

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTY-THIRD DAY**  
(Thursday, May 20, 2021)

The Senate met at 11:25 a.m. pursuant to adjournment and was called to order by President Pro Tempore Birdwell.

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

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

Senator Alvarado offered the invocation as follows:

Lord, give us the will to work with other leaders to bring strength to our state. Make us leaders who lead this state with virtue without imposing our kind of virtue on the virtue of others. Make us a government body that provides for the advancement of this state without taking resources from others to achieve it. Grant us a conscience that helps us to determine strength from power, growth from greed, leadership from dominance, and real progress from the trappings of grandiosity. We trust You, Lord, to open our hearts so we may learn from others. We implore You to give us the courage to know what true leadership is and pursue it diligently. We ask these things with minds open to Your word and hearts that trust in Your eternal love. 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.

## **BILLS SIGNED**

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

**HB 569, HB 574, HB 654, HB 918, HB 1071, HB 1147, HB 1197, HB 1322, HB 2152, HB 2404, HB 2533, HB 2723.**

## **SENATE RESOLUTION 440**

Senator Paxton offered the following resolution:

**SR 440**, Commending Justin Delacruz and Michael Carter for their work with the Patrol Stories program.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Paxton was recognized and introduced to the Senate Justin Delacruz; his wife, Selina Delacruz; Michael Carter; and his wife, Christina Carter.

The Senate welcomed its guests.

### SENATE RESOLUTION 429

Senator Gutierrez offered the following resolution:

**SR 429**, In memory of Angela Maria Farias.

The resolution was read.

On motion of Senator Gutierrez, **SR 429** was adopted by a rising vote of the Senate.

In honor of the memory of Angela Maria Farias, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Gutierrez, joined by Senator Menéndez, was recognized and introduced to the Senate family members of Angela Maria Farias including former State Representative Joe Farias, Gabe Farias, Joey Farias, Athena Farias, Jaime Farias, Daniel Farias, and Phillip Rodriguez.

The Senate welcomed its guests and extended its sympathy.

### SENATE RESOLUTION 445

Senator Hinojosa offered the following resolution:

**SR 445**, In memory of Stuart Samuel Klein.

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Hinojosa, **SR 445** was adopted by a rising vote of the Senate.

In honor of the memory of Stuart Samuel Klein, the text of the resolution is printed at the end of today's *Senate Journal*.

### BILLS AND RESOLUTIONS SIGNED

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

**SB 40, SB 58, SB 184, SB 197, SB 280, SB 284, SB 297, SB 454, SB 510, SB 550, SB 586, SB 695, SB 702, SB 707, SB 787, SB 791, SB 795, SB 905, SB 911, SB 937, SB 997, SB 1028, SB 1072, SB 1134, SB 1185, SB 1323, SB 1371, SB 1414, SB 1474, SB 1534, SB 1550, SB 1677, SB 1727, SB 1821, SB 1829, SCR 41, SJR 47.**

**(President in Chair)****SENATE RESOLUTION 439**

Senator Hancock offered the following resolution:

**SR 439**, Recognizing Lance Barrow on the occasion of his retirement.

The resolution was read and was adopted by a rising vote of the Senate.

**GUESTS PRESENTED**

Senator Hancock was recognized and introduced to the Senate Lance Ward Barrow, Melissa M. Barrow, Katie Joan Barrow, Caroline Lucille Barton, and Max Thomas Barton.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hughes was recognized and introduced to the Senate family members of Andrew Khoury including Dorothy Khoury and Samuel Khoury.

The Senate welcomed its guests and extended its sympathy.

**REMARKS ORDERED PRINTED**

On motion of Senator Whitmire and by unanimous consent, the remarks by Senator Hughes regarding Andrew Khoury were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, thank you and I thank you and the Members of the Senate for allowing me this opportunity. As each one here knows, one of the privileges and responsibilities of being a Member of the Senate is to recognize those folks back home who make an impact, who change lives, and who make a difference, and so, it's always important for us to do that. And when on a personal level we knew that person well, it makes it even more special and more serious, and so, we get to do that today. And so, I want to tell you about Andy Khoury. Many of you know Andy's reputation in Longview. We lost him in 2019 at 50 years old. He's a proud Longview High School graduate, bachelor's degree, and a *cum laude* from SMU and then a law degree from Baylor Law School, a real leader in the legal profession, president of the Gregg County Bar Association. He's the one that helped organized the effort to bring the Supreme Court of Texas to do oral arguments in Longview. That was a big deal and rarely something like that rarely happens. Always giving back, he comes from a long line of service in the family, the son of a renowned district judge whom we just lost right before him, and a mother who's a real community leader and a servant, and a brother. A wonderful family and so, he's worked with Longview ISD Foundation, with the City of Longview, Historic Preservation Commission, and also judge in the Longview Teen Court. He traveled with the family, Florida, Maine, he was big Longview Lobo supporter and was, we were able to see that Longview High School state championship. What a blessing for all of us and here when the Senate honored them for that and, of course, big on SMU and loved his family and loved those two dogs. He was a really

respected attorney and a proud son of Longview and a friend of mine. His life really was rich in so many ways, and even after we lost him, we were even more aware of all the lives he had touched. And if you'll allow me this, I got an email this morning from a mutual friend who heard we were going to be honoring Andy, and here's what he wrote. He gave me permission to read this to you. He says, Thank you for honoring Andy today on his birthday. We miss Andy terribly and that pales in comparison to Dorothy and Sam, that's his mother and his brother. And then he says, It means a lot that you remember him in the way you do, he was my best friend, a mentor to my boys, and a providential blessing to my whole family. God's peace be with you, and Godspeed to our friend, Andy. And that's from mutual friend Jeff Henderson. I want to take a moment and introduce to you the wonderful Khoury family, who we've known and looked up to for years. They continue to serve in Longview, across the state. Y'all please stand. Dorothy Khoury, our former GOP chair, and served in so many ways, publicly and privately in the community, in the state, and Sam, who manages all the interests and all the philanthropy. So, please help me welcome the Khoury family and join me in honoring our friend and a great leader whom we lost and whom we loved so much, Andy Khoury.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**(Senator Springer in Chair)**

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 12:32 p.m. announced the conclusion of morning call.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 135 ON SECOND READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **CSHB 135** at this time on its second reading:

**CSHB 135**, Relating to notifying an alleged perpetrator of child abuse or neglect of certain rights in an investigