CERTAIN CHILDREN FOR MEDICALLY DEPENDENT CHILDREN (MDCP) OR DEAF-BLIND WITH MULTIPLE DISABILITIES (DBMD) WAIVER PROGRAM. (a) Notwithstanding any other law and to the extent allowed by federal law, in determining eligibility of a child for the medically dependent children (MDCP) waiver program, the deaf-blind with multiple disabilities (DBMD) waiver program, or a "Money Follows the Person" demonstration project, the commission shall consider whether the child:

(1) is diagnosed as having a condition included in the list of compassionate allowances conditions published by the United States Social Security Administration; or

(2) receives Medicaid hospice or palliative care services.

(b) If the commission determines a child is eligible for a waiver program under Subsection (a), the child's enrollment in the applicable program is contingent on the availability of a slot in the program. If a slot is not immediately available, the commission shall place the child in the first position on the interest list for the medically dependent children (MDCP) waiver program or deaf-blind with multiple disabilities (DBMD) waiver program, as applicable.

Sec. 531.0604. MEDICALLY DEPENDENT CHILDREN PROGRAM ELIGIBILITY REQUIREMENTS; NURSING FACILITY LEVEL OF CARE. To the extent allowed by federal law, the commission may not require that a child reside in a nursing facility for an extended period of time to meet the nursing facility level of care required for the child to be determined eligible for the medically dependent children (MDCP) waiver program.

SECTION 4. 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 5. Section 533.00253, Government Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), (f), (g), (h), (i), (j), (k), and (l) 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.

(c-1) To improve the care needs assessment tool used for purposes of a care needs assessment provided as a component of care management services and to improve the initial assessment and reassessment processes, the commission in consultation and collaboration with the advisory committee shall consider changes that will:

(1) reduce the amount of time needed to complete the care needs assessment initially and at reassessment; and

(2) improve training and consistency in the completion of the care needs assessment using the tool and in the initial assessment and reassessment processes across different Medicaid managed care organizations and different service coordinators within the same Medicaid managed care organization.

(c-2) To the extent feasible and allowed by federal law, the commission shall streamline the STAR Kids managed care program annual care needs reassessment process for a child who has not had a significant change in function that may affect medical necessity.

(f) The commission shall operate a Medicaid escalation help line through which Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program or the deaf-blind with multiple disabilities (DBMD) wavier program and their legally authorized representatives, parents, guardians, or other representatives have access to assistance. The escalation help line must be:

(1) dedicated to assisting families of Medicaid recipients receiving benefits under the medically dependent children (MDCP) waiver program or the deaf-blind with multiple disabilities (DBMD) waiver program in navigating and resolving issues related to the STAR Kids managed care program, including complying with requirements related to the continuation of benefits during an internal appeal, a Medicaid fair hearing, or a review conducted by an external medical reviewer; and

(2) operational at all times, including evenings, weekends, and holidays.

(g) The commission shall ensure staff operating the Medicaid escalation help line:

(1) return a telephone call not later than two hours after receiving the call during standard business hours; and

(2) return a telephone call not later than four hours after receiving the call during evenings, weekends, and holidays.

(h) The commission shall require a Medicaid managed care organization participating in the STAR Kids managed care program to:

(1) designate an individual as a single point of contact for the Medicaid escalation help line; and

(2) authorize that individual to take action to resolve escalated issues.

(i) To the extent feasible, a Medicaid managed care organization shall provide information that will enable staff operating the Medicaid escalation help line to assist recipients, such as information related to service coordination and prior authorization denials.

(j) Not later than September 1, 2020, the commission shall assess the utilization of the Medicaid escalation help line and determine the feasibility of expanding the help line to additional Medicaid programs that serve medically fragile children.

(k) Subsections (f), (g), (h), (i), and (j) and this subsection expire September 1, 2024.

(l) Not later than September 1, 2020, the commission shall evaluate risk-adjustment methods used for recipients under the STAR Kids managed care program, including recipients with private health benefit plan coverage, in the quality-based payment program under Chapter 536 to ensure that higher-volume providers are not unfairly penalized. This subsection expires January 1, 2021.

SECTION 6. Subchapter A, Chapter 533, Government Code, is amended by adding Sections 533.00254, 533.00282, 533.00283, 533.00284, 533.002841, and 533.038 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. 533.00282. UTILIZATION REVIEW AND PRIOR AUTHORIZATION PROCEDURES. (a) Section 4201.304(a)(2), Insurance Code, does not apply to a Medicaid managed care organization or a utilization review agent who conducts utilization reviews for a Medicaid managed care organization.

(b) In addition to the requirements of Section 533.005, a contract between a Medicaid managed care organization and the commission 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; and

(2) the organization review and issue determinations on prior authorization requests with respect to a recipient who is not hospitalized at the time of the request according to the following time frames:

(A) within three business days after receiving the request; or

(B) within the time frame and following the process established by the commission if the organization receives a request for prior authorization that does not include sufficient or adequate documentation.

(c) In consultation with the state Medicaid managed care advisory committee, the commission shall establish a process for use by a Medicaid managed care organization that receives a prior authorization request, with respect to a recipient who is not hospitalized at the time of the request, that does not include sufficient or adequate documentation. The process must provide a time frame within which a provider may submit the necessary documentation. The time frame must be longer than the time frame specified by Subsection (b)(2)(A) within which a Medicaid managed care organization must issue a determination on a prior authorization request.

Sec. 533.00283. ANNUAL REVIEW OF PRIOR AUTHORIZATION REQUIREMENTS. (a) Each Medicaid managed care organization, in consultation with the organization's provider advisory group required by contract, 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 Medicaid managed care organization 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.

(c) The commission shall periodically review each Medicaid managed care organization to ensure the organization's compliance with this section.

Sec. 533.00284. RECONSIDERATION FOLLOWING ADVERSE DETERMINATIONS ON CERTAIN PRIOR AUTHORIZATION REQUESTS. (a) In consultation with the state Medicaid managed care advisory committee, the commission shall establish a uniform process and timeline for Medicaid managed care

organizations to reconsider an adverse determination on a prior authorization request that resulted solely from the submission of insufficient or inadequate documentation. In addition to the requirements of Section 533.005, a contract between a Medicaid managed care organization and the commission must include a requirement that the organization implement the process and timeline.

(b) The process and timeline must:

(1) allow a provider to submit any documentation that was identified as insufficient or inadequate in the notice provided under Section 531.024162;

(2) allow the provider requesting the prior authorization to discuss the request with another provider 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 Medicaid managed care organization to amend the determination on the prior authorization request as necessary, considering the additional documentation.

(c) An adverse determination on a prior authorization request is considered a denial of services in an evaluation of the Medicaid managed care organization only if the determination is not amended under Subsection (b)(3) to approve the request.

(d) The process and timeline for reconsidering an adverse determination on a prior authorization request under this section do not affect:

(1) any related timelines, including the timeline for an internal appeal, a Medicaid fair hearing, or a review conducted by an external medical reviewer; or

(2) any rights of a recipient to appeal a determination on a prior authorization request.

Sec. 533.002841. MAXIMUM PERIOD FOR PRIOR AUTHORIZATION DECISION; ACCESS TO CARE. The time frames prescribed by the utilization review and prior authorization procedures described by Section 533.00282 and the timeline for reconsidering an adverse determination on a prior authorization described by Section 533.00284 together may not exceed the time frame for a decision under federally prescribed time frames. It is the intent of the legislature that these provisions allow sufficient time to provide necessary documentation and avoid unnecessary denials without delaying access to care.

Sec. 533.038. COORDINATION OF BENEFITS. (a) In this section, "Medicaid wrap-around benefit" means a Medicaid-covered service, including a pharmacy or medical benefit, that is provided to a recipient with both Medicaid and primary health benefit plan coverage when the recipient has exceeded the primary health benefit plan coverage limit or when the service is not covered by the primary health benefit plan issuer.

(b) The commission, in coordination with Medicaid managed care organizations and in consultation with the STAR Kids Managed Care Advisory Committee described by Section 533.00254, shall develop and adopt a clear policy for a Medicaid managed care organization to ensure the coordination and timely delivery of Medicaid wrap-around benefits for recipients with both primary health benefit plan coverage and Medicaid coverage. In developing the policy, the commission shall consider requiring a Medicaid managed care organization to allow, notwithstanding Sections 531.073 and 533.005(a)(23) or any other law, a recipient using a prescription drug for

which the recipient's primary health benefit plan issuer previously provided coverage to continue receiving the prescription drug without requiring additional prior authorization.

(c) If the commission determines that a recipient's primary health benefit plan issuer should have been the primary payor of a claim, the Medicaid managed care organization that paid the claim shall work with the commission on the recovery process and make every attempt to reduce health care provider and recipient abrasion.

(d) The executive commissioner may seek a waiver from the federal government as needed to:

(1) address federal policies related to coordination of benefits and third-party liability; and

(2) maximize federal financial participation for recipients with both primary health benefit plan coverage and Medicaid coverage.

(e) The commission may include in the Medicaid managed care eligibility files an indication of whether a recipient has primary health benefit plan coverage or is enrolled in a group health benefit plan for which the commission provides premium assistance under the health insurance premium payment program. For recipients with that coverage or for whom that premium assistance is provided, the files may include the following up-to-date, accurate information related to primary health benefit plan coverage to the extent the information is available to the commission:

(1) the health benefit plan issuer's name and address and the recipient's policy number;

(2) the primary health benefit plan coverage start and end dates; and

(3) the primary health benefit plan coverage benefits, limits, copayment, and coinsurance information.

(f) To the extent allowed by federal law, the commission shall maintain processes and policies to allow a health care provider who is primarily providing services to a recipient through primary health benefit plan coverage to receive Medicaid reimbursement for services ordered, referred, or prescribed, regardless of whether the provider is enrolled as a Medicaid provider. The commission shall allow a provider who is not enrolled as a Medicaid provider to order, refer, or prescribe services to a recipient based on the provider's national provider identifier number and may not require an additional state provider identifier number to receive reimbursement for the services. The commission may seek a waiver of Medicaid provider enrollment requirements for providers of recipients with primary health benefit plan coverage to implement this subsection.

(g) The commission shall develop a clear and easy process, to be implemented through a contract, that allows a recipient with complex medical needs who has established a relationship with a specialty provider to continue receiving care from that provider.

SECTION 7. (a) Section 531.0601, Government Code, as added by this Act, applies only to a child who becomes ineligible for the medically dependent children (MDCP) waiver program on or after December 1, 2019.

(b) Section 531.0602, Government Code, as added by this Act, applies only to an assessment or reassessment of a child's eligibility for the medically dependent children (MDCP) waiver program made on or after December 1, 2019.

(c) Notwithstanding Section 531.06021, Government Code, as added by this Act, the Health and Human Services Commission shall submit the first report required by that section not later than September 30, 2020, for the state fiscal quarter ending August 31, 2020.

(d) Not later than March 1, 2020, the Health and Human Services Commission shall:

(1) develop a plan to improve the care needs assessment tool and the initial assessment and reassessment processes as required by Sections 533.00253(c-1) and (c-2), Government Code, as added by this Act; and

(2) post the plan on the commission's Internet website.

(e) 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 Medicaid managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act.

(f) As soon as practicable after the effective date of this Act but not later than September 1, 2020, the Health and Human Services Commission shall seek to amend contracts entered into with Medicaid 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.

SECTION 8. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 9. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 10. 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.

SECTION 11. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 1207** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 12

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 12** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN	G. BONNEN
KOLKHORST	GERVIN-HAWKINS
NELSON	MURPHY
TAYLOR	WALLE
WEST	ZERWAS
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the contributions to and benefits under the Teacher Retirement System of Texas.

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

SECTION 1. Section 825.402, Government Code, is amended to read as follows:

Sec. 825.402. RATE OF MEMBER CONTRIBUTIONS. The rate of contributions for each member of the retirement system is:

(1) five percent of the member's annual compensation or $180, whichever is less, for service rendered after August 31, 1937, and before September 1, 1957;

(2) six percent of the first $8,400 of the member's annual compensation for service rendered after August 31, 1957, and before September 1, 1969;

(3) six percent of the member's annual compensation for service rendered after August 31, 1969, and before the first day of the 1977-78 school year;

(4) 6.65 percent of the member's annual compensation for service rendered after the last day of the period described by Subdivision (3) and before September 1, 1985;

(5) 6.4 percent of the member's annual compensation for service rendered after August 31, 1985, and before September 1, 2014;

(6) 6.7 percent of the member's annual compensation for service rendered after August 31, 2014, and before September 1, 2015;

(7) 7.2 percent of the member's annual compensation for service rendered after August 31, 2015, and before September 1, 2016;

(8) 7.7 percent of the member's annual compensation for service rendered after August 31, 2016, and before September 1, 2017; [~~and~~]

(9) for compensation paid [~~service rendered~~] on or after September 1, 2017, and before September 1, 2019, the lesser of:

(A) 7.7 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation [~~service~~] relates is less than the state contribution rate established for the 2015 fiscal year;

(10) for compensation paid on or after September 1, 2019, and before September 1, 2021, the lesser of:

(A) 7.7 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 7.7 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2);

(11) for compensation paid on or after September 1, 2021, and before September 1, 2023, the lesser of:

(A) eight percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to eight percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2); and

(12) for compensation paid on or after September 1, 2023, the lesser of:

(A) 8.25 percent of the member's annual compensation; or

(B) a percentage of the member's annual compensation equal to 8.25 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the compensation relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2).

SECTION 2. The heading to Section 825.4035, Government Code, is amended to read as follows:

Sec. 825.4035. EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYED MEMBERS [~~FOR WHOM THE EMPLOYER IS NOT MAKING CONTRIBUTIONS TO THE FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM~~].

SECTION 3. Section 825.4035, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) This section:

(1) except as provided by Subdivision (2), applies only to an employer that is a public school or regional education service center that [~~who~~] reports to the retirement system under Section 825.403 the employment of a member [~~for whom the employer is not making contributions to the federal Old-Age, Survivors, and Disability Insurance program~~]; and

(2) does not apply to an employer that is an institution of higher education.

(b) Except as provided in Subsection (c), for each member an [~~the~~] employer reports to the retirement system [~~and for whom the employer is not making contributions to the federal Old-Age, Survivors, and Disability Insurance program~~], the employer shall contribute monthly to the retirement system for each such member:

(1) for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the member's compensation; [~~and~~]

(2) beginning with the report month for September 2015 and ending with the report month of August 2019, an amount equal to the lesser of:

(A) 1.5 percent of the member's compensation; or

(B) a percentage of the member's compensation equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for the 2015 fiscal year; and

(3) beginning with the report month of September 2019 and for each subsequent report month, an amount equal to the lesser of:

(A) a percentage of the member's compensation equal to the rate of contribution provided for the applicable fiscal year under Subsection (e); or

(B) a percentage of the member's compensation equal to the percentage provided by Paragraph (A) reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2).

(c) If a member is entitled to the minimum salary for certain school personnel under Section 21.402, Education Code, or if a member would have been entitled to the minimum salary for certain school personnel under former Section 16.056, Education Code, as that section existed on January 1, 1995, the employer shall, in addition to any contributions required under Section 825.405, contribute monthly to the retirement system for each such member:

(1) for the period beginning with the report month of September 2014 and ending with the report month of August 2015, an amount equal to 1.5 percent of the statutory minimum salary determined under Section 825.405(b); [~~and~~]

(2) beginning with the report month for September 2015 and ending with the report month of August 2019, an amount equal to the lesser of:

(A) 1.5 percent of the statutory minimum salary determined under Section 825.405(b); or

(B) a percentage of the statutory minimum salary determined under Section 825.405(b) equal to 1.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for the 2015 fiscal year; and

(3) beginning with the report month of September 2019 and for each subsequent report month, an amount equal to the lesser of:

(A) a percentage of the statutory minimum salary determined under Section 825.405(b) equal to the rate of contribution provided for the applicable fiscal year under Subsection (e); or

(B) a percentage of the statutory minimum salary determined under Section 825.405(b) equal to the percentage provided by Paragraph (A) reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the report month relates is less than the state contribution rate established for that fiscal year under Section 825.404(a-2).

(e) For purposes of Subsections (b)(3)(A) and (c)(3)(A), the rate of contribution is:

(1) 1.5 percent beginning with the report month of September 2019 and ending with the report month of August 2020;

(2) 1.6 percent beginning with the report month of September 2020 and ending with the report month of August 2021;

(3) 1.7 percent beginning with the report month of September 2021 and ending with the report month of August 2022;

(4) 1.8 percent beginning with the report month of September 2022 and ending with the report month of August 2023;

(5) 1.9 percent beginning with the report month of September 2023 and ending with the report month of August 2024; and

(6) two percent beginning with the report month of September 2024 and for each subsequent report month.

SECTION 4. Section 825.404, Government Code, is amended by amending Subsections (a) and (a-1) and adding Subsection (a-2) to read as follows:

(a) Except as provided by Subsection (a-1) and subject to Subsection (a-2), during each fiscal year, the state shall contribute to the retirement system an amount equal to at least six and not more than 10 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year.

(a-1) In computing the amount owed by the state under this section [~~Subsection (a)~~], the compensation of members who are employed by public junior colleges or public junior college districts shall be included in the aggregate annual compensation as follows:

(1) 50 percent of the eligible creditable compensation of employees who:

(A) otherwise are eligible for membership in the retirement system; and

(B) are instructional or administrative employees whose salaries may be fully paid from funds appropriated under the General Appropriations Act, regardless of whether such salaries are actually paid from appropriated funds; and

(2) none of the eligible creditable compensation of all other employees who:

(A) do not meet the requirements of Subdivision (1)(B) but are otherwise eligible for membership in the retirement system; or

(B) cannot be included as a qualifying employee under Subdivision (1) by application of Subsection (b-1).

(a-2) The state contribution required by Subsection (a) is:

(1) for the fiscal years beginning on September 1, 2019, and September 1, 2020, 7.5 percent of the aggregate annual compensation of all members of the retirement system during the applicable fiscal year;

(2) for the fiscal year beginning on September 1, 2021, 7.75 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year;

(3) for the fiscal year beginning on September 1, 2022, eight percent of the aggregate annual compensation of all members of the retirement system during that fiscal year; and

(4) for the fiscal year beginning on September 1, 2023, and each subsequent fiscal year, 8.25 percent of the aggregate annual compensation of all members of the retirement system during that fiscal year.

SECTION 5. (a) The Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by this section.

(b) Subject to Subsection (i) of this section, the supplemental payment is payable not later than September 2020 and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c) The amount of the supplemental payment is equal to the lesser of:

(1) the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the calendar month immediately prior to the calendar month in which the Teacher Retirement System of Texas issues the one-time supplemental payment in accordance with Subsection (b) of this section; or

(2) $2,000.

(d) The supplemental payment is payable without regard to any forfeiture of benefits under Section 824.601, Government Code. The Teacher Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e) Subject to Subsection (f) of this section, to be eligible for the supplemental payment, a person must be, for the calendar month immediately prior to the calendar month in which the Teacher Retirement System of Texas issues the one-time supplemental payment in accordance with Subsection (b) of this section, and disregarding any forfeiture of benefits under Section 824.601, Government Code, an annuitant eligible to receive:

(1) a standard retirement annuity payment;

(2) an optional retirement annuity payment as either a retiree or beneficiary;

(3) a life annuity payment under Section 824.402(a)(4), Government Code;

(4) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code; or

(5) an alternate payee annuity payment under Section 804.005, Government Code.

(f) If the annuitant is a retiree or a beneficiary under an optional retirement payment plan, to be eligible for the supplemental payment, the effective date of the retirement of the member of the Teacher Retirement System of Texas must have been on or before December 31, 2018. If the annuitant is a beneficiary under Section 824.402(a)(3) or (4), Government Code, to be eligible for the supplemental payment, the date of death of the member of the retirement system must have been on or before December 31, 2018. The supplemental payment shall be made to an alternate payee who is an annuitant under Section 804.005, Government Code, only if the annuity

payment to the alternate payee commenced on or before December 31, 2018. The supplemental payment is in addition to the guaranteed number of payments under Section 824.204(c)(3) or (4), Section 824.308(c)(3) or (4), or Section 824.402(a)(3), Government Code, and may not be counted as one of the guaranteed monthly payments.

(g) The supplemental payment does not apply to payments under:

(1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;

(2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts;

(3) Section 824.501(a), Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(4) Section 824.404(a), Government Code, relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

(h) The board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

(i) The state shall appropriate to the Teacher Retirement System of Texas an amount equal to the cost of the one-time supplemental payment required by this section. This amount is in addition to the amount the state is required to contribute to the Teacher Retirement System of Texas under Section 825.404, Government Code. If the state does not transfer the appropriated amount described by this subsection, the Teacher Retirement System of Texas shall not issue the one-time supplemental payment required by this section.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The Conference Committee Report on **SB 12** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 30

Senator Birdwell submitted the following corrected Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 30** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BIRDWELL	PHELAN
BETTENCOURT	LEACH
FALLON	LONGORIA
PAXTON	MEYER
RODRÍGUEZ	STEPHENSON
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to ballot language requirements for a proposition seeking voter approval for the issuance of bonds.

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

SECTION 1. Section 45.003, Education Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) Notwithstanding Section 1251.052, Government Code, the question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings in the district, the purchase of new school buses, and the purchase of necessary sites for school buildings may be submitted to the voters in a single ballot proposition, except that bonds for each of the following purposes must be stated in a separate proposition:

(1) the construction, acquisition, or equipment of a stadium with seating capacity for more than 1,000 spectators;

(2) the construction, acquisition, or equipment of a natatorium;

(3) the construction, acquisition, or equipment of another recreational facility other than a gymnasium, playground, or play area;

(4) the construction, acquisition, or equipment of a performing arts facility;

(5) the construction, acquisition, or equipment of housing for teachers as determined by the district to be necessary to have a sufficient number of teachers for the district; and

(6) an acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

(h) The question of whether to approve the issuance of bonds for a building described by Subsection (g)(1), (2), (3), (4), or (5) must be printed on the ballot as a separate ballot proposition regardless of whether that building is proposed as part of the same complex or building that contains traditional classroom facilities. Each separate ballot proposition required by this subsection must state the principal amount

of the bonds to be issued that constitutes the cost for construction of that portion of the building or complex attributable to the building described by Subsection (g)(1), (2), (3), (4), or (5) or to the traditional classroom facilities, as applicable.

SECTION 2. Section 52.072(e), Election Code, is amended to read as follows:

(e) In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the [~~issuance of bonds or the~~] imposition, increase, or reduction of a tax shall specifically state, as applicable:

(1) [~~with respect to a proposition seeking voter approval of the issuance of bonds:~~

[~~(A) the total principal amount of the bonds to be authorized, if approved; and~~

[~~(B) a general description of the purposes for which the bonds are to be authorized, if approved;~~

[~~(2)~~] with respect to a proposition that only seeks voter approval of the imposition or increase of a tax, the amount of or maximum tax rate of the tax or tax increase for which approval is sought; or

(2) [~~(3)~~] with respect to a proposition that only seeks voter approval of the reduction of a tax, the amount of tax rate reduction or the tax rate for which approval is sought.

SECTION 3. Chapter 1251, Government Code, is amended by designating Sections 1251.001, 1251.003, 1251.004, 1251.005, and 1251.006 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. PROVISIONS RELATING GENERALLY TO COUNTY AND MUNICIPAL BOND ELECTIONS

SECTION 4. Chapter 1251, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. BALLOT FOR DEBT OBLIGATIONS ISSUED BY POLITICAL SUBDIVISION

Sec. 1251.051. DEFINITIONS. In this subchapter:

(1) "Debt obligation" means a public security, as defined by Section 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

(2) "Political subdivision" means a municipality, county, school district, or special taxing district.

Sec. 1251.052. FORM. (a) The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

(1) a plain language description of the single specific purposes for which the debt obligations are to be authorized;

(2) the total principal amount of the debt obligations to be authorized; and

(3) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

(a-1) Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

SECTION 5. Section 1251.002, Government Code, is repealed.

SECTION 6. The change in law made by this Act applies only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 30** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1096

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1096** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY	OLIVERSON
BUCKINGHAM	CORTEZ
CAMPBELL	KRAUSE
FLORES	PARKER
KOLKHORST	SHEFFIELD
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the Medicaid managed care program, including the provision of pharmacy benefits.

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

SECTION 1. Section 533.00253, Government Code, is amended by adding Subsections (m) and (n) to read as follows:

(m) The advisory committee or a successor committee shall explore the feasibility of adopting a private duty nursing assessment for use in the STAR Kids managed care program and provide recommendations to the commission on adopting

a private duty nursing assessment tool that would streamline the documentation for prior authorization of private duty nursing. This subsection expires September 1, 2021.

(n) The commission, at least once every two years, shall conduct a utilization review on a sample of cases for children enrolled in the STAR Kids managed care program to ensure that all imposed clinical prior authorizations are based on publicly available clinical criteria and are not being used to negatively impact a recipient's access to care.

SECTION 2. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.002821 to read as follows:

Sec. 533.002821. PRIOR AUTHORIZATION PROCEDURES FOR HOSPITALIZED RECIPIENT. 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, notwithstanding any other law, the organization review and issue determinations on prior authorization requests with respect to a recipient who is hospitalized at the time of the request according to the following time frames:

(1) within one business day after receiving the request, except as provided by Subdivisions (2) and (3);

(2) 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

(3) within one hour after receiving the request if the request is related to poststabilization care or a life-threatening condition.

SECTION 3. Section 533.005, Government Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation rates that ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education;

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan on any claim for payment that is received with documentation reasonably necessary for the managed care organization to process the claim:

(A) not later than:

(i) the 10th day after the date the claim is received if the claim relates to services provided by a nursing facility, intermediate care facility, or group home;

(ii) the 30th day after the date the claim is received if the claim relates to the provision of long-term services and supports not subject to Subparagraph (i); and

(iii) the 45th day after the date the claim is received if the claim is not subject to Subparagraph (i) or (ii); or

(B) within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;

(7-a) a requirement that the managed care organization demonstrate to the commission that the organization pays claims described by Subdivision (7)(A)(ii) on average not later than the 21st day after the date the claim is received by the organization;

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;

(9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;

(10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general and the office of the attorney general;

(11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that, notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the organization:

(A) use advanced practice registered nurses and physician assistants in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network; and

(B) treat advanced practice registered nurses and physician assistants in the same manner as primary care physicians with regard to:

(i) selection and assignment as primary care providers;

(ii) inclusion as primary care providers in the organization's provider network; and

(iii) inclusion as primary care providers in any provider network directory maintained by the organization;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician;

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal;

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider; and

(D) the managed care organization to allow a provider with a claim that has not been paid before the time prescribed by Subdivision (7)(A)(ii) to initiate an appeal of that claim;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization:

(A) develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network complies with the provider access standards established under Section 533.0061;

(B) as a condition of contract retention and renewal:

(i) continue to comply with the provider access standards established under Section 533.0061; and

(ii) make substantial efforts, as determined by the commission, to mitigate or remedy any noncompliance with the provider access standards established under Section 533.0061;

(C) pay liquidated damages for each failure, as determined by the commission, to comply with the provider access standards established under Section 533.0061 in amounts that are reasonably related to the noncompliance; and

(D) regularly, as determined by the commission, submit to the commission and make available to the public a report containing data on the sufficiency of the organization's provider network with regard to providing the care and services described under Section 533.0061(a) and specific data with respect to access to primary care, specialty care, long-term services and supports, nursing services, and therapy services on the average length of time between:

(i) the date a provider requests prior authorization for the care or service and the date the organization approves or denies the request; and

(ii) the date the organization approves a request for prior authorization for the care or service and the date the care or service is initiated;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that, subject to the provider access standards established under Section 533.0061:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

(i) a sufficient number of primary care providers;

(ii) a sufficient variety of provider types;

(iii) a sufficient number of providers of long-term services and supports and specialty pediatric care providers of home and community-based services; and

(iv) providers located throughout the region where the organization will provide health care services; and

(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care;

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures or, as applicable, the national core indicators adult consumer survey and the national core indicators child family survey for individuals with an intellectual or developmental disability;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse;

(23) subject to Subsection (a-1), a requirement that the managed care organization develop, implement, and maintain an outpatient pharmacy benefit plan for its enrolled recipients:

(A) that, except as provided by Paragraph (L)(ii), exclusively employs the vendor drug program formulary and preserves the state's ability to reduce waste, fraud, and abuse under Medicaid;

(B) that adheres to the applicable preferred drug list adopted by the commission under Section 531.072;

(C) that, except as provided by Paragraph (L)(i), includes the prior authorization procedures and requirements prescribed by or implemented under Sections 531.073(b), (c), and (g) for the vendor drug program;

(D) for purposes of which the managed care organization:

(i) may not negotiate or collect rebates associated with pharmacy products on the vendor drug program formulary; and

(ii) may not receive drug rebate or pricing information that is confidential under Section 531.071;

(E) that complies with the prohibition under Section 531.089;

(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) that allows the managed care organization or any subcontracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager are prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or partly by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager must adopt policies and procedures for reclassifying prescription drugs from retail to specialty drugs, and those policies and procedures must be consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in its networks, but may not require enrolled recipients to use those pharmacies, and may not charge an enrolled recipient who opts to use this service a fee, including postage and handling fees;

(J) under which the managed care organization or pharmacy benefit manager, as applicable, must pay claims in accordance with Section 843.339, Insurance Code; [~~and~~]

(K) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) to place a drug on a maximum allowable cost list, must ensure that:

(a) the drug is listed as "A" or "B" rated in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

(b) the drug is generally available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

(ii) must provide to a network pharmacy provider, at the time a contract is entered into or renewed with the network pharmacy provider, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;

(iii) must review and update maximum allowable cost price information at least once every seven days to reflect any modification of maximum allowable cost pricing;

(iv) must, in formulating the maximum allowable cost price for a drug, use only the price of the drug and drugs listed as therapeutically equivalent in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book;

(v) must establish a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;

(vi) must:

(a) provide a procedure under which a network pharmacy provider may challenge a listed maximum allowable cost price for a drug;

(b) respond to a challenge not later than the 15th day after the date the challenge is made;

(c) if the challenge is successful, make an adjustment in the drug price effective on the date the challenge is resolved[**,**] and make the adjustment applicable to all similarly situated network pharmacy providers, as determined by the managed care organization or pharmacy benefit manager, as appropriate;

(d) if the challenge is denied, provide the reason for the denial; and

(e) report to the commission every 90 days the total number of challenges that were made and denied in the preceding 90-day period for each maximum allowable cost list drug for which a challenge was denied during the period;

(vii) must notify the commission not later than the 21st day after implementing a practice of using a maximum allowable cost list for drugs dispensed at retail but not by mail; and

(viii) must provide a process for each of its network pharmacy providers to readily access the maximum allowable cost list specific to that provider; and

(L) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) may not require a prior authorization, other than a clinical prior authorization or a prior authorization imposed by the commission to minimize the opportunity for waste, fraud, or abuse, for or impose any other barriers to a drug that is prescribed to a child enrolled in the STAR Kids managed care program for a particular disease or treatment and that is on the vendor drug program formulary or require additional prior authorization for a drug included in the preferred drug list adopted under Section 531.072;

(ii) must provide for continued access to a drug prescribed to a child enrolled in the STAR Kids managed care program, regardless of whether the drug is on the vendor drug program formulary or, if applicable on or after August 31, 2023, the managed care organization's formulary;

(iii) may not use a protocol that requires a child enrolled in the STAR Kids managed care program to use a prescription drug or sequence of prescription drugs other than the drug that the child's physician recommends for the child's treatment before the managed care organization provides coverage for the recommended drug; and

(iv) must pay liquidated damages to the commission for each failure, as determined by the commission, to comply with this paragraph in an amount that is a reasonable forecast of the damages caused by the noncompliance;

(24) a requirement that the managed care organization and any entity with which the managed care organization contracts for the performance of services under a managed care plan disclose, at no cost, to the commission and, on request, the office of the attorney general all discounts, incentives, rebates, fees, free goods, bundling arrangements, and other agreements affecting the net cost of goods or services provided under the plan;

(25) a requirement that the managed care organization not implement significant, nonnegotiated, across-the-board provider reimbursement rate reductions unless:

(A) subject to Subsection (a-3), the organization has the prior approval of the commission to make the reductions [~~reduction~~]; or

(B) the rate reductions are based on changes to the Medicaid fee schedule or cost containment initiatives implemented by the commission; and

(26) a requirement that the managed care organization make initial and subsequent primary care provider assignments and changes.

(g) The commission shall provide guidance and additional education to managed care organizations with which the commission enters into contracts described by Subsection (a) regarding requirements under federal law to continue to provide services during an internal appeal, a Medicaid fair hearing, or any other review.

SECTION 4. (a) Section 533.002821, Government Code, as added by this Act, and Section 533.005, Government Code, as amended 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) As soon as practicable after the effective date of this Act but not later than September 1, 2020, 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 Section 533.002821, Government Code, as added by this Act, and Section 533.005, Government Code, as amended by this Act.

SECTION 5. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 7. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 1096** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 496

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 496** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LUCIO	GERVIN-HAWKINS
CAMPBELL	ALLISON
HINOJOSA	G. BONNEN
TAYLOR	CORTEZ
FALLON	OLIVERSON
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 496** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 944

Senator Watson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 944** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON	CAPRIGLIONE
CAMPBELL	P. KING
HANCOCK	LANG
NICHOLS	MOODY
PAXTON	MORRISON
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the public information law.

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

SECTION 1. Section 552.002, Government Code, is amended by adding Subsection (d) to read as follows:

(d) "Protected health information" as defined by Section 181.006, Health and Safety Code, is not public information and is not subject to disclosure under this chapter.

SECTION 2. Section 552.003, Government Code, is amended by adding Subdivision (7) to read as follows:

(7) "Temporary custodian" means an officer or employee of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer's agent. The term includes a former officer or employee of a governmental body who created or received public information in the officer's or employee's official capacity that has not been provided to the officer for public information of the governmental body or the officer's agent.

SECTION 3. Section 552.004, Government Code, is amended to read as follows:

Sec. 552.004. PRESERVATION OF INFORMATION. (a) A governmental body or, for information of an elective county office, the elected county officer, may determine a time for which information that is not currently in use will be preserved, subject to Subsection (b) and to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

(b) A current or former officer or employee of a governmental body who maintains public information on a privately owned device shall:

(1) forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Subsection (a); or

(2) preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under Subsection (a).

(c) The provisions of Chapter 441 of this code and Title 6, Local Government Code, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

SECTION 4. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.159 to read as follows:

Sec. 552.159. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION PROVIDED BY OUT-OF-STATE HEALTH CARE PROVIDER. Information obtained by a governmental body that was provided by an out-of-state health care provider in connection with a quality management, peer review, or best practices program that the out-of-state health care provider pays for is confidential and excepted from the requirements of Section 552.021.

SECTION 5. Section 552.203, Government Code, is amended to read as follows:

Sec. 552.203. GENERAL DUTIES OF OFFICER FOR PUBLIC INFORMATION. Each officer for public information, subject to penalties provided in this chapter, shall:

(1) make public information available for public inspection and copying;

(2) carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; [~~and~~]

(3) repair, renovate, or rebind public information as necessary to maintain it properly; and

(4) make reasonable efforts to obtain public information from a temporary custodian if:

(A) the information has been requested from the governmental body;

(B) the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;

(C) the officer for public information is unable to comply with the duties imposed by this chapter without obtaining the information from the temporary custodian; and

(D) the temporary custodian has not provided the information to the officer for public information or the officer's agent.

SECTION 6. Subchapter E, Chapter 552, Government Code, is amended by adding Sections 552.233, 552.234, and 552.235 to read as follows:

Sec. 552.233. OWNERSHIP OF PUBLIC INFORMATION. (a) A current or former officer or employee of a governmental body does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity.

(b) A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the governmental body not later than the 10th day after the date the officer for public information of the governmental body or the officer's agent requests the temporary custodian to surrender or return the information.

(c) A temporary custodian's failure to surrender or return public information as required by Subsection (b) is grounds for disciplinary action by the governmental body that employs the temporary custodian or any other applicable penalties provided by this chapter or other law.

(d) For purposes of the application of Subchapter G to information surrendered or returned to a governmental body by a temporary custodian under Subsection (b), the governmental body is considered to receive the request for that information on the date the information is surrendered or returned to the governmental body.

Sec. 552.234. METHOD OF MAKING WRITTEN REQUEST FOR PUBLIC INFORMATION. (a) A person may make a written request for public information under this chapter only by delivering the request by one of the following methods to the applicable officer for public information or a person designated by that officer:

(1) United States mail;

(2) electronic mail;

(3) hand delivery; or

(4) any other appropriate method approved by the governmental body, including:

(A) facsimile transmission; and

(B) electronic submission through the governmental body's Internet website.

(b) For the purpose of Subsection (a)(4), a governmental body is considered to have approved a method described by that subdivision only if the governmental body includes a statement that a request for public information may be made by that method on:

(1) the sign required to be displayed by the governmental body under Section 552.205; or

(2) the governmental body's Internet website.

(c) A governmental body may designate one mailing address and one electronic mail address for receiving written requests for public information. The governmental body shall provide the designated mailing address and electronic mailing address to any person on request.

(d) A governmental body that posts the mailing address and electronic mail address designated by the governmental body under Subsection (c) on the governmental body's Internet website or that prints those addresses on the sign

required to be displayed by the governmental body under Section 552.205 is not required to respond to a written request for public information unless the request is received:

(1) at one of those addresses;

(2) by hand delivery; or

(3) by a method described by Subsection (a)(4) that has been approved by the governmental body.

Sec. 552.235. PUBLIC INFORMATION REQUEST FORM. (a) The attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the governmental body determines is:

(1) confidential; or

(2) subject to an exception to disclosure that the governmental body would assert if the information were subject to the request.

(b) A governmental body that allows requestors to use the form described by Subsection (a) and maintains an Internet website shall post the form on its website.

SECTION 7. Section 552.301(c), Government Code, is repealed.

SECTION 8. The changes in law made by this Act apply only to a request for public information received on or after the effective date of this Act. A request for public information received before the effective date of this Act is governed by the law in effect when the request was received, and the former law is continued in effect for that purpose.

SECTION 9. The attorney general shall create a public information request form under Section 552.235(a), Government Code, as added by this Act, not later than October 1, 2019.

SECTION 10. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 944** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1151

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1151** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN LONGORIA

NELSON	ANCHIA
NICHOLS	WU
ZAFFIRINI	ASHBY
	SCHAEFER
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons and certain annuity payments payable to surviving spouses and designated beneficiaries of those persons.

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

SECTION 1. Section 103.0535, Civil Practice and Remedies Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) An election under this section must be made not later than the 45th day after the date:

(1) on which the claimant files with the comptroller the application required by Section 103.051; or

(2) on which the claimant experiences one of the following life-changing events:

(A) marriage or divorce of the claimant;

(B) the addition of a dependent of the claimant; or

(C) the death of a dependent, spouse, or beneficiary of the claimant.

(d-1) An election under Subsection (d) must be made on a form prescribed by the comptroller that:

(1) identifies the claimant's spouse or designated beneficiary according to Section 103.0536; and

(2) specifies the option selected under Subsection (c).

SECTION 2. Section 411.109(a), Government Code, is amended to read as follows:

(a) The comptroller is entitled to obtain from the department criminal history record information maintained by the department that the comptroller believes is necessary for the enforcement or administration of Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152, 154, 155, or 162, Tax Code, including criminal history record information that relates to a person who is:

(1) an applicant for a permit under any of those chapters;

(2) a permit holder under any of those chapters;

(3) an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under any of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;

(4) believed to have violated any of those chapters; [~~or~~]

(5) being considered by the comptroller for employment as a peace officer; or

(6) receiving, scheduled to receive, or applying to receive compensation under Chapter 103, Civil Practice and Remedies Code.

SECTION 3. (a) Notwithstanding Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, a person entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, who started receiving annuity payments before the effective date of this Act may elect to receive any remaining payments as alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act, by filing the form described by Section 103.0535(d-1), Civil Practice and Remedies Code, as added by this Act, with the comptroller after December 31, 2019, and before March 1, 2020. The value of alternative annuity payments elected under this subsection must be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. This subsection does not affect the ability of a person described by this subsection to make an election under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, following a life-changing event described by that subsection.

(b) Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of:

(1) the opportunity described by Subsection (a) of this section to elect to receive alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act; and

(2) the opportunity to elect to receive alternative annuity payments after a life-changing event under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act.

(c) The comptroller shall provide the notice required by Subsection (b) of this section by:

(1) certified mail to a person's last known address; and

(2) phone call to the phone number that the comptroller has on file for the person.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The Conference Committee Report on **SB 1151** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1734

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1734** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LUCIO	HOLLAND
CREIGHTON	LEACH
HUFFMAN	JULIE JOHNSON
POWELL	MEYER
TAYLOR	MARTINEZ
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1734** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 815

Senator Rodríguez submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 815** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

RODRÍGUEZ	MOODY
FLORES	COLLIER
PERRY	P. KING
HUFFMAN	KRAUSE
WHITMIRE	WHITE
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the creation and preservation of certain records of criminal proceedings.

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

SECTION 1. Articles 15.17(a) and (f), Code of Criminal Procedure, are amended to read as follows:

(a) In each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some magistrate of the county where the accused was arrested or, to provide more expeditiously to the person arrested the warnings described by this article, before a magistrate in any other county of this state. The arrested person may be taken before the magistrate in person or the image of the arrested person may be presented to the magistrate by means of a videoconference. The magistrate shall inform in clear language the person arrested, either in person or through a videoconference, of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right to have an attorney present during any interview with peace officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to have an examining trial. The magistrate shall also inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel. If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31, as appropriate. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. If the person arrested is indigent and requests appointment of counsel and if the magistrate is authorized under Article 26.04 to appoint counsel for indigent defendants in the county, the magistrate shall appoint counsel in accordance with Article 1.051. If the magistrate is not authorized to appoint counsel, the magistrate shall without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted to the court or to the courts' designee authorized under Article 26.04 to appoint counsel in the county, the forms requesting the appointment of counsel. The magistrate shall also inform the person arrested that he is not required to make a statement and that any statement made by him may be used against him. The magistrate shall allow the person arrested reasonable time and opportunity to consult counsel and shall, after determining whether the person is currently on bail for a separate criminal offense, admit the person arrested to bail if allowed by law. A record of the communication between the arrested person and the magistrate shall be made. [~~The record shall be preserved until the earlier of the following dates: (1) the date on which the pretrial hearing ends; or (2) the 91st day after the date on which the record is made if the person is charged with a misdemeanor or the 120th day after the date on which the record is made if the person is charged with a felony.~~] For purposes of this subsection, "videoconference" means a two-way electronic communication of image and sound between the arrested person and the magistrate and includes secure Internet videoconferencing.

(f) A record required under Subsection (a) or (e) may consist of written forms, electronic recordings, or other documentation as authorized by procedures adopted in the county under Article 26.04(a). The record must be retained in compliance with the applicable records retention schedule prepared by the director and librarian of the Texas State Library and Archives Commission under Section 441.158, Government

Code. The counsel for the defendant may obtain a copy of the record on payment of a reasonable amount to cover the costs of reproduction or, if the defendant is indigent, the court shall provide a copy to the defendant without charging a cost for the copy.

SECTION 2. Article 27.18, Code of Criminal Procedure, is amended by amending Subsection (d) and adding Subsection (h) to read as follows:

(d) A defendant who is confined in a county other than the county in which charges against the defendant are pending may use the videoconference method provided by this article [~~or by Article 15.17~~] to enter a plea or waive a right in the court with jurisdiction over the case.

(h) For purposes of this article, "videoconference" means a two-way electronic communication of image and sound between the arrested person and the magistrate and includes secure Internet videoconferencing.

SECTION 3. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 815** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 234

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 234** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON	KRAUSE
CAMPBELL	MIDDLETON
HUFFMAN	PHELAN
NICHOLS	PRICE
	WU
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 234** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 982

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 982** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

KOLKHORST	ZERWAS
CAMPBELL	GEREN
FLORES	MORRISON
PERRY	NEVÁREZ
	PHELAN
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the provision of disaster and emergency services, including health care services, to certain populations.

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

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Sections 418.054 and 418.055 to read as follows:

Sec. 418.054. EMERGENCY PLAN FOR SPECIALTY CARE POPULATIONS. The division, in consultation with the Department of State Health Services and local governmental entities that have established emergency management plans, shall develop a plan to increase the capabilities of local emergency shelters in the provision of shelter and care for specialty care populations during a disaster.

Sec. 418.055. ACCESS TO LOCAL VOLUNTEER NETWORKS; VOLUNTEER MOBILE MEDICAL UNITS. (a) The division, in consultation with the Department of State Health Services, shall increase awareness of and encourage local government emergency response teams to utilize services provided by local volunteer networks, including the Medical Reserve Corps, that are available in the area to respond during a disaster or emergency.

(b) The division shall develop a plan to create and manage state-controlled volunteer mobile medical units in each public health region to assist counties that lack access to a volunteer network described by Subsection (a).

(c) The Department of State Health Services shall collaborate with local medical organizations that represent licensed physicians who practice in a county or public health region to:

(1) ensure the physicians are informed about local government emergency response teams and those teams are aware of physician resources in the county or region, as applicable;

(2) compile and maintain a list of physicians in the county or region and the contact information for the physicians;

(3) provide up-to-date information about resources for physicians regarding disaster planning, including continuing medical education;

(4) promote the Texas Disaster Volunteer Registry and the Emergency System for Advance Registration of Volunteer Health Professionals;

(5) consider incentives to assist with recruiting physician volunteers; and

(6) encourage physicians and health professionals to advocate for disaster planning measures in health care facilities.

SECTION 2. Chapter 418, Government Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. DISASTER ISSUES AFFECTING PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES

Sec. 418.131. DEFINITIONS. In this subchapter:

(1) "Disability" means, with respect to an individual, a mental or physical impairment that substantially limits at least one major life activity of that individual.

(2) "Task force" means the task force established under Section 418.132.

Sec. 418.132. ESTABLISHMENT; PURPOSE. The task force on disaster issues affecting persons who are elderly and persons with disabilities is established to study methods to more effectively:

(1) assist persons who are elderly and persons with disabilities during a disaster or emergency evacuation; and

(2) accommodate persons who are elderly and persons with disabilities in emergency shelters.

Sec. 418.133. COMPOSITION. (a) The task force is composed of 11 members appointed by the governor, including:

(1) three members who are first responders;

(2) one member who represents municipalities;

(3) one member who represents counties; and

(4) six members who represent persons with disabilities.

(b) A majority of the members appointed to the task force must be persons with disabilities or guardians of children with disabilities.

(c) Members serve staggered six-year terms with the terms of three or four members expiring February 1 of each odd-numbered year.

(d) The governor shall designate one member of the task force to serve as the presiding officer of the task force. The presiding officer serves in that capacity at the pleasure of the governor.

Sec. 418.134. TASK FORCE STUDY. (a) The task force shall study methods to more effectively accommodate persons who are elderly and persons with disabilities during a disaster or emergency evacuation. The study must examine and make recommendations on:

(1) the provision of informational materials to persons who are elderly and persons with disabilities before a disaster occurs on disaster or emergency evacuation;

(2) the accessibility of transportation and medical supplies to persons who are elderly and persons with disabilities during a disaster;

(3) different solutions for accommodating persons who are elderly and persons with disabilities during a disaster or emergency evacuation of a rural or urban area;

(4) the ability to effectively communicate with persons who are elderly and persons with disabilities during a disaster; and

(5) the availability of volunteers to assist persons who are elderly and persons with disabilities during an emergency evacuation.

(b) The task force shall develop and submit a written report of the study and recommendations developed by the task force to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature not later than December 1, 2020.

(c) This section expires June 1, 2021.

SECTION 3. The Texas Division of Emergency Management 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 division may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 4. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 982** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 6

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 6** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

KOLKHORST	MORRISON
ALVARADO	GEREN
CREIGHTON	MOODY
PERRY	NEVÁREZ
TAYLOR	PHELAN
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to emergency and disaster management, response, and recovery.

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

SECTION 1. Section 418.005, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The training course provided under this section related to the emergency management responsibilities of officers of political subdivisions must include training based on the disaster response guide as required by Section 418.054(b).

SECTION 2. Subchapter C, Chapter 418, Government Code, is amended by adding Sections 418.054, 418.055, 418.056, and 418.057 to read as follows:

Sec. 418.054. DISASTER RESPONSE GUIDE. (a) The division shall develop a model guide for local officials regarding disaster response and recovery. The guide must provide a comprehensive approach to disaster recovery by local officials and include information on:

(1) contracting for debris removal;

(2) obtaining federal disaster funding;

(3) coordinating the availability and construction of short-term and long-term housing; and

(4) obtaining assistance from local, state, and federal volunteer organizations.

(b) The division, in coordination with the Texas A&M AgriLife Extension Service and the Texas A&M Engineering Extension Service, shall provide training based on the disaster response guide as a part of the emergency management training course provided under Section 418.005.

Sec. 418.055. CATASTROPHIC DEBRIS MANAGEMENT PLAN AND TRAINING. (a) The division, in consultation with any other state agencies selected by the division, shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster.

(b) The plan must:

(1) provide a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; and

(2) include:

(A) provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of equipment for use immediately following a disaster; and

(B) contracting standards and a model contract for use in procuring debris removal services following a disaster.

(c) The division shall consult with the comptroller about including a contract for debris removal services on the schedule of multiple award contracts developed under Subchapter I, Chapter 2155, or in another cooperative purchasing program administered by the comptroller.

(d) The Texas A&M Engineering Extension Service, in coordination with the Texas Commission on Environmental Quality, shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

Sec. 418.056. WET DEBRIS STUDY GROUP. (a) In this section, "study group" means the wet debris study group established under this section.

(b) The wet debris study group is established and composed of representatives of the division, any other state agencies selected by the division, and local and federal governmental entities.

(c) The chief of the division serves as chair of the study group.

(d) The study group shall study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster, including:

(1) the creation of maintenance programs for bodies of water in this state;

(2) issues related to the clearance of wet debris on private property following a disaster; and

(3) potential sources of funding for the clearance of wet debris following a disaster.

(e) Not later than November 1, 2020, the study group shall submit a report containing recommendations on the issues described by Subsection (d) to each member of the legislature.

(f) The study group is abolished and this section expires January 1, 2021.

Sec. 418.057. EMERGENCY MANAGEMENT WORK GROUP. (a) In this section:

(1) "Emergency management director" and "emergency management coordinator" mean the director and coordinator, respectively, designated under Section 418.1015.

(2) "Work group" means the work group established under this section.

(b) The division shall establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and any other emergency management personnel.

(c) As part of the study and proposal under Subsection (b), the work group shall:

(1) assess the training and credentials necessary for emergency management directors, emergency management coordinators, and any other emergency management personnel to effectively oversee the response to and recovery from a disaster;

(2) review training courses that are required for emergency management directors, emergency management coordinators, and any other emergency management personnel in this state on September 1, 2019; and

(3) consult with institutions of higher education as defined by Section 61.003, Education Code, on the development of degree programs in emergency management in addition to the programs that exist in this state on September 1, 2019.

(d) In conducting the assessment required by Subsection (c)(1), the work group shall consider:

(1) whether the differences in geography, population, and critical infrastructure between emergency management directors' or emergency management coordinators' jurisdictions warrant different levels of training and credentialing;

(2) whether the legislature should enact laws requiring an emergency management director or emergency management coordinator to participate in emergency management training and credentialing before overseeing the response to and recovery from a disaster;

(3) whether to include in any recommended emergency management training under Subdivision (2) information on disaster finance, damage assessment, disaster contracting, debris management, and the skills needed to participate in federal emergency management programs;

(4) whether to implement incentives for emergency management directors, emergency management coordinators, and any other emergency management personnel to complete additional training and continuing education; and

(5) proposals for paying the cost for training for emergency management directors and emergency management coordinators that is more rigorous than the training required by law for the directors and coordinators on September 1, 2019.

(e) Not later than November 1, 2020, the work group shall submit the proposal required under this section to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

(f) The work group is abolished and this section expires January 1, 2021.

SECTION 3. Chapter 418, Government Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. DISASTER RECOVERY LOAN PROGRAM

Sec. 418.061. DEFINITIONS. In this subchapter:

(1) "Account" means the disaster recovery loan account created under Section 418.066.

(2) "Eligible political subdivision" means a county, municipality, or school district that meets the qualifications prescribed by Section 418.062.

Sec. 418.062. ELIGIBILITY FOR LOAN. A political subdivision may apply to the division for a loan under this subchapter if:

(1) the political subdivision:

(A) is located wholly or partly in an area declared to be a disaster area by the governor or the president of the United States; and

(B) before applying to the division for a loan under this subchapter:

(i) has submitted to the division, within 15 days of the date of its adoption by the governing body of the political subdivision, the political subdivision's operating budget for the most recent fiscal year; and

(ii) has submitted an application for a loan from the Federal Emergency Management Agency's community disaster loan program;

(2) an assessment of damages due to the disaster for which the declaration was made has been conducted in the political subdivision; and

(3) the division, in consultation with the Federal Emergency Management Agency, determines that the estimated cost to rebuild the political subdivision's infrastructure damaged in the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to the division under this section.

Sec. 418.063. DISASTER RECOVERY LOAN PROGRAM. The division by rule shall establish a loan program to use money from the account to provide short-term loans for disaster recovery projects to eligible political subdivisions.

Sec. 418.064. LOANS. (a) A loan made from the account must be subject to the following conditions:

(1) the loan must be made at or below market interest rates for a term not to exceed 10 years; and

(2) the loan proceeds must be expended by the eligible political subdivision solely for disaster recovery projects.

(b) The comptroller shall credit to the account all principal and interest payments on a loan from the account.

(c) If the term of a loan from the account exceeds two years, the state auditor shall, on the second anniversary of the date on which the eligible political subdivision received the loan, conduct a limited audit of the political subdivision to determine whether the political subdivision has the ability to repay the loan under the terms of the loan. The division may forgive a loan made to an eligible political subdivision if the state auditor determines that the political subdivision is unable to repay the loan. The state auditor's participation under this subsection is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Sec. 418.065. APPLICATION FOR LOAN. The division shall develop and implement an application process for a loan under this subchapter. At a minimum, the application must include:

(1) a description of the disaster recovery project for which the applicant is requesting the loan;

(2) an estimate of the total cost of the project;

(3) a statement of the amount of federal money that the applicant will receive for the project, or, if that information is not available on the date the applicant submits the application, an estimate of the amount of that money; and

(4) evidence that the applicant has staff, policies, and procedures in place adequate to complete the project.

Sec. 418.066. CREATION OF ACCOUNT. (a) The disaster recovery loan account is created as an account in the general revenue fund with the comptroller, to be administered by the division.

(b) Money in the account may be used only to provide short-term loans to eligible political subdivisions in the manner provided by this subchapter.

(c) The account consists of:

(1) money appropriated, credited, or transferred to the account by the legislature;

(2) money received by the comptroller for the repayment of a loan made from the account;

(3) gifts or grants contributed to the account; and

(4) interest earned on deposits and investments of the account.

Sec. 418.067. RULES. The division shall adopt rules to implement and administer this subchapter. The rules adopted by the division to implement this subchapter must include the development of a form on which a political subdivision may electronically submit its budget to the division.

SECTION 4. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Division" means the Texas Division of Emergency Management.

(b) The commission and the division shall conduct a study to determine the feasibility of developing:

(1) a single intake form that would compile all information needed to obtain disaster assistance from multiple state and federal programs for an individual who needs assistance as a result of a disaster; and

(2) an automated intake system for collecting the information.

(c) The commission and the division shall coordinate with the Federal Emergency Management Agency and other appropriate state and federal agencies to conduct the study under Subsection (b) of this section. The commission and the division must determine whether the Federal Emergency Management Agency and other appropriate state and federal agencies will accept the single intake form.

(d) Not later than September 1, 2020, the commission and the division shall prepare and submit a written report to the legislature containing the findings of the study conducted under Subsection (b) of this section and any recommendations to the legislature.

(e) This section expires January 1, 2021.

SECTION 5. Not later than January 1, 2020, the Texas Division of Emergency Management shall develop the catastrophic debris management plan and model guide required by Section 418.055, Government Code, as added by this Act.

SECTION 6. The Texas Division of Emergency Management is required to implement Subchapter C-1, Chapter 418, Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the division may, but is not required to, implement that subchapter using other appropriations available for that purpose.

SECTION 7. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 6** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 799

Senator Alvarado submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 799** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ALVARADO	MURPHY
CREIGHTON	G. BONNEN
HANCOCK	MORRISON
WHITMIRE	MURR
KOLKHORST	PHELAN
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to emergency management and disaster recovery.

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

SECTION 1. Section 61.003(6), Education Code, is amended to read as follows:

(6) "Other agency of higher education" means The University of Texas System, System Administration; The University of Texas at El Paso [~~Western University~~] Museum; The Texas A&M University System, Administrative and General Offices; Texas A&M AgriLife Research [~~Agricultural Experiment Station~~]; Texas A&M AgriLife [~~Agricultural~~] Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas A&M AgriLife [~~Agricultural~~] Extension Service); Texas A&M Engineering Experiment Station (including the Texas A&M Transportation Institute); Texas A&M Engineering Extension Service; Texas A&M Forest Service; Texas Division of Emergency Management; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Texas Water Resources Institute [~~of Texas~~]; Texas A&M Veterinary Medical Diagnostic Laboratory; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

SECTION 2. Section 88.001, Education Code, is amended to read as follows:

Sec. 88.001. AGENCIES AND SERVICES. The agencies and services of the Texas A&M [~~A & M~~] University System are:

(1) the Texas A&M Forest Service (see Subchapter B of this chapter);

(2) [~~the~~] Texas A&M AgriLife Research [~~Agricultural Experiment Station~~] (see Subchapter C of this chapter);

(3) the Texas A&M AgriLife [~~Agricultural~~] Extension Service, established by action of the board of directors;

(4) the Texas A&M Engineering Experiment Station, established by action of the board of directors;

(5) the Texas A&M Engineering Extension Service, established by action of the board of directors;

(6) the Texas Division of Emergency Management (see Subchapter C, Chapter 418, Government Code); and

(7) [~~(6)~~] other agencies and services that may be established by law or by action of the board of directors.

SECTION 3. Section 418.013(b), Government Code, is amended to read as follows:

(b) The emergency management council is composed of representatives of state agencies, boards, commissions, and organized volunteer groups designated by the head of each entity. At least once each biennium, the governor shall review the composition of the council and, if necessary, update or expand the participating entities.

SECTION 4. Section 418.041, Government Code, is amended to read as follows:

Sec. 418.041. ORGANIZATION. (a) The Texas Division of Emergency Management is a component [~~division~~] of The Texas A&M University System [~~the department~~].

(b) The division is managed by a chief appointed by the [~~public safety director of the department, with the approval of the~~] governor. The chief serves at the pleasure of the governor [~~public safety director~~]. The chief must possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services, and emergency response.

(c) At least once every two months, the following shall meet to coordinate efforts, prevent overlap of activities, and ensure that the state's approach to emergency management and homeland security is unified:

(1) a representative of the department;

(2) a representative of the division;

(3) [~~a representative of the governor's office of homeland security;~~

[~~(4)~~] the presiding officer of the Homeland Security Council; and

(4) [~~(5)~~] a state agency representative from the emergency management council, selected by the chair of the emergency management council.

(d) The division shall employ other coordinating and planning officers and other professional, technical, secretarial, and clerical personnel necessary to the performance of its functions.

(e) The division shall manage and staff the state operations center under an agreement with the department.

SECTION 5. Section 418.050(c), Government Code, is amended to read as follows:

(c) The division, in consultation with representatives of affected parties and local emergency management directors, shall develop a reentry credentialing process. The division shall include the credentialing process in the phased reentry plan. The department [~~Department of Public Safety of the State of Texas~~] shall provide support for the credentialing process.

SECTION 6. Section 418.051(c), Government Code, is amended to read as follows:

(c) The communications coordination group consists of members selected by the division, including representatives of:

(1) the Texas military forces;

(2) the department [~~Department of Public Safety of the State of Texas~~];

(3) the Federal Emergency Management Agency;

(4) federal agencies that comprise Emergency Support Function No. 2;

(5) the telecommunications industry, including cable service providers, as defined by Section 66.002, Utilities Code;

(6) electric utilities, as defined by Section 31.002, Utilities Code;

(7) gas utilities, as defined by Sections 101.003 and 121.001, Utilities Code;

(8) the National Guard's Joint Continental United States Communications Support Environment;

(9) the National Guard Bureau;

(10) amateur radio operator groups;

(11) the Texas A&M Forest Service;

(12) the Texas Department of Transportation;

(13) the General Land Office;

(14) the Texas A&M Engineering Extension Service [~~of The Texas A&M University System~~];

(15) the Public Utility Commission of Texas;

(16) the Railroad Commission of Texas;

(17) the Department of State Health Services;

(18) the judicial branch of state government;

(19) the Texas Association of Regional Councils;

(20) the United States Air Force Auxiliary Civil Air Patrol, Texas Wing;

(21) each trauma service area regional advisory council;

(22) state agencies, counties, and municipalities affected by the emergency, including 9-1-1 agencies; and

(23) other agencies as determined by the division.

SECTION 7. Subchapter C, Chapter 418, Government Code, is amended by adding Sections 418.054, 418.055, and 418.056 to read as follows:

Sec. 418.054. BUSINESS ADVISORY COUNCIL. (a) In this section, "advisory council" means the business advisory council established under this section.

(b) The business advisory council is established to provide advice and expertise on actions state and local governments can take to assist businesses in recovering from a disaster.

(c) The advisory council is composed of 12 members who represent business in this state appointed as follows:

(1) four members appointed by the governor;

(2) four members appointed by the lieutenant governor; and

(3) four members appointed by the speaker of the house of representatives.

(d) Members of the advisory council serve staggered four-year terms.

(e) An advisory council member is not entitled to compensation but is entitled to reimbursement for travel expenses incurred by the member while conducting the business of the advisory council.

(f) The advisory council members shall elect a presiding officer from among the members.

(g) The advisory council shall:

(1) advise the division on policies, rules, and program operations to assist businesses in recovering from a disaster;

(2) advise the division on the state resources and services needed to assist businesses in recovering from a catastrophic loss of electric power; and

(3) propose solutions to address inefficiencies or problems in the state or local governmental disaster response with respect to impact on businesses and the economy.

(h) The advisory council shall meet at the times and locations determined by the presiding officer, not to exceed four meetings each year.

(i) Not later than November 1 of each even-numbered year, the advisory council shall submit a report on the advisory council's activities, advice, and proposed solutions to the division, the governor, the lieutenant governor, and the speaker of the house of representatives.

(j) The division shall provide administrative support to the advisory council.

(k) Chapter 2110 does not apply to the advisory council.

Sec. 418.055. WET DEBRIS WORK GROUP. (a) In this section:

(1) "Wet debris" means natural or man-made debris located in bodies of water, including lakes, rivers, streams, bays, bayous, wetlands, and tidal areas, that results from a disaster.

(2) "Work group" means the wet debris work group established under this section.

(b) The wet debris work group is established and composed of representatives of the division, any other state agencies selected by the division, and local and federal governmental entities.

(c) The chief of the division serves as chair of the work group.

(d) The work group shall conduct a study to:

(1) identify:

(A) wet debris removal categories for bodies of water in the state and the applicable laws for each category;

(B) current jurisdictions of local, state, federal, and private entities responsible for wet debris removal, including any concurrent, joint, or overlapping roles and responsibilities of those entities;

(C) funding sources applicable to each wet debris removal category; and

(D) issues that impede wet debris removal; and

(2) provide recommendations for:

(A) minimizing impediments to wet debris removal;

(B) clarifying local, state, federal, and private entities' roles and responsibilities for wet debris removal; and

(C) educating interested persons on the results of the study described by this subsection.

(e) Not later than November 1, 2020, the work group shall submit a report containing the results of the study described by Subsection (d) to each member of the legislature.

(f) The work group is abolished and this section expires January 1, 2021.

Sec. 418.056. DISASTER RECOVERY TASK FORCE. (a) The division shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) The disaster recovery task force may include and use the resources of:

(1) any appropriate state agencies, including institutions of higher education; and

(2) organized volunteer groups.

(c) The disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. A report must be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Once each quarter, the disaster recovery task force shall brief members of the legislature, legislative staff, and state agency personnel on the response and recovery efforts for previous disasters and any preparation or planning for potential future hazards, threats, or disasters.

SECTION 8. As soon as practicable after the effective date of this Act, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the business advisory council, as required by Section 418.054, Government Code, as added by this Act, as follows:

(1) the governor shall appoint two members to terms expiring February 1, 2021, one member to a term expiring February 1, 2022, and one member to a term expiring February 1, 2023;

(2) the lieutenant governor shall appoint one member to a term expiring February 1, 2021, two members to terms expiring February 1, 2022, and one member to a term expiring February 1, 2023; and

(3) the speaker of the house of representatives shall appoint one member to a term expiring February 1, 2021, one member to a term expiring February 1, 2022, and two members to terms expiring February 1, 2023.

SECTION 9. (a) On September 1, 2019:

(1) the administration of the Texas Division of Emergency Management shall be transferred from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2) all rules, policies, procedures, and decisions of the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management are continued in effect as rules, policies, procedures, and decisions of The Texas A&M University System until superseded by a rule or other appropriate action by The Texas A&M University System;

(3) an employee of the Texas Division of Emergency Management as operated by the Department of Public Safety of the State of Texas becomes an employee of the Texas Division of Emergency Management under The Texas A&M University System;

(4) a reference in law or administrative rule to the Department of Public Safety of the State of Texas relating to the administration of the Texas Division of Emergency Management means The Texas A&M University System; and

(5) the Department of Public Safety of the State of Texas is responsible for the employer contribution for the cost of retiree insurance for employees of the Texas Division of Emergency Management who retire from the division before September 1, 2019.

(b) Not later than June 1, 2019, the Department of Public Safety of the State of Texas and The Texas A&M University System shall enter into a memorandum of understanding relating to the transfer of the administration of the Texas Division of

Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System as provided by this Act. The memorandum must include:

(1) a timetable and specific steps and methods for the transfer on September 1, 2019, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds relating to the administration of the Texas Division of Emergency Management from the Department of Public Safety of the State of Texas to The Texas A&M University System;

(2) measures to ensure against any unnecessary disruption to the operation of the Texas Division of Emergency Management during the transfer process; and

(3) a provision that the terms of any memorandum of understanding entered into previously by the governor, The Texas A&M University System, the Department of Public Safety of the State of Texas, and the Texas Division of Emergency Management and related to the transfer remain in effect until the transfer is completed.

SECTION 10. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

(b) Sections 1, 2, 3, 4, 5, 6, and 9 of this Act take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Sections 1, 2, 3, 4, 5, 6, and 9 of this Act take effect September 1, 2019.

The Conference Committee Report on **SB 799** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1495

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1495** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CREIGHTON	TOTH
FALLON	BOHAC
CAMPBELL	MIDDLETON
FLORES	NOBLE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1495** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1973

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1973** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON	BUTTON
ALVARADO	SHAHEEN
CAMPBELL	RODRIGUEZ
HUFFMAN	SWANSON
WATSON	GOODWIN
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1973** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1991

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1991** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BUCKINGHAM	KLICK
CAMPBELL	DESHOTEL
FLORES	HINOJOSA

HINOJOSA	MILLER
KOLKHORST	NOBLE
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to claims processes and reimbursement for, and overpayment recoupment processes imposed on, health care providers under Medicaid.

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

SECTION 1. Section 531.024172, Government Code, is amended by amending Subsection (g) and adding Subsections (g-1) and (g-2) to read as follows:

(g) The commission may recognize a health care provider's proprietary electronic visit verification system, whether purchased or developed by the provider, as complying with this section and allow the health care provider to use that system for a period determined by the commission if the commission determines that the system:

(1) complies with all necessary data submission, exchange, and reporting requirements established under this section; and

(2) meets all other standards and requirements established under this section[~~; and~~

[~~(3) has been in use by the health care provider since at least June 1, 2014~~].

(g-1) If feasible, the executive commissioner shall ensure a health care provider that uses the provider's proprietary electronic visit verification system recognized under Subsection (g) is reimbursed for the use of that system.

(g-2) For purposes of facilitating the use of proprietary electronic visit verification systems by health care providers under Subsection (g) and in consultation with industry stakeholders and the work group established under Subsection (h), the commission or the executive commissioner, as appropriate, shall:

(1) develop an open model system that mitigates the administrative burdens identified by providers required to use electronic visit verification;

(2) allow providers to use emerging technologies, including Internet-based, mobile telephone-based, and global positioning-based technologies, in the providers' proprietary electronic visit verification systems; and

(3) adopt rules governing data submission and provider reimbursement.

SECTION 2. Section 531.1131, Government Code, is amended by adding Subsection (f) to read as follows:

(f) In adopting rules establishing due process procedures under Subsection (e), the executive commissioner shall require that a managed care organization or an entity with which the managed care organization contracts under Section 531.113(a)(2) that engages in payment recovery efforts in accordance with this section and Section 531.1135 provide:

(1) written notice to a provider required to use electronic visit verification of the organization's intent to recoup overpayments in accordance with Section 531.1135; and

(2) a provider described by Subdivision (1) at least 60 days to cure any defect in a claim before the organization may begin any efforts to collect overpayments.

SECTION 3. Subchapter C, Chapter 531, Government Code, is amended by adding Section 531.1135 to read as follows:

Sec. 531.1135. MANAGED CARE ORGANIZATIONS: PROCESS TO RECOUP CERTAIN OVERPAYMENTS. (a) The executive commissioner shall adopt rules that standardize the process by which a managed care organization collects alleged overpayments that are made to a health care provider and discovered through an audit or investigation conducted by the organization secondary to missing electronic visit verification information. In adopting rules under this section, the executive commissioner shall require that the managed care organization:

(1) provide written notice of the organization's intent to recoup overpayments not later than the 30th day after the date an audit is complete; and

(2) limit the duration of audits to 24 months.

(b) The executive commissioner shall require that the notice required under this section inform the provider:

(1) of the specific claims and electronic visit verification transactions that are the basis of the overpayment;

(2) of the process the provider should use to communicate with the managed care organization to provide information about the electronic visit verification transactions;

(3) of the provider's option to seek an informal resolution of the alleged overpayment;

(4) of the process to appeal the determination that an overpayment was made; and

(5) if the provider intends to respond to the notice, that the provider must respond not later than the 30th day after the date the provider receives the notice.

(c) Notwithstanding any other law, a managed care organization may not attempt to recover an overpayment described by Subsection (a) until the provider has exhausted all rights to an appeal.

SECTION 4. (a) As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall conduct a study to evaluate the impacts and effectiveness of using the Medicare education adjustment factor assigned under 42 C.F.R. Section 412.105 in effect on the effective date of this Act to calculate the medical education add-on used to reimburse teaching hospitals for the provision of inpatient hospital care under Medicaid. The commission shall develop and make recommendations on alternative factors and methodologies for calculating and annually updating the medical education add-on that:

(1) best recognize the higher costs incurred by teaching hospitals; and

(2) mitigate issues identified with using the Medicare education adjustment factor without reducing reimbursements to urban teaching hospitals that have maintained or increased the number of interns and residents enrolled in the hospitals' approved teaching programs.

(b) Not later than December 1, 2020, the Health and Human Services Commission shall report its findings and recommendations under Subsection (a) of this section to the governor, the standing committees of the senate and the house of representatives having primary jurisdiction over matters relating to state finance and

appropriations from the state treasury, the standing committees of the senate and house of representatives having primary jurisdiction over Medicaid, and the Legislative Budget Board.

SECTION 5. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 6. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 7. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 1991** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2138

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 2138** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HINOJOSA	RAYMOND
CAMPBELL	SHEFFIELD
JOHNSON	ZERWAS
KOLKHORST	
NELSON	
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the administration and operation of Medicaid.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.021135 to read as follows:

Sec. 531.021135. COMMISSION'S AUTHORITY TO RETAIN CERTAIN MONEY TO ADMINISTER CERTAIN MEDICAID PROGRAMS; REPORT REQUIRED. (a) In this section, "directed payment program" means a delivery system and provider patient initiative implemented by this state under 42 C.F.R. Section 438.6(c).

(b) This section applies only to money the commission receives from a source other than the general revenue fund to operate a waiver program established under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) or a directed payment program or successor program as determined by the commission.

(c) Subject to Subsection (e), the commission may retain from money to which this section applies an amount equal to the estimated costs necessary to administer the program for which the money is received, but not to exceed $8 million for a state fiscal year.

(d) The commission shall spend money retained under this section to assist in paying the costs necessary to administer the program for which the money is received, except that the commission may not use the money to pay any type of administrative cost that, before June 1, 2019, was funded with general revenue.

(e) If the commission determines that the commission needs additional money to administer a program described by Subsection (b), the commission may retain an additional amount with the approval of the governor and the Legislative Budget Board, but not to exceed a total retained amount equal to 0.25 percent of the total amount estimated to be received for the program.

(f) The commission shall submit an annual report to the governor and the Legislative Budget Board that:

(1) details the amount of money retained and spent by the commission under this section during the preceding state fiscal year, including a separate detail of any increase in the amount of money retained for a program under Subsection (e);

(2) contains a transparent description of how the commission used the money described by Subdivision (1); and

(3) assesses the extent to which the money retained by the commission under this section covered the estimated costs to administer the applicable program and states whether, based on that assessment, the commission adjusted or considered adjustments to the amount retained.

(g) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 2. Section 531.1023, Government Code, is amended to read as follows:

Sec. 531.1023. COMPLIANCE WITH FEDERAL CODING GUIDELINES. (a) The commission's office of inspector general, including office staff and any third party with which the office contracts to perform coding services, and the commission's medical and utilization review appeals unit shall comply with federal coding guidelines, including guidelines for diagnosis-related group (DRG) validation and related audits.

(b) In this section, "federal coding guidelines" means the code sets and guidelines adopted by the United States Department of Health and Human Services in accordance with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

SECTION 3. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0031 to read as follows:

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 4. The Health and Human Services Commission shall require that a managed care plan offered by a Medicaid 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 complies with Section 533.0031, Government Code, as added by this Act, not later than September 1, 2022.

SECTION 5. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. 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 Conference Committee Report on **SB 2138** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1257

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1257** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN	LEACH
ALVARADO	G. BONNEN
CREIGHTON	P. KING
FLORES	
NELSON	
On the part of the Senate	On the part of the House

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.

The Conference Committee Report on **SB 1257** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 510

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 510** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SCHWERTNER	WILSON
MENÉNDEZ	CYRIER
PERRY	MORRISON
CAMPBELL	BUCY
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 510** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3636

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3636** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST	MORRISON
WHITMIRE	CYRIER
PERRY	GERVIN-HAWKINS
HUFFMAN	LEMAN
HALL	
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3636** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 604

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 604** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BUCKINGHAM	PADDIE
BIRDWELL	CANALES
HALL	LAMBERT
NICHOLS	LANDGRAF
WATSON	NEVÁREZ
On the part of the Senate	On the part of the House

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 [~~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. Chapter 1004, Transportation Code, is amended by adding Section 1004.003 to read as follows:

Sec. 1004.003. CONFIDENTIALITY OF INFORMATION RELATED TO INVESTIGATIONS. 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 only if the disclosure of that information would interfere with or jeopardize the investigation.

SECTION 1.08. The following provisions are repealed:

(1) Section 2110.002(c), Government Code;

(2) Section 2301.612, Occupations Code; and

(3) Section 1001.031(a-1), Transportation Code.

SECTION 1.09. (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. Sections 2301.358(a) and (c), Occupations Code, are amended to read as follows:

(a) A person who holds a license issued under this chapter may not participate in a new motor vehicle show or exhibition unless[~~:~~

[~~(1)~~] the person provides the department with written notice before the date the show or exhibition opens[~~; and~~

[~~(2) the department grants written approval~~].

(c) This section does not prohibit the sale of a towable recreational vehicle, motor home, ambulance, fire-fighting vehicle, or tow truck at a show or exhibition if:

(1) the [~~show or exhibition is approved by the~~] department receives written notice of the show or exhibition before the date the show or exhibition opens; and

(2) the sale is not otherwise prohibited by law.

SECTION 2.06. 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 2.07. 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 2.08. 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 2.09. 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 2.10. 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 2.11. Section 2302.351(b), Occupations Code, is amended to read as follows:

(b) If a salvage vehicle dealer 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 2.12. 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 2.13. 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 or approved 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 2.14. 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 2.15. Sections 2301.264(c), 2302.001(6), 2302.102, and 2302.107, Occupations Code, are repealed.

SECTION 2.16. (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.

SECTION 2.17. 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. 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.

ARTICLE 3. DIGITAL LICENSE PLATES

SECTION 3.01. 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 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 described by Subsection (b) 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) A vehicle registered under Chapter 502 may be equipped with a digital license plate only if the vehicle:

(1) is part of a commercial fleet, as defined by Section 502.001;

(2) is owned or operated by a governmental entity; or

(3) is not a passenger vehicle.

(c) 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.

(d) 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;

(3) have wireless connectivity capability; 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.

(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(d)(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 3.02. Not later than December 31, 2020, 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.

ARTICLE 4. REGISTRATION AND TITLING

SECTION 4.01. 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 4.02. 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 4.03. 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 4.04. 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 4.05. (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 4.06. 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 4.07. Not later than March 1, 2020, the Texas Department of Motor Vehicles shall, in coordination with county tax assessors-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 4.08. 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 5. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

SECTION 5.01. 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 5.02. 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 5.03. 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 5.04. 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 5.05. 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 5.06. 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) [~~(i)~~] 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) [~~(j)~~] For purposes of Subsection (a)(2) [~~(i)(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) [~~(k)~~] 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 5.07. 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 5.08. 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 5.09. 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) [~~(f)~~] 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) [~~Subsection (b)~~] or is disqualified under Section 1006.052 [~~Subsection (i) or (k) of this section~~];

(2) does not maintain during service on the authority the qualifications required by Section 1006.051(b) [~~Subsection (b)~~] or becomes disqualified under Section 1006.052 [~~Subsection (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. [~~(l)~~] 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 5.10. 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 [~~(c) 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 (c)~~] 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 (c) 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 5.11. 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 [~~in~~] the General Appropriations Act.

SECTION 5.12. 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 5.13. 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. [~~(b)~~] The authority shall meet at the call of the presiding officer [~~chairman~~] or at the call of four members.

SECTION 5.14. 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. [~~(h)~~] 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 5.15. 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 5.16. 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 5.17. 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 5.18. 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 5.19. 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 5.20. 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 5.21. 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) [~~(j)~~] The authority shall:

(1) develop and periodically update [~~use~~] standard performance measures for each category of grants provided by the authority for use in assessing [~~order to assess~~] 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) [~~(k)~~] 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 5.22. 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 5.23. 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 5.24. 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. [~~(i)~~] 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 [~~in~~] the General Appropriations Act.

SECTION 5.25. 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 5.26. 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 5.27. 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 5.28. 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 5.29. (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 5.30. (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 6. STUDY ON IMPOSING FEES ON ALTERNATIVELY FUELED VEHICLES

SECTION 6.01. 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 6.02. 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 6.03. EXPIRATION DATE. This article expires September 1, 2021.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 604** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2143

Senator Whitmire submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2143** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WHITMIRE	J. TURNER
CAMPBELL	WRAY
HANCOCK	DARBY
MENÉNDEZ	PATTERSON
NICHOLS	COLE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2143** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3148

Senator Bettencourt submitted the following corrected Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3148** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BETTENCOURT	PARKER
PERRY	ALLISON
KOLKHORST	FRANK
MENÉNDEZ	SPRINGER
	ORTEGA
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3148** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 11

Senator Taylor submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 11** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

TAYLOR	G. BONNEN
CAMPBELL	BERNAL
NELSON	METCALF
LUCIO	OLIVERSON
WATSON	ZERWAS
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.

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

SECTION 1. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061 to read as follows:

Sec. 7.061. FACILITIES STANDARDS. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b) The commissioner shall adopt or amend rules as necessary to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:

(1) the design and construction of new facilities; and

(2) the improvement, renovation, and retrofitting of existing facilities.

(c) Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that building standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment.

SECTION 2. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Section 39.053(c). The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, including:

(i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure;

(ii) conflict resolution programs;

(iii) violence prevention programs; and

(iv) dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

(D) sources of information on higher education admissions and financial aid;

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each improvement strategy;

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; [~~and~~]

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children; and

(10) the trauma-informed care policy required under Section 38.036.

SECTION 3. Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

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

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

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

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

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

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

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

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

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

(I) extracurricular activities under Section 33.081;

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

(K) health and safety under Chapter 38;

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

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

(N) intensive programs of instruction under Section 28.0213;

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

(P) bullying prevention policies and procedures under Section 37.0832;

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

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

(S) [~~(P)~~] a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d); and

(T) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071.

SECTION 4. Sections 21.054(d) and (d-2), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) collecting and analyzing information that will improve effectiveness in the classroom;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into classroom instruction;

(4) educating diverse student populations, including:

(A) students with disabilities, including mental health disorders;

(B) students who are educationally disadvantaged;

(C) students of limited English proficiency; and

(D) students at risk of dropping out of school; [~~and~~]

(5) understanding appropriate relationships, boundaries, and communications between educators and students; and[~~.~~]

(6) [~~(d-2) Continuing education requirements for a classroom teacher may include instruction regarding~~] how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

(d-2) The instruction required under Subsection (d)(6) must:

(1) comply with the training required by Section 38.036(c)(1); and

(2) be approved by the commissioner.

SECTION 5. Section 25.081(a), Education Code, is amended to read as follows:

(a) Except as authorized under Subsection (b) of this section, Section 25.0815, Section 25.084, or Section 29.0821, for each school year each school district must operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.

SECTION 6. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0815 to read as follows:

Sec. 25.0815. OPERATION AND INSTRUCTIONAL TIME WAIVERS FOR SCHOOL SAFETY TRAINING. (a) The commissioner shall provide a waiver allowing for fewer minutes of operation and instructional time than required under Section 25.081(a) for a school district that requires each educator employed by the district to attend an approved school safety training course.

(b) A waiver under this section:

(1) must allow sufficient time for the school district's educators to attend the school safety training course; and

(2) may not:

(A) result in an inadequate number of minutes of instructional time for students; or

(B) reduce the number of minutes of operation and instructional time by more than 420 minutes.

(c) To be approved under this section, a school safety training course must apply to the Texas School Safety Center. The Texas School Safety Center may approve a training course if the course satisfies the training requirements as determined by the center.

(d) The commissioner may adopt rules to implement this section.

SECTION 7. Section 28.002, Education Code, is amended by amending Subsection (a) and adding Subsection (z) to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on:

(i) physical health, including the importance of proper nutrition and exercise;

(ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

(iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;

(C) physical education;

(D) fine arts;

(E) career and technology education;

(F) technology applications;

(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and

(H) personal financial literacy.

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by Section 37.0832.

(2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

SECTION 8. Section 28.004, Education Code, is amended by amending Subsection (c) and adding Subsection (o) to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in health education;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

(A) health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement;

(E) instruction to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco;

(F) school health services;

(G) counseling and guidance services;

(H) a safe and healthy school environment; and

(I) school employee wellness;

(3) appropriate grade levels and methods of instruction for human sexuality instruction;

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A) school health services;

(B) counseling and guidance services;

(C) a safe and healthy school environment; and

(D) school employee wellness; [~~and~~]

(5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies; and

(6) strategies to increase parental awareness regarding:

(A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

(B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

(o) The local school health advisory council shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services.

SECTION 9. Section 37.0812, Education Code, is amended to read as follows:

Sec. 37.0812. TRAINING POLICY: SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS. A school district [~~with an enrollment of 30,000 or more students~~] that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

SECTION 10. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (f) to read as follows:

(a) Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center in conjunction with the governor's office

of homeland security and the commissioner of education or commissioner of higher education, as applicable [~~in conjunction with the governor's office of homeland security~~]. The plan must provide for:

(1) [~~district employee~~] training in responding to an emergency for district employees, including substitute teachers;

(2) measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3) measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

(4) if the plan applies to a school district, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency;

(5) [~~(3)~~] measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and

(6) [~~(4)~~] the implementation of a safety and security audit as required by Subsection (b).

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a person included in the registry established by the Texas School Safety Center under Section 37.2091 [~~comparable public or private entity~~].

(b-1) In a school district's safety and security audit required under Subsection (b), the district must certify that the district used the funds provided to the district through the school safety allotment under Section 42.168 only for the purposes provided by that section.

(c) A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to the Texas School Safety Center. The report provided to the Texas School Safety Center under this subsection must be signed by:

(1) for a school district, the district's board of trustees and superintendent; or

(2) for a public junior college district, the president of the junior college district.

(f) A school district shall include in its multihazard emergency operations plan:

(1) a chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

(2) provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of this section by the agency or the Texas School Safety Center;

(3) provisions for ensuring the safety of students in portable buildings;

(4) provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation;

(5) provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

(6) provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that:

(A) are aligned with best practice-based programs and research-based practices recommended under Section 161.325, Health and Safety Code;

(B) include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;

(C) include training on integrating psychological safety and suicide prevention strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and Texas School Safety Center for:

(i) members of the district's school safety and security committee under Section 37.109;

(ii) district school counselors and mental health professionals; and

(iii) educators and other district personnel as determined by the district;

(D) include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and

(E) implement trauma-informed policies;

(7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; and

(8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year.

SECTION 11. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082 to read as follows:

Sec. 37.1081. PUBLIC HEARING ON MULTIHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE. (a) If the board of trustees of a school district receives notice of noncompliance under Section 37.207(e) or 37.2071(g), the board shall hold a public hearing to notify the public of:

(1) the district's failure to:

(A) submit or correct deficiencies in a multihazard emergency operations plan; or

(B) report the results of a safety and security audit to the Texas School Safety Center as required by law;

(2) the dates during which the district has not been in compliance; and

(3) the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

(b) The school district shall provide the information required under Subsection (a)(3) in writing to each person in attendance at the hearing.

(c) The board shall give members of the public a reasonable opportunity to appear before the board and to speak on the issue of the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit during a hearing held under this section.

(d) A school district required to hold a public hearing under Subsection (a) shall provide written confirmation to the Texas School Safety Center that the district held the hearing.

Sec. 37.1082. MULTIHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE; APPOINTMENT OF CONSERVATOR OR BOARD OF MANAGERS. (a) If the agency receives notice from the Texas School Safety Center of a school district's failure to submit a multihazard emergency operations plan, the commissioner may appoint a conservator for the district under Chapter 39A. The conservator may order the district to adopt, implement, and submit a multihazard emergency operations plan.

(b) If a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Chapter 39A to oversee the operations of the district.

(c) The commissioner may adopt rules as necessary to administer this section.

SECTION 12. Section 37.109, Education Code, is amended by adding Subsections (a-1), (c), and (d) and amending Subsection (b) to read as follows:

(a-1) The committee, to the greatest extent practicable, must include:

(1) one or more representatives of an office of emergency management of a county or city in which the district is located;

(2) one or more representatives of the local police department or sheriff's office;

(3) one or more representatives of the district's police department, if applicable;

(4) the president of the district's board of trustees;

(5) a member of the district's board of trustees other than the president;

(6) the district's superintendent;

(7) one or more designees of the district's superintendent, one of whom must be a classroom teacher in the district;

(8) if the district partners with an open-enrollment charter school to provide instruction to students, a member of the open-enrollment charter school's governing body or a designee of the governing body; and

(9) two parents or guardians of students enrolled in the district.

(b) The committee shall:

(1) participate on behalf of the district in developing and implementing emergency plans consistent with the district multihazard emergency operations plan required by Section 37.108(a) to ensure that the plans reflect specific campus, facility, or support services needs;

(2) periodically provide recommendations to the district's board of trustees and district administrators regarding updating the district multihazard emergency operations plan required by Section 37.108(a) in accordance with best practices identified by the agency, the Texas School Safety Center, or a person included in the registry established by the Texas School Safety Center under Section 37.2091;

(3) provide the district with any campus, facility, or support services information required in connection with a safety and security audit required by Section 37.108(b), a safety and security audit report required by Section 37.108(c), or another report required to be submitted by the district to the Texas School Safety Center; [~~and~~]

(4) [~~(3)~~] review each report required to be submitted by the district to the Texas School Safety Center to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the center; and

(5) consult with local law enforcement agencies on methods to increase law enforcement presence near district campuses.

(c) Except as otherwise provided by this subsection, the committee shall meet at least once during each academic semester and at least once during the summer. A committee established by a school district that operates schools on a year-round system or in accordance with another alternative schedule shall meet at least three times during each calendar year, with an interval of at least two months between each meeting.

(d) The committee is subject to Chapter 551, Government Code, and may meet in executive session as provided by that chapter. Notice of a committee meeting must be posted in the same manner as notice of a meeting of the district's board of trustees.

SECTION 13. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.113, 37.114, and 37.115 to read as follows:

Sec. 37.113. NOTIFICATION REGARDING BOMB THREAT OR TERRORISTIC THREAT. A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable.

Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL DRILLS. The commissioner, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules:

(1) providing procedures for evacuating and securing school property during an emergency; and

(2) designating the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills, including designating the number of:

(A) evacuation fire exit drills; and

(B) lockdown, lockout, shelter-in-place, and evacuation drills.

Sec. 37.115. THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM AND TEAM. (a) In this section:

(1) "Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

(A) specific interventions, including mental health or behavioral supports;

(B) in-school suspension;

(C) out-of-school suspension; or

(D) the student's expulsion or removal to a disciplinary alternative education program or a juvenile justice alternative education program.

(2) "Team" means a threat assessment and safe and supportive school team established by the board of trustees of a school district under this section.

(b) The agency, in coordination with the Texas School Safety Center, shall adopt rules to establish a safe and supportive school program. The rules shall incorporate research-based best practices for school safety, including providing for:

(1) physical and psychological safety;

(2) a multiphase and multihazard approach to prevention, mitigation, preparedness, response, and recovery in a crisis situation;

(3) a systemic and coordinated multitiered support system that addresses school climate, the social and emotional domain, and behavioral and mental health; and

(4) multidisciplinary and multiagency collaboration to assess risks and threats in schools and provide appropriate interventions, including rules for the establishment and operation of teams.

(c) The board of trustees of each school district shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program under Subsection (b) at the district campus served by the team. The policies and procedures adopted under this section must:

(1) be consistent with the model policies and procedures developed by the Texas School Safety Center;

(2) require each team to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs; and

(3) require each team established under this section to report the information required under Subsection (k) regarding the team's activities to the agency.

(d) The superintendent of the district shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a school district, provided that each district campus is assigned a team.

(e) The superintendent of a school district may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility under this subsection must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

(f) Each team shall:

(1) conduct a threat assessment that includes:

(A) assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with the policies and procedures adopted under Subsection (c); and

(B) gathering and analyzing data to determine the level of risk and appropriate intervention, including:

(i) referring a student for mental health assessment; and

(ii) implementing an escalation procedure, if appropriate based on the team's assessment, in accordance with district policy;

(2) provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

(3) support the district in implementing the district's multihazard emergency operations plan.

(g) A team may not provide a mental health care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or person standing in parental relation to the student before providing the mental health care service. The consent required by this subsection must be submitted on a form developed by the school district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

(h) On a determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. The requirements of this subsection do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

(i) A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

(j) A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

(k) A team must report to the agency in accordance with guidelines developed by the agency the following information regarding the team's activities and other information for each school district campus the team serves:

(1) the occupation of each person appointed to the team;

(2) the number of threats and a description of the type of the threats reported to the team;

(3) the outcome of each assessment made by the team, including:

(A) any disciplinary action taken, including a change in school placement;

(B) any action taken by law enforcement; or

(C) a referral to or change in counseling, mental health, special education, or other services;

(4) the total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:

(A) citations issued for Class C misdemeanor offenses;

(B) arrests;

(C) incidents of uses of restraint;

(D) changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program;

(E) referrals to or changes in counseling, mental health, special education, or other services;

(F) placements in in-school suspension or out-of-school suspension and incidents of expulsion;

(G) unexcused absences of 15 or more days during the school year; and

(H) referrals to juvenile court for truancy; and

(5) the number and percentage of school personnel trained in:

(A) a best-practices program or research-based practice under Section 161.325, Health and Safety Code, including the number and percentage of school personnel trained in:

(i) suicide prevention; or

(ii) grief and trauma-informed practices;

(B) mental health or psychological first aid for schools;

(C) training relating to the safe and supportive school program established under Subsection (b); or

(D) any other program relating to safety identified by the commissioner.

(l) The commissioner may adopt rules to implement this section.

SECTION 14. Section 37.207, Education Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) In addition to a review of a district's multihazard emergency operations plan under Section 37.2071, the center may require a district to submit its plan for immediate review if the district's audit results indicate that the district is not complying with applicable standards.

(d) If a district fails to report the results of its audit as required under Subsection (b), the center shall provide the district with written notice that the district has failed to report its audit results and must immediately report the results to the center.

(e) If six months after the date of the initial notification required by Subsection (d) the district has still not reported the results of its audit to the center, the center shall notify the agency and the district of the district's requirement to conduct a public hearing under Section 37.1081. This subsection applies only to a school district.

SECTION 15. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.2071 to read as follows:

Sec. 37.2071. DISTRICT MULTIHAZARD EMERGENCY OPERATIONS PLAN REVIEW AND VERIFICATION. (a) The center shall establish a random or need-based cycle for the center's review and verification of school district and public junior college district multihazard emergency operations plans adopted under Section 37.108. The cycle must provide for each district's plan to be reviewed at regular intervals as determined by the center.

(b) A school district or public junior college district shall submit its multihazard emergency operations plan to the center on request of the center and in accordance with the center's review cycle developed under Subsection (a).

(c) The center shall review each district's multihazard emergency operations plan submitted under Subsection (b) and:

(1) verify the plan meets the requirements of Section 37.108; or

(2) provide the district with written notice:

(A) describing the plan's deficiencies; and

(B) stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the center.

(d) If a district fails to submit its multihazard emergency operations plan to the center for review, the center shall provide the district with written notice stating that the district:

(1) has failed to submit a plan; and

(2) must submit a plan to the center for review and verification.

(e) The center may approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.

(f) If three months after the date of initial notification of a plan's deficiencies under Subsection (c)(2) or failure to submit a plan under Subsection (d) a district has not corrected the plan deficiencies or has failed to submit a plan, the center shall provide written notice to the district and agency that the district has not complied with the requirements of this section and must comply immediately.

(g) If a school district still has not corrected the plan deficiencies or has failed to submit a plan six months after the date of initial notification under Subsection (c)(2) or (d), the center shall provide written notice to the school district stating that the district must hold a public hearing under Section 37.1081.

(h) If a school district has failed to submit a plan, the notice required by Subsection (g) must state that the commissioner is authorized to appoint a conservator under Section 37.1082.

(i) Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans under this section is not subject to disclosure under Chapter 552, Government Code.

SECTION 16. Section 37.2091(d), Education Code, is amended to read as follows:

(d) The center shall verify the information provided by a person under Subsection (c) to confirm [~~registry is intended to serve only as an informational resource for school districts and institutions of higher education. The inclusion of a person in the registry is not an indication of~~] the person's qualifications and [~~or~~] ability to provide school safety or security consulting services before adding the person to the registry [~~or that the center endorses the person's school safety or security consulting services~~].

SECTION 17. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.220 to read as follows:

Sec. 37.220. MODEL THREAT ASSESSMENT TEAM POLICIES AND PROCEDURES. (a) The center, in coordination with the agency, shall develop model policies and procedures to assist school districts in establishing and training threat assessment teams.

(b) The model policies and procedures developed under Subsection (a) must include procedures, when appropriate, for:

(1) the referral of a student to a local mental health authority or health care provider for evaluation or treatment;

(2) the referral of a student for a full individual and initial evaluation for special education services under Section 29.004; and

(3) a student or school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

SECTION 18. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.036 to read as follows:

Sec. 38.036. TRAUMA-INFORMED CARE POLICY. (a) Each school district shall adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. A district must include the policy in the district improvement plan required under Section 11.252.

(b) A policy required by this section must address:

(1) using resources developed by the agency, methods for:

(A) increasing staff and parent awareness of trauma-informed care; and

(B) implementation of trauma-informed practices and care by district and campus staff; and

(2) available counseling options for students affected by trauma or grief.

(c) The methods under Subsection (b)(1) for increasing awareness and implementation of trauma-informed care must include training as provided by this subsection. The training must be provided:

(1) through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code;

(2) as part of any new employee orientation for all new school district educators; and

(3) to existing school district educators on a schedule adopted by the agency by rule that requires educators to be trained at intervals necessary to keep educators informed of developments in the field.

(d) For any training under Subsection (c), each school district shall maintain records that include the name of each district staff member who participated in the training.

(e) Each school district shall report annually to the agency the following information for the district as a whole and for each school campus:

(1) the number of teachers, principals, and counselors employed by the district who have completed training under this section; and

(2) the total number of teachers, principals, and counselors employed by the district.

(f) If a school district determines that the district does not have sufficient resources to provide the training required under Subsection (c), the district may partner with a community mental health organization to provide training that meets the requirements of Subsection (c) at no cost to the district.

(g) The commissioner shall adopt rules as necessary to administer this section.

SECTION 19. Chapter 38, Education Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. MENTAL HEALTH RESOURCES

Sec. 38.251. RUBRIC TO IDENTIFY RESOURCES. (a) The agency shall develop a rubric for use by regional education service centers in identifying resources related to student mental health that are available to schools in their respective regions. The agency shall develop the rubric in conjunction with:

(1) the Health and Human Services Commission;

(2) the Department of Family and Protective Services;

(3) the Texas Juvenile Justice Department;

(4) the Texas Higher Education Coordinating Board;

(5) the Texas Child Mental Health Care Consortium;

(6) the Texas Workforce Commission; and

(7) any other state agency the agency considers appropriate.

(b) The rubric developed by the agency must provide for the identification of resources relating to:

(1) training and technical assistance on practices that support the mental health of students;

(2) school-based programs that provide prevention or intervention services to students;

(3) community-based programs that provide school-based or school-connected prevention or intervention services to students;

(4) Communities In Schools programs described by Subchapter E, Chapter 33;

(5) school-based mental health providers; and

(6) public and private funding sources available to address the mental health of students.

(c) Not later than December 1 of each odd-numbered year, the agency shall revise the rubric as necessary to reflect changes in resources that may be available to schools and provide the rubric to each regional education service center.

Sec. 38.252. REGIONAL INVENTORY OF MENTAL HEALTH RESOURCES. (a) Each regional education service center shall use the rubric developed under Section 38.251 to identify resources related to student mental health available to schools in the center's region, including evidence-based and promising programs and best practices, that:

(1) create school environments that support the social, emotional, and academic development of students;

(2) identify students who may need additional behavioral or mental health support before issues arise;

(3) provide early, effective interventions to students in need of additional support;

(4) connect students and their families to specialized services in the school or community when needed; and

(5) assist schools in aligning resources necessary to address the mental health of students.

(b) A regional education service center may consult with any entity the center considers necessary in identifying resources under Subsection (a), including:

(1) school districts;

(2) local mental health authorities;

(3) community mental health services providers;

(4) education groups;

(5) hospitals; and

(6) institutions of higher education.

(c) Not later than March 1 of each even-numbered year, each regional education service center shall:

(1) use the revised rubric received from the agency under Section 38.251 to identify, in the manner provided by this section, any additional resources that may be available to schools in the center's region; and

(2) submit to the agency a report on resources identified through the process, including any additional resources identified under Subdivision (1).

Sec. 38.253. STATEWIDE INVENTORY OF MENTAL HEALTH RESOURCES. (a) The agency shall develop a list of statewide resources available to school districts to address the mental health of students, including:

(1) training and technical assistance on practices that support the mental health of students;

(2) school-based programs that provide prevention or intervention services to students;

(3) community-based programs that provide school-based or school-connected prevention or intervention services to students;

(4) school-based mental health providers; and

(5) public and private funding sources available to address the mental health of students.

(b) In developing the list required under Subsection (a), the agency shall collaborate with:

(1) the Health and Human Services Commission;

(2) the Department of Family and Protective Services;

(3) the Texas Juvenile Justice Department;

(4) the Texas Higher Education Coordinating Board;

(5) the Texas Child Mental Health Care Consortium;

(6) the Texas Workforce Commission;

(7) one or more representatives of Communities In Schools programs described by Subchapter E, Chapter 33, who are designated by the Communities In Schools State Office;

(8) hospitals or other health care providers;

(9) community service providers;

(10) parent, educator, and advocacy groups; and

(11) any entity the agency determines can assist the agency in compiling the list.

(c) The agency shall include on the list any resource available through an entity identified as a resource under Subsection (b), including an entity described by Subsection (b), that provides evidence-based and promising programs and best practices that:

(1) create school environments that support the social, emotional, and academic development of students;

(2) identify students who may need additional behavioral or mental health support before issues arise;

(3) provide early, effective interventions to students in need of additional support; and

(4) connect students and their families to specialized services in the school or community when needed.

(d) The agency shall revise the list not later than March 1 of each even-numbered year.

Sec. 38.254. STATEWIDE PLAN FOR STUDENT MENTAL HEALTH. (a) The agency shall develop a statewide plan to ensure all students have access to adequate mental health resources. The agency shall include in the plan:

(1) a description of any revisions made to the rubric required by Section 38.251;

(2) the results of the most recent regional inventory of mental health resources required by Section 38.252, including any additional resources identified;

(3) the results of the most recent statewide inventory of mental health resources required by Section 38.253, including any additional resources identified;

(4) the agency's goals for student mental health access to be applied across the state, including goals relating to:

(A) methods to objectively measure positive school climate;

(B) increasing the availability of early, effective school-based or school-connected mental health interventions and resources for students in need of additional support; and

(C) increasing the availability of referrals for students and families to specialized services for students in need of additional support outside the school;

(5) a list of actions the commissioner may take without legislative action to help all districts reach the agency's goals described by the plan; and

(6) recommendations to the legislature on methods to ensure that all districts can meet the agency's goals described in the plan through legislative appropriations or other action by the legislature.

(b) In developing the agency's goals under Subsection (a)(4), the agency shall consult with any person the agency believes is necessary to the development of the goals, including:

(1) educators;

(2) mental health practitioners;

(3) advocacy groups; and

(4) parents.

(c) The agency shall revise the plan not later than April 1 of each even-numbered year.

(d) As soon as practicable after completing or revising the plan, the agency shall:

(1) submit an electronic copy of the plan to the legislature;

(2) post the plan on the agency's Internet website; and

(3) hold public meetings in each regional education service center's region to present the statewide plan and shall provide an opportunity for public comment at each meeting.

Sec. 38.255. AGENCY USE OF STATEWIDE PLAN. (a) The agency shall use the statewide plan for student mental health required by Section 38.254 to develop and revise the agency's long-term strategic plan.

(b) The agency shall use the recommendations to the legislature required by Section 38.254(a)(6) to develop each agency legislative appropriations request.

Sec. 38.256. REPORTS TO LEGISLATURE. In addition to any other information required to be provided to the legislature under this chapter, not later than November 1 of each even-numbered year the agency shall provide to the legislature:

(1) a description of any changes the agency has made to the rubric required by Section 38.251; and

(2) an analysis of each region's progress toward meeting the agency's goals developed under Section 38.254.

SECTION 20. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.168 to read as follows:

Sec. 42.168. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:

(A) improvements to school infrastructure;

(B) the use or installation of physical barriers; and

(C) the purchase and maintenance of:

(i) security cameras or other security equipment; and

(ii) technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, including:

(i) providing mental health personnel and support;

(ii) providing behavioral health services; and

(iii) establishing threat reporting systems; and

(4) providing programs related to suicide prevention, intervention, and postvention.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d) A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.

(e) The commissioner may adopt rules to implement this section.

SECTION 21. Section 45.001(a), Education Code, is amended to read as follows:

(a) The governing board of an independent school district, including the city council or commission that has jurisdiction over a municipally controlled independent school district, the governing board of a rural high school district, and the commissioners court of a county, on behalf of each common school district under its jurisdiction, may:

(1) issue bonds for:

(A) the construction, acquisition, and equipment of school buildings in the district;

(B) the acquisition of property or the refinancing of property financed under a contract entered under Subchapter A, Chapter 271, Local Government Code, regardless of whether payment obligations under the contract are due in the current year or a future year;

(C) the purchase of the necessary sites for school buildings; [~~and~~]

(D) the purchase of new school buses;

(E) the retrofitting of school buses with emergency, safety, or security equipment; and

(F) the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes; and

(2) [~~may~~] levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to Section 45.003.

SECTION 22. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.0001. DEFINITIONS. In this chapter:

(1) "Community mental health provider" means an entity that provides mental health care services at a local level, including a local mental health authority.

(2) "Consortium" means the Texas Child Mental Health Care Consortium.

(3) "Executive committee" means the executive committee of the consortium.

SUBCHAPTER B. CONSORTIUM

Sec. 113.0051. ESTABLISHMENT; PURPOSE. The Texas Child Mental Health Care Consortium is established to:

(1) leverage the expertise and capacity of the health-related institutions of higher education listed in Section 113.0052(1) to address urgent mental health challenges and improve the mental health care system in this state in relation to children and adolescents; and

(2) enhance the state's ability to address mental health care needs of children and adolescents through collaboration of the health-related institutions of higher education listed in Section 113.0052(1).

Sec. 113.0052. COMPOSITION. The consortium is composed of:

(1) the following health-related institutions of higher education:

(A) Baylor College of Medicine;

(B) Texas A&M University System Health Science Center;

(C) Texas Tech University Health Sciences Center;

(D) Texas Tech University Health Sciences Center at El Paso;

(E) University of North Texas Health Science Center at Fort Worth;

(F) The Dell Medical School at The University of Texas at Austin;

(G) The University of Texas M.D. Anderson Cancer Center;

(H) The University of Texas Medical Branch at Galveston;

(I) The University of Texas Health Science Center at Houston;

(J) The University of Texas Health Science Center at San Antonio;

(K) The University of Texas Rio Grande Valley School of Medicine;

(L) The University of Texas Health Science Center at Tyler; and

(M) The University of Texas Southwestern Medical Center;

(2) the commission;

(3) the Texas Higher Education Coordinating Board;

(4) three nonprofit organizations that focus on mental health care, designated by a majority of the members described by Subdivision (1); and

(5) any other entity that the executive committee considers necessary.

Sec. 113.0053. ADMINISTRATIVE ATTACHMENT. The consortium is administratively attached to the Texas Higher Education Coordinating Board for the purpose of receiving and administering appropriations and other funds under this chapter. The board is not responsible for providing to the consortium staff, human resources, contract monitoring, purchasing, or any other administrative support services.

SUBCHAPTER C. EXECUTIVE COMMITTEE

Sec. 113.0101. EXECUTIVE COMMITTEE COMPOSITION. (a) The consortium is governed by an executive committee composed of the following members:

(1) the chair of the academic department of psychiatry of each of the health-related institutions of higher education listed in Section 113.0052(1) or a licensed psychiatrist, including a child-adolescent psychiatrist, designated by the chair to serve in the chair's place;

(2) a representative of the commission with expertise in the delivery of mental health care services, appointed by the executive commissioner;

(3) a representative of the commission with expertise in mental health facilities, appointed by the executive commissioner;

(4) a representative of the Texas Higher Education Coordinating Board, appointed by the commissioner of the coordinating board;

(5) a representative of each nonprofit organization described by Section 113.0052(4) that is part of the consortium, designated by a majority of the members described by Subdivision (1);

(6) a representative of a hospital system in this state, designated by a majority of the members described by Subdivision (1); and

(7) any other representative designated:

(A) under Subsection (b); or

(B) by a majority of the members described by Subdivision (1) at the request of the executive committee.

(b) The president of each of the health-related institutions of higher education listed in Section 113.0052(1) may designate a representative to serve on the executive committee.

Sec. 113.0102. VACANCY. A vacancy on the executive committee shall be filled in the same manner as the original appointment.

Sec. 113.0103. PRESIDING OFFICER. The executive committee shall elect a presiding officer from among the membership of the executive committee.

Sec. 113.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING COUNCIL. The consortium shall designate a member of the executive committee to represent the consortium on the statewide behavioral health coordinating council.

Sec. 113.0105. GENERAL DUTIES. The executive committee shall:

(1) coordinate the provision of funding to the health-related institutions of higher education listed in Section 113.0052(1) to carry out the purposes of this chapter;

(2) establish procedures and policies for the administration of funds under this chapter;

(3) monitor funding and agreements entered into under this chapter to ensure recipients of funding comply with the terms and conditions of the funding and agreements; and

(4) establish procedures to document compliance by executive committee members and staff with applicable laws governing conflicts of interest.

SUBCHAPTER D. ACCESS TO CARE

Sec. 113.0151. CHILD PSYCHIATRY ACCESS NETWORK AND TELEMEDICINE AND TELEHEALTH PROGRAMS. (a) The consortium shall establish a network of comprehensive child psychiatry access centers. A center established under this section shall:

(1) be located at a health-related institution of higher education listed in Section 113.0052(1); and

(2) provide consultation services and training opportunities for pediatricians and primary care providers operating in the center's geographic region to better care for children and youth with behavioral health needs.

(b) The consortium shall establish or expand telemedicine or telehealth programs for identifying and assessing behavioral health needs and providing access to mental health care services. The consortium shall implement this subsection with a focus on the behavioral health needs of at-risk children and adolescents.

(c) A health-related institution of higher education listed in Section 113.0052(1) may enter into a memorandum of understanding with a community mental health provider to:

(1) establish a center under Subsection (a); or

(2) establish or expand a program under Subsection (b).

(d) The consortium shall leverage the resources of a hospital system under Subsection (a) or (b) if the hospital system:

(1) provides consultation services and training opportunities for pediatricians and primary care providers that are consistent with those described by Subsection (a); and

(2) has an existing telemedicine or telehealth program for identifying and assessing the behavioral health needs of and providing access to mental health care services for children and adolescents.

Sec. 113.0152. CONSENT REQUIRED FOR SERVICES TO MINOR. (a) A person may provide mental health care services to a child younger than 18 years of age through a program established under this subchapter only if the person obtains the written consent of the parent or legal guardian of the child.

(b) The consortium shall develop and post on its Internet website a model form for a parent or legal guardian to provide consent under this section.

(c) This section does not apply to services provided by a school counselor in accordance with Section 33.005, 33.006, or 33.007, Education Code.

Sec. 113.0153. REIMBURSEMENT FOR SERVICES. A child psychiatry access center established under Section 113.0151(a) may not submit an insurance claim or charge a pediatrician or primary care provider a fee for providing consultation services or training opportunities under this section.

SUBCHAPTER E. CHILD MENTAL HEALTH WORKFORCE

Sec. 113.0201. CHILD PSYCHIATRY WORKFORCE EXPANSION. (a) The executive committee may provide funding to a health-related institution of higher education listed in Section 113.0052(1) for the purpose of funding:

(1) two full-time psychiatrists who treat children and adolescents to serve as academic medical director at a facility operated by a community mental health provider; and

(2) two new resident rotation positions.

(b) An academic medical director described by Subsection (a) shall collaborate and coordinate with a community mental health provider to expand the amount and availability of mental health care resources by developing training opportunities for residents and supervising residents at a facility operated by the community mental health provider.

(c) An institution of higher education that receives funding under Subsection (a) shall require that psychiatric residents participate in rotations through the facility operated by the community mental health provider in accordance with Subsection (b).

Sec. 113.0202. CHILD AND ADOLESCENT PSYCHIATRY FELLOWSHIP. (a) The executive committee may provide funding to a health-related institution of higher education listed in Section 113.0052(1) for the purpose of funding a physician fellowship position that will lead to a medical specialty in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents.

(b) The funding provided to a health-related institution of higher education under this section must be used to increase the number of fellowship positions at the institution and may not be used to replace existing funding for the institution.

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Sec. 113.0251. BIENNIAL REPORT. Not later than December 1 of each even-numbered year, the consortium shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health issues and post on its Internet website a written report that outlines:

(1) the activities and objectives of the consortium;

(2) the health-related institutions of higher education listed in Section 113.0052(1) that receive funding by the executive committee; and

(3) any legislative recommendations based on the activities and objectives described by Subdivision (1).

Sec. 113.0252. APPROPRIATION CONTINGENCY. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this chapter.

SECTION 23. Section 161.325(d), Health and Safety Code, is amended to read as follows:

(d) A school district may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1) include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;

(2) include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(3) [~~(2)~~] include a procedure for providing notice of a student identified as at risk of committing suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(4) [~~(3)~~] establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and

(5) [~~(4)~~] set out available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.

SECTION 24. Section 1701.263(b), Occupations Code, is amended to read as follows:

(b) The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district [~~with an enrollment of 30,000 or more students~~] to successfully complete an education and training program described by this section before or within 180 [~~120~~] days of the officer's commission by or placement in the district or a campus of the district. The program must:

(1) consist of at least 16 hours of training;

(2) be approved by the commission; and

(3) provide training in accordance with the curriculum developed under Section 1701.262 in each subject area listed in Subsection (c) of that section.

SECTION 25. From funds appropriated for that purpose, the commissioner of education shall establish and administer a grant program to award grants to local education agencies to improve and maintain student and school safety.

SECTION 26. Not later than January 1, 2020:

(1) the Texas School Safety Center shall:

(A) develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings; and

(B) provide information regarding the list of best practices to school districts using portable buildings for student instruction;

(2) the commissioner of education shall adopt or amend rules as required by Section 7.061, Education Code, as added by this Act; and

(3) the commissioner of education, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules as required by Section 37.114, Education Code, as added by this Act.

SECTION 27. (a) Not later than December 1, 2019, the Texas Education Agency shall develop and distribute to each regional education service center the rubric required by Section 38.251, Education Code, as added by this Act.

(b) Not later than March 1, 2020:

(1) each regional education service center shall complete the regional inventory of mental health resources required by Section 38.252, Education Code, as added by this Act, and report to the Texas Education Agency on the resources identified through the inventory; and

(2) the Texas Education Agency shall complete the statewide inventory of mental health resources required by Section 38.253, Education Code, as added by this Act, and develop a list of resources available to school districts statewide to address the mental health of students.

(c) Not later than April 1, 2020, the Texas Education Agency shall develop the statewide plan for student mental health required by Section 38.254, Education Code, as added by this Act, submit an electronic copy of the plan to the legislature, and post the plan on the agency's Internet website.

SECTION 28. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission, the commissioner of the Texas Higher Education Coordinating Board, and the members of the executive committee described by Section 113.0101(a)(1), Health and Safety Code, as added by this Act, shall make the appointments and designations required by Section 113.0101, Health and Safety Code, as added by this Act.

SECTION 29. (a) Notwithstanding Section 1701.263(b), Occupations Code, as amended by this Act, a school district peace officer or school resource officer who commences employment with or commences providing law enforcement at a school district with an enrollment of fewer than 30,000 students on a date occurring before September 1, 2019, shall complete the training required by Section 1701.263, Occupations Code, as amended by this Act, as soon as practicable and not later than August 31, 2020. This subsection does not apply to an officer who is exempt from the training established under Section 1701.263, Occupations Code, as amended by this Act, because the officer has completed the training described by Subsection (b-1) of that section.

(b) Not later than October 1, 2019, a school district with an enrollment of fewer than 30,000 students shall adopt the training policy for school district peace officers and school resource officers required by Section 37.0812, Education Code, as amended by this Act.

SECTION 30. Sections 28.002 and 28.004(c), Education Code, as amended by this Act, apply beginning with the 2019-2020 school year.

SECTION 31. The Texas Education Agency and the Texas School Safety Center are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money

specifically for that purpose, the Texas Education Agency or the Texas School Safety Center may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 32. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 33. 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 Conference Committee Report on **SB 11** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1355

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1355** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

JOHNSON	BUTTON
FLORES	PAUL
WEST	BOWERS
	HOLLAND
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1355** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2726

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2726** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CREIGHTON	KUEMPEL
BIRDWELL	KACAL
CAMPBELL	MORRISON
HINOJOSA	ZEDLER
NICHOLS	
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2726** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 20

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 20** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN	S. THOMPSON
HUGHES	GEREN
NELSON	HUNTER
PAXTON	T. KING
ZAFFIRINI	MOODY
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the prevention of, reporting regarding, investigation of, prosecution of, criminal and civil penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, to treatment, services, and compensation available to victims of those offenses, and to orders of nondisclosure for certain persons who are victims of certain of those offenses.

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

ARTICLE 1. TRAFFICKING OF PERSONS AND CONTINUOUS TRAFFICKING OF PERSONS

SECTION 1.01. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(2) an offense:

(A) under Section 33.021 or an offense under Section 21.02, 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section;

(3) an offense:

(A) under Section 21.15 or 43.26, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections;

(4) an offense for which the judgment in the case contains an affirmative finding under Article 42.0197, Code of Criminal Procedure;

(5) an offense:

(A) under Section 20A.02, 20A.03, or 43.05, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section [~~both sections~~]; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section [~~both sections~~]; or

(6) an offense:

(A) under Section 22.04(a)(1) or (2) or Section 22.04(a-1)(1) or (2) that is punishable as a felony of the first degree, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of more than one section; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A) and punishable as described by that paragraph, regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of more than one section.

SECTION 1.02. Section 402.035(h), Government Code, as amended by Chapter 762 (S.B. 2039), Acts of the 85th Legislature, Regular Session, 2017, and repealed by Chapter 685 (H.B. 29), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

SECTION 1.03. The change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

ARTICLE 2. PENALTIES FOR PROSTITUTION

SECTION 2.01. Subchapter K, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.515 to read as follows:

Art. 42A.515. COMMUNITY SUPERVISION FOR CERTAIN PROSTITUTION OFFENSES. (a) Except as provided by Subsection (e), on a defendant's conviction of a Class B misdemeanor under Section 43.02(a), Penal Code, the judge shall suspend imposition of the sentence and place the defendant on community supervision.

(b) Except as provided by Subsection (e), on a defendant's conviction of a state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35(a), Penal Code, the judge shall suspend the imposition of the sentence and place the defendant on community supervision. This subsection does not apply to a defendant who has previously been convicted of any other state jail felony under Section 43.02(c)(2), Penal Code, that is punished under Section 12.35, Penal Code.

(c) A judge who places a defendant on community supervision under Subsection (a) or (b) shall require as a condition of community supervision that the defendant participate in a commercially sexually exploited persons court program established under Chapter 126, Government Code, if a program has been established for the county or municipality where the defendant resides. Sections 126.002(b) and (c), Government Code, do not apply with respect to a defendant required to participate in the court program under this subsection.

(d) A judge who requires a defendant to participate in a commercially sexually exploited persons court program under Subsection (c) may suspend in whole or in part the imposition of the program fee described by Section 126.006, Government Code.

(e) In any case in which the jury assesses punishment, the judge must follow the recommendations of the jury in suspending the imposition of a sentence or ordering a sentence to be executed. If a jury assessing punishment does not recommend community supervision, the judge must order the sentence to be executed in whole.

(f) The judge may suspend in whole or in part the imposition of any fine imposed on conviction.

SECTION 2.02. Article 42A.551(d), Code of Criminal Procedure, is amended to read as follows:

(d) On conviction of a state jail felony punished under Section 12.35(a), Penal Code, other than a state jail felony listed in Subsection (a) or to which Article 42A.515 applies, subject to Subsection (e), the judge may:

(1) suspend the imposition of the sentence and place the defendant on community supervision; or

(2) order the sentence to be executed:

(A) in whole; or

(B) in part, with a period of community supervision to begin immediately on release of the defendant from confinement.

SECTION 2.03. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c-1)(2) [~~(c-1)(3)~~] of that section;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K), or (L), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; or

(L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code.

SECTION 2.04. Section 402.035, Government Code, is amended by amending Subsection (d) and adding Subsection (f-3) to read as follows:

(d) The task force shall:

(1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

(i) the Federal Bureau of Investigation;

(ii) the United States Drug Enforcement Administration;

(iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(iv) United States Immigration and Customs Enforcement; or

(v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(A) the number of investigations concerning, arrests and prosecutions for, and convictions of:

(i) the offense of trafficking of persons;

(ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and

(iii) an offense punishable under Section 43.02(c-1)(2) [~~43.02(c-1)(3)~~], Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

(B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

(D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and

(E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;

(5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;

(6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

(A) develop a list of key indicators that a person is a victim of human trafficking;

(B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;

(7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses;

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in prostitution with victims younger than 18 years of age; and

(13) identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses.

(f-3) The attorney general may enter into a contract with an institution of higher education or private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code, for the institution's assistance in the collection and analysis of information received under this section. The attorney general may adopt rules to administer the submission and collection of information under this section.

SECTION 2.05. Section 43.02(c-1), Penal Code, is amended to read as follows:

(c-1) An offense under Subsection (b) is a Class A [~~B~~] misdemeanor, except that the offense is:

(1) [~~a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under Subsection (b);~~

[~~(2)~~] a state jail felony if the actor has previously been convicted [~~three or more times~~] of an offense under Subsection (b); or

(2) [~~(3)~~] a felony of the second degree if the person with whom the actor agrees to engage in sexual conduct is:

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

SECTION 2.06. (a) Except as provided by Subsection (b) of this section, the change in law made by this article applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Subsection (a) of this section does not apply to Section 402.035(f-3), Government Code, as added by this article.

ARTICLE 3. ONLINE PROMOTION OF PROSTITUTION

SECTION 3.01. Section 43.01, Penal Code, is amended by adding Subdivisions (1-b) and (1-c) to read as follows:

(1-b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access to a computer server by multiple users, including a service or system that provides access to the Internet or a system operated or service offered by a library or educational institution.

(1-c) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks.

SECTION 3.02. Subchapter A, Chapter 43, Penal Code, is amended by adding Sections 43.031 and 43.041 to read as follows:

Sec. 43.031. ONLINE PROMOTION OF PROSTITUTION. (a) A person commits an offense if the person owns, manages, or operates an interactive computer service with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution.

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor:

(1) has been previously convicted of an offense under this section or Section 43.041; or

(2) engages in conduct described by Subsection (a) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the offense.

Sec. 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION. (a) A person commits an offense if the person owns, manages, or operates an interactive computer service with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution.

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the actor:

(1) has been previously convicted of an offense under this section; or

(2) engages in conduct described by Subsection (a) involving two or more persons younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the persons at the time of the offense.

SECTION 3.03. Section 98A.001, Civil Practice and Remedies Code, is amended by adding Subdivisions (1-a) and (4-a) to read as follows:

(1-a) "Aggravated online promotion of prostitution" means conduct that constitutes an offense under Section 43.041, Penal Code.

(4-a) "Online promotion of prostitution" means conduct that constitutes an offense under Section 43.031, Penal Code.

SECTION 3.04. Section 98A.002(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A defendant is liable to a victim of compelled prostitution, as provided by this chapter, for damages arising from the compelled prostitution if the defendant:

(1) engages in compelling prostitution with respect to the victim;

(2) knowingly or intentionally engages in promotion of prostitution, online promotion of prostitution, aggravated promotion of prostitution, or aggravated online promotion of prostitution that results in compelling prostitution with respect to the victim; or

(3) purchases an advertisement that the defendant knows or reasonably should know constitutes promotion of prostitution or aggravated promotion of prostitution, and the publication of the advertisement results in compelling prostitution with respect to the victim.

SECTION 3.05. Article 18A.101, Code of Criminal Procedure, is amended to read as follows:

Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE ISSUED. A judge of competent jurisdiction may issue an interception order only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of:

(1) a felony under any of the following provisions of the Health and Safety Code:

(A) Chapter 481, other than felony possession of marihuana;

(B) Chapter 483; or

(C) Section 485.032;

(2) an offense under any of the following provisions of the Penal Code:

(A) Section 19.02;

(B) Section 19.03;

(C) Section 20.03;

(D) Section 20.04;

(E) Chapter 20A;

(F) Chapter 34, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5;

(G) Section 38.11;

(H) Section 43.04;

(I) Section 43.041;

(J) Section 43.05; or

(K) [~~(J)~~] Section 43.26; or

(3) an attempt, conspiracy, or solicitation to commit an offense listed in Subdivision (1) or (2).

SECTION 3.06. Article 56.32(a)(14), Code of Criminal Procedure, is amended to read as follows:

(14) "Trafficking of persons" means any offense that results in a person engaging in forced labor or services, including sexual conduct, and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code.

SECTION 3.07. Article 56.81(7), Code of Criminal Procedure, is amended to read as follows:

(7) "Trafficking of persons" means any conduct that constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:

(A) engaging in forced labor or services; or

(B) otherwise becoming a victim of the offense.

SECTION 3.08. Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02(a), 43.02(b), 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Article 17.292(e), Code of Criminal Procedure;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION 3.09. Section 499.027(b), Government Code, is amended to read as follows:

(b) An inmate is not eligible under this subchapter to be considered for release to intensive supervision parole if:

(1) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense for which the judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure;

(2) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense listed in one of the following sections of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 20.03 (kidnapping);

(E) Section 20.04 (aggravated kidnapping);

(F) Section 21.11 (indecency with a child);

(G) Section 22.011 (sexual assault);

(H) Section 22.02 (aggravated assault);

(I) Section 22.021 (aggravated sexual assault);

(J) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(K) Section 25.02 (prohibited sexual conduct);

(L) Section 25.08 (sale or purchase of a child);

(M) Section 28.02 (arson);

(N) Section 29.02 (robbery);

(O) Section 29.03 (aggravated robbery);

(P) Section 30.02 (burglary), if the offense is punished as a first-degree felony under that section;

(Q) Section 43.04 (aggravated promotion of prostitution);

(R) Section 43.05 (compelling prostitution);

(S) Section 43.24 (sale, distribution, or display of harmful material to minor);

(T) Section 43.25 (sexual performance by a child);

(U) Section 46.10 (deadly weapon in penal institution);

(V) Section 15.01 (criminal attempt), if the offense attempted is listed in this subsection;

(W) Section 15.02 (criminal conspiracy), if the offense that is the subject of the conspiracy is listed in this subsection;

(X) Section 15.03 (criminal solicitation), if the offense solicited is listed in this subsection;

(Y) Section 21.02 (continuous sexual abuse of young child or children);

(Z) Section 20A.02 (trafficking of persons); [~~or~~]

(AA) Section 20A.03 (continuous trafficking of persons); or

(BB) Section 43.041 (aggravated online promotion of prostitution); or

(3) the inmate is awaiting transfer to the institutional division, or serving a sentence, for an offense under Chapter 481, Health and Safety Code, punishable by a minimum term of imprisonment or a maximum fine that is greater than the minimum term of imprisonment or the maximum fine for a first degree felony.

SECTION 3.10. Section 169.002(b), Health and Safety Code, is amended to read as follows:

(b) A defendant is eligible to participate in a first offender prostitution prevention program established under this chapter only if:

(1) the attorney representing the state consents to the defendant's participation in the program; and

(2) the court in which the criminal case is pending finds that the defendant has not been previously convicted of:

(A) an offense under Section 20A.02, 43.02, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

(B) an offense listed in Article 42A.054(a), Code of Criminal Procedure; or

(C) an offense punishable as a felony under Chapter 481.

SECTION 3.11. Section 20A.02(a), Penal Code, is amended to read as follows:

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

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(5) traffics a child with the intent that the trafficked child engage in forced labor or services;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

ARTICLE 4. ORDERS OF NONDISCLOSURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION

SECTION 4.01. Section 411.0728, Government Code, is amended to read as follows:

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies only to a person:

(1) who is convicted of or placed on deferred adjudication community supervision [~~under Chapter 42A, Code of Criminal Procedure, after conviction~~] for an offense under:

(A) Section 481.120, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(B) Section 481.121, Health and Safety Code, if the offense is punishable under Subsection (b)(1);

(C) Section 31.03, Penal Code, if the offense is punishable under Subsection (e)(1) or (2); or

(D) Section 43.02, Penal Code; [~~or~~

[~~(E) Section 43.03(a)(2), Penal Code, if the offense is punishable as a Class A misdemeanor;~~] and

(2) who, if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense containing elements that are substantially similar to the elements of an offense under any of those sections:

(A) provided assistance in the investigation or prosecution of the offense; or

(B) did not provide assistance in the investigation or prosecution of the offense due to the person's age or a physical or mental disability resulting from being a victim of an offense described by this subdivision [~~with respect to whom the conviction is subsequently set aside by the court under Article 42A.701, Code of Criminal Procedure~~].

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) [~~411.074~~] may petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code [~~trafficking of persons~~].

(b-1) A petition under Subsection (b) must:

(1) be in writing;

(2) allege specific facts that, if proved, would establish that the petitioner committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code; and

(3) assert that if the person has previously submitted a petition for [~~seeking~~] an order of nondisclosure under this section, the person has not committed an offense described by Subsection (a)(1) on or after the date on which the person's first petition [~~previously received an order of nondisclosure~~] under this section was submitted.

(b-2) On the filing of the petition under Subsection (b), the clerk of the court shall promptly serve a copy of the petition and any supporting document on the appropriate office of the attorney representing the state. Any response to the petition by the attorney representing the state must be filed not later than the 20th business day after the date of service under this subsection.

(b-3) A person convicted of or placed on deferred adjudication community supervision for more than one offense described by Subsection (a)(1) that the person committed solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, may file a petition for an order of nondisclosure of criminal history record information under this section with respect to each offense, and may request consolidation of those petitions, in a district court in the county where the person was

most recently convicted or placed on deferred adjudication community supervision as described by this subsection. On receipt of a request for consolidation, the court shall consolidate the petitions and exercise jurisdiction over the petitions, regardless of the county in which the offenses described by Subsection (a)(1) occurred. For each offense that is the subject of a consolidated petition and that occurred in a county other than the county in which the court consolidating the petitions is located, the clerk of the court, in addition to the clerk's duties under Subsection (b-2), shall promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Each attorney representing the state who receives a copy of a consolidated petition under this subsection may file a response to the petition in accordance with Subsection (b-2).

(b-4) A district court that consolidates petitions under Subsection (b-3) shall allow an attorney representing the state who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) After notice to the state and[~~,~~] an opportunity for a hearing, [~~a determination by the court that the person has not previously received an order of nondisclosure under this section, and a determination by the court that the person committed the offense solely as a victim of trafficking of persons and that issuance of the order is in the best interest of justice,~~] the court having jurisdiction over the petition shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(2) if applicable, the person did not commit another offense described by Subsection (a)(1) on or after the date on which the person's first petition for an order of nondisclosure under this section was submitted; and

(3) issuance of the order is in the best interest of justice [~~for which the defendant was placed on community supervision as described by Subsection (a)~~].

(c-1) In determining whether a person committed an offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may consider any order of nondisclosure previously granted to the person under this section.

(d) A person may petition the applicable court [~~that placed the person on community supervision~~] for an order of nondisclosure of criminal history record information under this section only on or after the first anniversary of the date the person:

(1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or

(2) received a dismissal and discharge under Article 42A.111, Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision [~~person's conviction is set aside as described by Subsection (a)~~].

SECTION 4.02. Article 56.021, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and

(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

SECTION 4.03. Section 126.004, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A program established under this chapter shall provide each program participant with information related to the right to petition for an order of nondisclosure of criminal history record information under Section 411.0728.

ARTICLE 5. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SECTION 5.01. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 50 to read as follows:

CHAPTER 50. SEX TRAFFICKING PREVENTION AND VICTIM TREATMENT PROGRAMS

SUBCHAPTER A. TREATMENT PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING

Sec. 50.0001. DEFINITIONS. In this subchapter:

(1) "Child sex trafficking" has the meaning assigned by Section 772.0062, Government Code.

(2) "Program" means the treatment program for victims of child sex trafficking established under this subchapter.

Sec. 50.0002. ESTABLISHMENT; PURPOSE. The commission, in collaboration with the institution designated under Section 50.0003, shall establish a program to improve the quality and accessibility of care for victims of child sex trafficking in this state.

Sec. 50.0003. DESIGNATION OF INSTITUTION; OPERATION OF PROGRAM. (a) The commission shall designate a health-related institution of higher education to operate the program.

(b) The designated institution shall improve the quality and accessibility of care for victims of child sex trafficking by:

(1) dedicating a unit at the institution to provide or contract for inpatient care for victims of child sex trafficking;

(2) dedicating a unit at the institution to provide or contract for outpatient care for victims of child sex trafficking;

(3) creating opportunities for research and workforce expansion related to treatment of victims of child sex trafficking; and

(4) assisting other health-related institutions of higher education in this state to establish similar programs.

(c) The commission shall solicit and review applications from health-related institutions of higher education before designating an institution under this section.

Sec. 50.0004. FUNDING. In addition to money appropriated by the legislature, the designated institution may accept gifts, grants, and donations from any public or private person for the purpose of carrying out the program.

Sec. 50.0005. RULES. The executive commissioner shall adopt rules necessary to implement this subchapter.

SUBCHAPTER B. MATCHING GRANT PROGRAM FOR MUNICIPAL SEX TRAFFICKING PREVENTION PROGRAMS

Sec. 50.0051. ESTABLISHMENT OF MATCHING GRANT PROGRAM. (a) The commission shall establish a matching grant program to award to a municipality a grant in an amount equal to the amount committed by the municipality for the development of a sex trafficking prevention needs assessment. A municipality that is awarded a grant must develop the needs assessment in collaboration with a local institution of higher education and on completion submit a copy of the needs assessment to the commission.

(b) A sex trafficking prevention needs assessment developed under Subsection (a) must outline:

(1) the prevalence of sex trafficking crimes in the municipality;

(2) strategies for reducing the number of sex trafficking crimes in the municipality; and

(3) the municipality's need for additional funding for sex trafficking prevention programs and initiatives.

Sec. 50.0052. APPLICATION. (a) A municipality may apply to the commission in the form and manner prescribed by the commission for a matching grant under this subchapter. To qualify for a grant, an applicant must:

(1) develop a media campaign and appoint a municipal employee to oversee the program; and

(2) provide proof that the applicant is able to obtain or secure municipal money in an amount at least equal to the amount of the awarded grant.

(b) The commission shall review applications for a matching grant submitted under this section and award matching grants to each municipality that demonstrates in the application the most effective strategies for reducing the number of sex trafficking crimes in the municipality and the greatest need for state funding.

(c) The commission may provide a grant under Subsection (b) only in accordance with a contract between the commission and the municipality. The contract must include provisions under which the commission is granted sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0053. FUNDING. In addition to money appropriated by the legislature, the commission may solicit and accept gifts, grants, or donations from any source to administer and finance the matching grant program established under this subchapter.

SUBCHAPTER C. SEX TRAFFICKING PREVENTION GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT

Sec. 50.0101. ESTABLISHMENT OF GRANT PROGRAM. (a) The office of the governor, in collaboration with the Child Sex Trafficking Prevention Unit established under Section 772.0062, Government Code, shall establish and administer a grant program to train local law enforcement officers to recognize signs of sex trafficking.

(b) The office of the governor may establish eligibility criteria for a grant applicant.

(c) A grant awarded under this section must include provisions under which the office of the governor is provided sufficient control to ensure the public purpose of sex trafficking prevention is accomplished and the state receives the return benefit.

Sec. 50.0102. FUNDING. In addition to money appropriated by the legislature, the office of the governor may solicit and accept gifts, grants, or donations from any source to administer and finance the grant program established under this subchapter.

SECTION 5.02. As soon as practicable after the effective date of this Act:

(1) the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement Subchapters A and B, Chapter 50, Health and Safety Code, as added by this article; and

(2) the governor shall adopt rules as necessary to implement Subchapter C, Chapter 50, Health and Safety Code, as added by this article.

SECTION 5.03. A state agency is required to implement a provision of this article only if the legislature appropriates money to the agency specifically for the purpose of implementing the applicable provision. If the legislature does not appropriate money specifically for the purpose of implementing the applicable provision, the agency may, but is not required to, implement the provision using other appropriations available for that purpose.

ARTICLE 6. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING

SECTION 6.01. Subchapter A, Chapter 2155, Government Code, is amended by adding Section 2155.0061 to read as follows:

Sec. 2155.0061. PROHIBITION ON CERTAIN BIDS AND CONTRACTS RELATED TO PERSONS INVOLVED IN HUMAN TRAFFICKING. (a) A state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been convicted of any offense related to the direct support or promotion of human trafficking.

(b) A bid or award subject to the requirements of this section must include the following statement:

"Under Section 2155.0061, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

(c) If a state agency determines that an individual or business entity holding a state contract was ineligible to have the bid accepted or contract awarded under this section, the state agency may immediately terminate the contract without further obligation to the vendor.

(d) This section does not create a cause of action to contest a bid or award of a state contract.

SECTION 6.02. Section 2155.077(a-1), Government Code, is amended to read as follows:

(a-1) The commission shall bar a vendor from participating in state contracts that are subject to this subtitle, including contracts for which purchasing authority is delegated to a state agency, if the vendor has been:

(1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; [~~or~~]

(2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or

(3) convicted of any offense related to the direct support or promotion of human trafficking.

SECTION 6.03. Section 2155.0061, Government Code, as added by this article, applies only in relation to a state contract for which the request for bids or proposals or other applicable expressions of interest are made public on or after the effective date of this Act.

SECTION 6.04. Section 2155.077, Government Code, as amended by this article, applies only to a contract entered into on or after the effective date of this Act.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 20** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 619

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 619** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BIRDWELL	PADDIE
BUCKINGHAM	LAMBERT
HALL	NEVÁREZ
NICHOLS	S. THOMPSON
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the sunset review process and certain governmental entities subject to that process.

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

ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE

SECTION 1.01. TEACHER RETIREMENT SYSTEM OF TEXAS. Section 825.006, Government Code, is amended to read as follows:

Sec. 825.006. SUNSET PROVISION. The board of trustees of the Teacher Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2021 [~~2025~~], and every 12th year after that year, are reviewed.

SECTION 1.02. ANATOMICAL BOARD OF THE STATE OF TEXAS. Subchapter A, Chapter 691, Health and Safety Code, is amended by adding Section 691.003 to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2021.

SECTION 1.03. TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. (a) The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2021.

(b) The review of the commission and department by the Sunset Advisory Commission under this section may not include a review of any program that was transferred to the department on or after September 1, 2016.

SECTION 1.04. TEXAS RACING COMMISSION. Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2021 [~~2023~~].

ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

SECTION 2.01. LIMITED REVIEW OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 531.0206(a), Government Code, is amended to read as follows:

(a) The Sunset Advisory Commission shall conduct a limited-scope review of the commission during the state fiscal biennium ending August 31, 2023, in the manner provided by Chapter 325 (Texas Sunset Act). The review must provide:

(1) an update on the commission's progress with respect to the consolidation of the health and human services system mandated by this subchapter, including the commission's compliance with the transition plan required under Section 531.0204;

(2) an evaluation and recommendations regarding the need to continue the Department of State Health Services as a state agency separate from the commission;

(3) an evaluation and recommendations regarding the need to continue the Department of Family and Protective Services as a state agency separate from the commission; and

(4) [~~(3)~~] any additional information the Sunset Advisory Commission determines appropriate, including information regarding any additional organizational changes the Sunset Advisory Commission recommends.

SECTION 2.02. OFFICE OF INSPECTOR GENERAL, HEALTH AND HUMAN SERVICES COMMISSION. (a) Section 531.102, Government Code, is amended by adding Subsection (y) to read as follows:

(y) The Sunset Advisory Commission shall conduct a special-purpose review of the overall performance of the commission's office of inspector general. In conducting the review, the Sunset Advisory Commission shall particularly focus on the office's investigations and the effectiveness and efficiency of the office's processes. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed. The office is not abolished solely because the office is not explicitly continued following the review required by this subsection. This subsection expires September 1, 2023.

(b) Section 14, Chapter 945 (S.B. 207), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 2.03. TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Section 776.007(a), Government Code, is amended to read as follows:

(a) The committee is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 2.04. TEXAS JUVENILE JUSTICE BOARD AND TEXAS JUVENILE JUSTICE DEPARTMENT. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2023 [~~2021~~].

SECTION 2.05. DIVISION OF WORKERS' COMPENSATION, TEXAS DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is amended to read as follows:

(b) Unless continued as provided by Chapter 325, Government Code, the duties of the division of workers' compensation of the Texas Department of Insurance under Title 5, Labor Code, expire September 1, 2023 [~~2021~~], or another date designated by the legislature.

SECTION 2.06. OFFICE OF INJURED EMPLOYEE COUNSEL. Section 404.003, Labor Code, is amended to read as follows:

Sec. 404.003. SUNSET PROVISION. The office of injured employee counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 2.07. REVIEW OF PROGRAMS TRANSFERRED TO TEXAS DEPARTMENT OF LICENSING AND REGULATION. Subchapter A, Chapter 51, Occupations Code, is amended by adding Section 51.0021 to read as follows:

Sec. 51.0021. SUNSET REVIEW OF TRANSFERRED PROGRAMS. (a) Separate from the review of the commission and department required under Section 51.002, the commission and department are subject to a limited review under Chapter 325, Government Code (Texas Sunset Act), of the programs transferred to the department on or after September 1, 2016. The review shall be conducted during the period in which state agencies abolished in 2023 are reviewed.

(b) This section expires September 1, 2023.

SECTION 2.08. UPPER GUADALUPE RIVER AUTHORITY. Section 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended to read as follows:

(a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2023 [~~2021~~], and every 12th year after that year.

ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 3.01. STATE COMMISSION ON JUDICIAL CONDUCT. Section 33.003, Government Code, is amended to read as follows:

Sec. 33.003. SUNSET PROVISION. The State Commission on Judicial Conduct is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025, [~~2023~~] and every 12th year after that year, [~~2023~~] are reviewed.

SECTION 3.02. JUDICIAL BRANCH CERTIFICATION COMMISSION. Section 152.001, Government Code, is amended to read as follows:

Sec. 152.001. SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025, [~~2023~~] and every 12th year after that year, [~~2023~~] are reviewed.

SECTION 3.03. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code, is amended to read as follows:

Sec. 492.012. SUNSET PROVISION. The Texas Board of Criminal Justice and the Texas Department of Criminal Justice are subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2025 [~~2021~~].

SECTION 3.04. DEPARTMENT OF INFORMATION RESOURCES. Section 2054.005(a), Government Code, is amended to read as follows:

(a) The Department of Information Resources is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2025 [~~2021~~].

SECTION 3.05. ANGELINA AND NECHES RIVER AUTHORITY. Section 8501.0015(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2025 [~~2023~~], and every 12th year after that year.

SECTION 3.06. LOWER NECHES VALLEY AUTHORITY. Section 8504.0021(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2025 [~~2021~~], and every 12th year after that year.

SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2025 [~~2023~~].

SECTION 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of Public Utility Counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [~~2023~~].

SECTION 3.09. SABINE RIVER AUTHORITY OF TEXAS. Section 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session, 1949, is amended to read as follows:

(a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the district were a state agency scheduled to be abolished September 1, 2025 [~~2021~~], and every 12th year after that year.

SECTION 3.10. TRINITY RIVER AUTHORITY OF TEXAS. Section 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2025 [~~2023~~], and every 12th year after that year.

ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE

SECTION 4.01. TEXAS EDUCATION AGENCY. Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. (a) The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2027 [~~2025~~].

(b) As part of the Sunset Advisory Commission's review of the agency under Subsection (a), the commission in coordination with the agency shall select for review three regional education service centers that serve diverse geographic areas of the state and diverse population sizes. The commission's review of the agency must include an evaluation of the agency's oversight of the centers.

SECTION 4.02. EXPANDED LEARNING OPPORTUNITIES COUNCIL. Section 33.254, Education Code, is amended to read as follows:

Sec. 33.254. SUNSET PROVISION. The council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this subchapter expires September 1, 2027 [~~2023~~].

SECTION 4.03. TEXAS CIVIL COMMITMENT OFFICE. Section 420A.004, Government Code, is amended to read as follows:

Sec. 420A.004. SUNSET PROVISION. The Texas Civil Commitment Office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.04. TEXAS FACILITIES COMMISSION. Section 2152.002, Government Code, is amended to read as follows:

Sec. 2152.002. SUNSET PROVISION. The Texas Facilities Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this subtitle, except for Chapter 2170 and Section 2157.121, expires September 1, 2027 [~~2021~~].

SECTION 4.05. MATERNAL MORTALITY AND MORBIDITY TASK FORCE. Section 34.018, Health and Safety Code, is amended to read as follows:

Sec. 34.018. SUNSET PROVISION. The task force is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the task force is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.06. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE. Section 117.002, Health and Safety Code, is amended to read as follows:

Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health Funding and Policy Committee is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.07. PERINATAL ADVISORY COUNCIL. Section 241.187(l), Health and Safety Code, is amended to read as follows:

(l) The advisory council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the advisory council is abolished and this section expires September 1, 2027 [~~2025~~].

SECTION 4.08. DEPARTMENT OF STATE HEALTH SERVICES. Section 1001.003, Health and Safety Code, is amended to read as follows:

Sec. 1001.003. SUNSET PROVISION. The Department of State Health Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.09. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 40.003, Human Resources Code, is amended to read as follows:

Sec. 40.003. SUNSET PROVISION. The Department of Family and Protective Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 4.10. STATE USE PROGRAM, TEXAS WORKFORCE COMMISSION. Section 122.0012(b), Human Resources Code, is amended to read as follows:

(b) The Texas Workforce Commission's authority to administer and oversee the program administered under this chapter is subject to Chapter 325, Government Code (Texas Sunset Act). Notwithstanding any other law, that authority expires September 1, 2027 [~~2021~~], unless continued in existence as provided by Chapter 325, Government Code.

ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE

SECTION 5.01. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM. Section 865.0011, Government Code, is amended to read as follows:

Sec. 865.0011. SUNSET REVIEW. The state board of the pension system is subject to review under Chapter 325 (Texas Sunset Act) but is not abolished under that chapter. The state board shall be reviewed during the period in which state agencies scheduled to be abolished in 2029 [~~2025~~], and every 12th year after that year, are reviewed.

ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The following laws are repealed:

(1) Section 8.010, Education Code; and

(2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 6.02. STATE PROCUREMENT SYSTEM AND RELATED COMPTROLLER AUTHORITY. Sections 2151.0041 and 2151.0042, Government Code, are repealed.

SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is repealed.

SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS. Section 173.005, Transportation Code, is repealed.

ARTICLE 7. SUNSET REVIEW PROCESS

SECTION 7.01. DEFINITIONS. Section 325.002(1), Government Code, is amended to read as follows:

(1) "State agency" means an entity [~~agency~~] expressly made subject to this chapter.

SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003, Government Code, is amended by amending Subsections (a) and (e) and adding Subsections (a-1) and (e-1) to read as follows:

(a) The Sunset Advisory Commission is a legislative agency that consists of five members of the senate and one public member appointed by the lieutenant governor and five members of the house of representatives and one public member appointed by the speaker of the house. The lieutenant governor and the speaker of the house may serve as one of the legislative appointees.

(a-1) A public member acts on behalf of the legislature when participating on the commission in furtherance of the legislature's duty to provide oversight of executive branch agencies' implementation of legislative priorities.

(e) Members other than the lieutenant governor and the speaker are subject to the following restrictions:

(1) after a legislative member [~~an individual~~] serves two terms [~~six years~~] on the commission or a public member serves three terms on the commission, the individual is not eligible for appointment to another term or part of a term;

(2) a legislative member who serves a full term may not be appointed to an immediately succeeding term; and

(3) a public member may not serve more than two consecutive terms, and, for purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

(e-1) If an individual serves for less than a full term, the term is not counted toward determining the individual's eligibility to serve on the commission under Subsection (e)(1) unless the individual was a member of the commission for each public hearing at which the state agencies being reviewed during the individual's term were discussed.

SECTION 7.03. PUBLIC HEARINGS. Section 325.009, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a), the commission may not discuss in a public hearing the application to an agency of the criteria provided in Section 325.011(14). The commission staff shall notify the commission of any findings and recommendations regarding the criteria provided in Section 325.011(14).

SECTION 7.04. REPORTS. Section 325.010(b), Government Code, is amended to read as follows:

(b) In the report the commission shall include:

(1) its findings regarding the criteria prescribed by Section 325.011, except Section 325.011(14);

(2) its recommendations based on the matters prescribed by Section 325.012, except recommendations relating to criteria prescribed by Section 325.011(14); and

(3) other information the commission considers necessary for a complete review of the agency.

SECTION 7.05. RECOMMENDATIONS. Section 325.0126, Government Code, is amended to read as follows:

Sec. 325.0126. MONITORING OF RECOMMENDATIONS. During each legislative session, the staff of the commission shall:

(1) monitor legislation affecting agencies that have undergone sunset review immediately before the legislative session;

(2) notify [~~and shall periodically report to~~] the members of the commission about any amendment to the legislation prepared under Section 325.012(c) that modifies the commission's [~~on proposed changes which would modify prior~~] recommendations for a state agency; and

(3) provide legislative services to support the passage of the legislation prepared under Section 325.012(c) [~~of the commission~~].

SECTION 7.06. CONFIDENTIALITY OF INFORMATION. Section 325.019, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Communications, including conversations, correspondence, and electronic communications, between the commission or its staff and a state agency that relate to a request by the commission for assistance in conducting a review under this chapter are confidential. A state agency's internal communications related to a request for assistance by the commission are confidential, including any information prepared or maintained by the state agency at the request of the commission or its staff. With respect to a document, file, or other record prepared or maintained by the state agency that was created in the normal course of the agency's business and not at the request of the commission, the confidentiality created by this subsection applies only to information in the possession of the commission.

SECTION 7.07. RIVER AUTHORITIES. Section 325.025(b), Government Code, as amended by Chapters 975 (S.B. 2262) and 1046 (H.B. 1920), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

(b) This section applies to the:

(1) Angelina and Neches River Authority;

(2) Bandera County River Authority and Groundwater District;

(3) Brazos River Authority;

(4) Guadalupe-Blanco River Authority;

(5) Lavaca-Navidad River Authority;
(6) Lower Colorado River Authority;
(7) Lower Neches Valley Authority;
(8) Nueces River Authority;
(9) Red River Authority of Texas;
(10) Sabine River Authority of Texas;
(11) San Antonio River Authority;
(12) San Jacinto River Authority;
(13) Sulphur River Basin Authority;
(14) Trinity River Authority of Texas;
(15) Upper Colorado River Authority; and
(16) Upper Guadalupe River Authority.

ARTICLE 8. TRANSITION AND EFFECTIVE DATE

SECTION 8.01. TRANSITION. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8.02. EFFECTIVE DATE. 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 Conference Committee Report on **SB 619** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3808

Senator Powell submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3808** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

POWELL	WALLE
CREIGHTON	CAIN
FLORES	ROSENTHAL
MENÉNDEZ	STICKLAND
TAYLOR	C. TURNER
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3808** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 916

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 916** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JOHNSON	ZERWAS
BUCKINGHAM	BURROWS
FLORES	CAPRIGLIONE
HUGHES	HOWARD
MILES	OLIVERSON
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to supportive palliative care.

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

SECTION 1. Subtitle G, Title 2, Health and Safety Code, is amended by adding Chapter 142A to read as follows:

CHAPTER 142A. SUPPORTIVE PALLIATIVE CARE SERVICES

Sec. 142A.0001. DEFINITION. In this chapter, "supportive palliative care" means physician-directed interdisciplinary patient- and family-centered care provided to a patient with a serious illness without regard to the patient's age or terminal prognosis that:

(1) may be provided concurrently with methods of treatment or therapies that seek to cure or minimize the effects of the patient's illness; and

(2) seeks to optimize the quality of life for a patient with a life-threatening or life-limiting illness and the patient's family through various methods, including methods that seek to:

(A) anticipate, prevent, and treat the patient's total suffering related to the patient's physical, emotional, social, and spiritual condition;

(B) address the physical, intellectual, emotional, cultural, social, and spiritual needs of the patient; and

(C) facilitate for the patient regarding treatment options, education, informed consent, and expression of desires.

Sec. 142A.0002. REFERENCE IN OTHER LAW. Notwithstanding any other law, a reference in this code or other law to palliative care means supportive palliative care.

Sec. 142A.0003. STUDY. (a) The commission shall conduct a study to assess potential improvements to a patient's quality of care and health outcomes and to anticipated cost savings to this state from supporting the use of or providing Medicaid reimbursement to certain Medicaid recipients for supportive palliative care. The study must include an evaluation and comparison of other states that provide Medicaid reimbursement for supportive palliative care.

(b) The Palliative Care Interdisciplinary Advisory Council established under Chapter 118 shall provide to the commission recommendations on the structure of the study, including recommendations on identifying specific populations of Medicaid recipients, variables, and outcomes to measure in the study.

(c) The commission may collaborate with and solicit and accept gifts, grants, and donations from any public or private source for the purpose of funding the study.

(d) Not later than September 1, 2022, the commission shall provide to the Palliative Care Interdisciplinary Advisory Council the findings of the study. Not later than October 1, 2022, the advisory council shall include the findings of the study in the report required under Section 118.010.

(e) This section expires September 1, 2023.

SECTION 2. Section 142.001(15), Health and Safety Code, is amended to read as follows:

(15) "Hospice services" means services, including services provided by unlicensed personnel under the delegation of a registered nurse or physical therapist, provided to a client or a client's family as part of a coordinated program consistent with the standards and rules adopted under this chapter. These services include [~~palliative care for terminally ill clients and~~] support services for terminally ill patients [~~clients~~] and their families that:

(A) are available 24 hours a day, seven days a week, during the last stages of illness, during death, and during bereavement;

(B) are provided by a medically directed interdisciplinary team; and

(C) may be provided in a home, nursing home, residential unit, or inpatient unit according to need. These services do not include inpatient care normally provided in a licensed hospital to a terminally ill person who has not elected to be a hospice client.

SECTION 3. Section 142.001(20), Health and Safety Code, is repealed.

SECTION 4. The Health and Human Services Commission shall conduct the study required under Section 142A.0003, Health and Safety Code, as added by this Act, only if the commission receives a gift, grant, or donation or the legislature appropriates money specifically for that purpose. If the commission does not receive a gift, grant, or donation and the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, conduct the study using other money available for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

The Conference Committee Report on **SB 916** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1742

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1742** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MENÉNDEZ	JULIE JOHNSON
HANCOCK	G. BONNEN
ZAFFIRINI	KRAUSE
NICHOLS	OLIVERSON
SCHWERTNER	
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to physician and health care provider directories, preauthorization, utilization review, independent review, and peer review for certain health benefit plans and workers' compensation coverage.

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

ARTICLE 1. HEALTH CARE PROVIDER DIRECTORIES

SECTION 1.01. Section 1451.501, Insurance Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Facility" has the meaning assigned by Section 324.001, Health and Safety Code.

(1-a) "Facility-based physician" means a radiologist, anesthesiologist, pathologist, emergency department physician, neonatologist, or assistant surgeon:

(A) to whom a facility has granted clinical privileges; and

(B) who provides services to patients of the facility under those clinical privileges.

(1-b) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term includes a pharmacist, pharmacy, hospital, nursing home, or other medical or health-related service facility that provides care for the sick or injured or other care. The term does not include a physician.

SECTION 1.02. Section 1451.504, Insurance Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The directory must include the name, street address, specialty, if any, and telephone number of each physician and health care provider described by Subsection (a) and indicate whether the physician or provider is accepting new patients.

(c) For each health care provider that is a facility included in the directory under this section, the directory must:

(1) list under the facility name separate headings for radiologists, anesthesiologists, pathologists, emergency department physicians, neonatologists, and assistant surgeons;

(2) list under each heading described by Subdivision (1) each facility-based physician described by Subsection (a) practicing in the specialty corresponding with that heading that is a preferred provider, exclusive provider, or network physician;

(3) for the facility and each facility-based physician described by Subdivision (2), clearly indicate each health benefit plan issued by the issuer that may provide coverage for the services provided by that facility or physician; and

(4) include the facility in a listing of all facilities included in the directory indicating:

(A) the name of the facility;

(B) the municipality in which the facility is located or county in which the facility is located if the facility is in the unincorporated area of the county;

(C) for each specialty of facility-based physician practicing at the facility, the name, street address, and telephone number of any facility-based physician that is a preferred provider, exclusive provider, or network physician or of the physician group in which the facility-based physician practices;

(D) each health benefit plan issued by the issuer that may provide coverage for the services provided by the facility; and

(E) each health benefit plan issued by the issuer that may provide coverage for the services provided by each facility-based physician group.

(d) The directory must list a facility-based physician individually and, if the physician belongs to a physician group, as part of the physician group.

SECTION 1.03. Section 1451.505(c), Insurance Code, is amended to read as follows:

(c) The directory must be:

(1) electronically searchable by physician or health care provider name, specialty, if any, facility, and location; and

(2) publicly accessible without necessity of providing a password, a user name, or personally identifiable information.

ARTICLE 2. PREAUTHORIZATION

SECTION 2.01. 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 2.02. Subchapter J, Chapter 843, Insurance Code, is amended by adding Sections 843.3481, 843.3482, and 843.3483 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) except as provided by Subsection (c) or (d), 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) except for the screening criteria under Subdivision (4)(C), 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, which may include 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 calendar year, 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 by an independent review organization; and

(vi) total annual preauthorization requests, approvals, and denials for the service.

(c) This section may not be construed to require a health maintenance organization to provide specific information that would violate any applicable copyright law or licensing agreement. To comply with a posting requirement described by Subsection (b), a health maintenance organization may, instead of making that information publicly available on the health maintenance organization's Internet website, supply a summary of the withheld information sufficient to allow a licensed physician or provider, as applicable for the specific service, who has sufficient training and experience related to the service to understand the basis for the health maintenance organization's medical necessity or appropriateness determinations.

(d) If a requirement or information described by Subsection (a) is licensed, proprietary, or copyrighted material that the health maintenance organization has received from a third party with which the health maintenance organization has contracted, to comply with a posting requirement described by Subsection (b), the health maintenance organization may, instead of making that information publicly available on the health maintenance organization's Internet website, provide the material to a physician or provider who submits a preauthorization request using a nonpublic secured Internet website link or other protected, nonpublic electronic means.

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 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, and on the health maintenance organization's Internet website.

(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 notice of the change in the preauthorization requirement and disclose the change in the health maintenance organization's newsletter or network bulletin, if any, and on the health maintenance organization's Internet website 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. 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, must provide an expedited appeal under Section 4201.357 for any health care service affected by the violation.

SECTION 2.03. 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 [~~10th~~] 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 2.04. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Sections 1301.1351, 1301.1352, and 1301.1353 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) except as provided by Subsection (c) or (d), 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) except for the screening criteria under Subdivision (4)(C), 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, which may include 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 calendar year, 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 by an independent review organization; and

(vi) total annual preauthorization requests, approvals, and denials for the service.

(c) This section may not be construed to require an insurer to provide specific information that would violate any applicable copyright law or licensing agreement. To comply with a posting requirement described by Subsection (b), an insurer may, instead of making that information publicly available on the insurer's Internet website, supply a summary of the withheld information sufficient to allow a licensed physician or other health care provider, as applicable for the specific service, who has sufficient training and experience related to the service to understand the basis for the insurer's medical necessity or appropriateness determinations.

(d) If a requirement or information described by Subsection (a) is licensed, proprietary, or copyrighted material that the insurer has received from a third party with which the insurer has contracted, to comply with a posting requirement described by Subsection (b), the insurer may, instead of making that information publicly available on the insurer's Internet website, provide the material to a physician or health care provider who submits a preauthorization request using a nonpublic secured Internet website link or other protected, nonpublic electronic means.

(e) 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 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, and on the insurer's Internet website.

(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 notice of the change in the preauthorization requirement and disclose the change in the insurer's newsletter or network bulletin, if any, and on the insurer's Internet website 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. (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, must provide an expedited appeal under Section 4201.357 for any medical care or health care service affected by the violation.

(b) The provisions of this section may not be waived, voided, or nullified by contract.

ARTICLE 3. UTILIZATION, INDEPENDENT, AND PEER REVIEW

SECTION 3.01. 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 3.02. 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 direction of a physician licensed to practice medicine in this [~~by a~~] state [~~licensing agency in the United States~~].

SECTION 3.03. 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 [~~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 with a physician licensed to practice medicine 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.

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 3.04. 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 applicable licensing requirements.

(b) Personnel, other than a physician licensed to practice medicine, 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 to provide the requested service.

SECTION 3.05. 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 makes the decision on the appeal, except as provided by Subsection (b).

(b) If not later than the 10th working day after the date an appeal is requested or denied the enrollee's health care provider requests [~~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 shall review the denial or 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 3.06. Section 4201.357(a), Insurance Code, is 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, or a denial of another service if the requesting health care provider includes a written statement with supporting documentation that the service is necessary to treat a life-threatening condition or prevent serious harm to the patient. 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.

SECTION 3.07. 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 [~~by a~~] state [~~licensing agency in the United States~~].

SECTION 3.08. Section 4201.455(a), Insurance Code, is 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 applicable licensing laws.

SECTION 3.09. Section 4201.456, Insurance Code, is 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, 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 of the same specialty as the agent.

SECTION 3.10. 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 3.11. 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 3.12. 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 3.13. 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 3.14. 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.

ARTICLE 4. JOINT INTERIM STUDY

SECTION 4.01. CREATION OF JOINT INTERIM COMMITTEE. (a) A joint interim committee is created to study, review, and report on the use of prior authorization and utilization review processes by private health benefit plan issuers in this state, as provided by Section 4.02 of this article, and propose reforms under that section related to the transparency of and improving patient outcomes under the prior authorization and utilization review processes used by private health benefit plan issuers in this state.

(b) The joint interim committee shall be composed of four senators appointed by the lieutenant governor and four members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor and speaker of the house of representatives shall each designate a co-chair from among the joint interim committee members.

(d) The joint interim committee shall convene at the joint call of the co-chairs.

(e) The joint interim committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

SECTION 4.02. INTERIM STUDY REGARDING PRIOR AUTHORIZATION AND UTILIZATION REVIEW PROCESSES. (a) The joint interim committee created by Section 4.01 of this article shall study data and other information available from the Texas Department of Insurance, the office of public insurance counsel, or other sources the committee determines relevant to examine and analyze the transparency of and improving patient outcomes under the prior authorization and utilization review processes used by private health benefit plan issuers in this state.

(b) The joint interim committee shall propose reforms based on the study required under Subsection (a) of this section to improve the transparency of and patient outcomes under prior authorization and utilization review processes in this state.

(c) The joint interim committee shall prepare a report of the findings and proposed reforms.

SECTION 4.03. COMMITTEE FINDINGS AND PROPOSED REFORMS. (a) Not later than December 1, 2020, the joint interim committee created under Section 4.01 of this article shall submit to the lieutenant governor, the speaker of the house of representatives, and the governor the report prepared under Section 4.02 of this article. The joint interim committee shall include in its report recommendations of specific statutory and regulatory changes that appear necessary from the committee's study under Section 4.02 of this article.

(b) Not later than the 60th day after the effective date of this Act, the lieutenant governor and speaker of the house of representatives shall appoint the members of the joint interim committee in accordance with Section 4.01 of this article.

SECTION 4.04. ABOLITION OF COMMITTEE. The joint interim committee created under Section 4.01 of this article is abolished and this article expires December 15, 2020.

ARTICLE 5. TRANSITIONS; EFFECTIVE DATE

SECTION 5.01. A health benefit plan issuer shall update the issuer's website to conform with Subchapter K, Chapter 1451, Insurance Code, as amended by Article 1 of this Act, not later than January 1, 2020.

SECTION 5.02. The changes in law made by Article 2 of this Act 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 5.03. The changes in law made by Article 3 of this Act apply only to utilization, independent, or peer review 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 5.04. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 1742** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1053

Senator Lucio submitted the following corrected Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1053** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LUCIO	GUILLEN
CREIGHTON	BURNS
HINOJOSA	LEMAN
NICHOLS	MARTINEZ
SCHWERTNER	MEZA
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1053** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 911

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 911** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HINOJOSA	NEVÁREZ
FLORES	CANALES
PERRY	LARSON
RODRÍGUEZ	MORRISON
TAYLOR	PRICE
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the supervision of water districts by the Texas Commission on Environmental Quality.

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

SECTION 1. Section 12.081(a), Water Code, is amended to read as follows:

(a) The powers and duties of all districts and authorities created under Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution are subject to the continuing right of supervision of the State of Texas by and through the commission or its successor, and this supervision may include but is not limited to the authority to:

(1) inquire into the qualifications [~~competence, fitness, and reputation~~] of the officers and directors of any district or authority;

(2) require, on its own motion or on complaint by any person, audits or other financial information, inspections, evaluations, and engineering reports;

(3) issue subpoenas for witnesses to carry out its authority under this subsection;

(4) institute investigations and hearings using examiners appointed by the commission;

(5) issue rules necessary to supervise the districts and authorities, except that such rules shall not apply to water quality ordinances adopted by any river authority which meet or exceed minimum requirements established by the commission; [~~and~~]

(6) issue a permit under Chapter 361, Health and Safety Code, notwithstanding a district's rule or objection; and

(7) the right of supervision granted herein shall not apply to matters relating to electric utility operations.

SECTION 2. Sections 49.102(e) and (f), Water Code, are amended to read as follows:

(e) If a majority of the votes cast in the election favor the creation of the district, then the temporary board shall declare that the district is created and enter the result in its minutes. If a majority of the votes cast in the election are against the creation of the district, the temporary board shall declare that the district was defeated and enter the result in its minutes. A copy of the order shall be filed with the commission not later than the 30th day after the date of the election.

(f) The order canvassing the results of the confirmation election shall contain a description of the district's boundaries and shall be filed with the executive director and in the deed records of the county or counties in which the district is located not later than the 30th day after the date of the election.

SECTION 3. Section 49.195(a), Water Code, is amended to read as follows:

(a) The executive director may review the audit report of each district. After reviewing the audit report, the executive director may request additional information from the district. The district shall provide the additional information not later than the 60th day after the date the request was received, unless the executive director extends the time allowed for the district to provide additional information for good cause.

SECTION 4. Section 49.196(a), Water Code, is amended to read as follows:

(a) The executive director may review and investigate a district's financial records and may conduct an on-site audit of a district's financial information. The executive director shall have access to all vouchers, receipts, district fiscal and financial records, and other district records the executive director considers necessary.

SECTION 5. This Act takes effect September 1, 2019.

The Conference Committee Report on **SB 911** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3193

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3193** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

JOHNSON	HINOJOSA
HINOJOSA	FRANK
KOLKHORST	KLICK
SCHWERTNER	NOBLE
	ROSE
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3193** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3800

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3800** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN	S. THOMPSON
FLORES	NEVÁREZ
NELSON	COLLIER
PERRY	LANG
WHITMIRE	PAUL
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3800** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1523

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 24, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1523** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BUCKINGHAM	NEVÁREZ
BIRDWELL	HARLESS
MENÉNDEZ	LAMBERT
NICHOLS	PADDIE
WATSON	S. THOMPSON
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 1523** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2327

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2327** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BUCKINGHAM	G. BONNEN
CAMPBELL	OLIVERSON
MENÉNDEZ	C. TURNER
SCHWERTNER	ZERWAS
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2327** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3557

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3557** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BIRDWELL	PADDIE
FALLON	CRADDICK
FLORES	LEACH
HUGHES	
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3557** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3284

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3284** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON	SHEFFIELD
CAMPBELL	HOWARD
SCHWERTNER	MOODY
SELIGER	STUCKY
WATSON	

On the part of the Senate On the part of the House

The Conference Committee Report on **HB 3284** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2911

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2911** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES	KLICK
CREIGHTON	BUCY
MENÉNDEZ	CORTEZ
	GOLDMAN
	ISRAEL
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2911** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3388

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3388** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST	SHEFFIELD
BETTENCOURT	PRICE
HUGHES	RAYMOND

JOHNSON	ZERWAS
PERRY	
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3388** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2847

Senator Hancock submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2847** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HANCOCK	GOLDMAN
WHITMIRE	HERNANDEZ
SELIGER	PADDIE
CREIGHTON	
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 2847** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3906

Senator Taylor submitted the following Conference Committee Report:

Austin, Texas
May 25, 2019

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3906** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

TAYLOR	HUBERTY
BETTENCOURT	BERNAL

CAMPBELL	M. GONZÁLEZ
FALLON	VANDEAVER
WATSON	K. BELL
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3906** was filed with the Secretary of the Senate.

CO-SPONSORS OF HOUSE BILL 3

On motion of Senator Taylor, Senators Bettencourt, Menéndez, and Powell will be shown as Co-sponsors of **HB 3**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SCR 65 by Hughes, In memory of William James Boring.

SR 832 by Fallon, In memory of Walton Richard Garner.

SR 833 by Menéndez, In memory of Fred G. Rodriguez.

SR 837 by Paxton, In memory of Dotty Ragley.

Congratulatory Resolutions

SR 840 by Paxton and Nelson, Recognizing Maelyn Jarmon for winning the 16th season of *The Voice*.

HCR 172 (Campbell), Paying tribute to the U.S. military personnel from Texas who lost their lives in the line of duty.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:27 p.m. adjourned, in memory of Deborah Hay Spradley, until 1:30 p.m. tomorrow.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 24, 2019

SB 16, **SB 22**, **SB 25**, **SB 64**, **SB 65**, **SB 69**, **SB 194**, **SB 322**, **SB 345**, **SB 346**, **SB 372**, **SB 489**, **SB 502**, **SB 560**, **SB 572**, **SB 632**, **SB 667**, **SB 709**, **SB 719**, **SB 748**, **SB 749**, **SB 750**, **SB 1091**, **SB 1210**, **SB 1214**, **SB 1238**, **SB 1264**, **SB 1319**, **SB 1621**, **SB 1823**, **SB 1876**, **SB 2212**, **SB 2293**, **SB 2535**, **SCR 64**, **SR 816**, **SR 817**, **SR 818**, **SR 819**, **SR 820**, **SR 821**, **SR 822**, **SR 823**, **SR 824**, **SR 825**, **SR 826**, **SR 827**, **SR 828**, **SR 829**, **SR 830**

SENT TO GOVERNOR

May 25, 2019

SB 7, SB 14, SB 16, SB 21, SB 22, SB 24, SB 25, SB 26, SB 27, SB 37, SB 38, SB 40, SB 41, SB 54, SB 64, SB 65, SB 68, SB 69, SB 71, SB 139, SB 194, SB 198, SB 207, SB 212, SB 230, SB 232, SB 235, SB 237, SB 284, SB 285, SB 289, SB 300, SB 322, SB 339, SB 340, SB 341, SB 345, SB 346, SB 357, SB 362, SB 372, SB 384, SB 405, SB 437, SB 475, SB 479, SB 489, SB 493, SB 502, SB 504, SB 511, SB 530, SB 535, SB 548, SB 550, SB 560, SB 563, SB 569, SB 572, SB 575, SB 607, SB 608, SB 615, SB 632, SB 633, SB 658, SB 662, SB 667, SB 670, SB 683, SB 688, SB 700, SB 706, SB 708, SB 709, SB 711, SB 719, SB 741, SB 747, SB 748, SB 749, SB 750, SB 772, SB 810, SB 819, SB 869, SB 902, SB 907, SB 936, SB 943, SB 948, SB 952, SB 969, SB 976, SB 981, SB 986, SB 988, SB 1056, SB 1091, SB 1125, SB 1147, SB 1152, SB 1164, SB 1177, SB 1180, SB 1184, SB 1189, SB 1210, SB 1214, SB 1217, SB 1219, SB 1221, SB 1230, SB 1231, SB 1238, SB 1264, SB 1271, SB 1283, SB 1303, SB 1311, SB 1319, SB 1336, SB 1337, SB 1374, SB 1386, SB 1397, SB 1404, SB 1414, SB 1422, SB 1441, SB 1468, SB 1474, SB 1476, SB 1494, SB 1497, SB 1510, SB 1525, SB 1545, SB 1575, SB 1582, SB 1593, SB 1621, SB 1623, SB 1636, SB 1640, SB 1642, SB 1702, SB 1754, SB 1755, SB 1778, SB 1788, SB 1793, SB 1806, SB 1823, SB 1827, SB 1828, SB 1834, SB 1835, SB 1852, SB 1859, SB 1861, SB 1876, SB 1887, SB 1928, SB 1940, SB 1943, SB 1969, SB 1971, SB 1978, SB 2011, SB 2015, SB 2018, SB 2060, SB 2073, SB 2083, SB 2111, SB 2119, SB 2137, SB 2143, SB 2168, SB 2200, SB 2212, SB 2215, SB 2223, SB 2248, SB 2270, SB 2286, SB 2293, SB 2296, SB 2309, SB 2315, SB 2330, SB 2364, SB 2409, SB 2410, SB 2445, SB 2456, SB 2531, SB 2535, SB 2558, SCR 7, SCR 58, SCR 59, SCR 64

SIGNED BY GOVERNOR

May 25, 2019

SB 281, SB 370, SB 979, SB 1438, SB 2140

VETOED BY GOVERNOR

May 25, 2019

SB 746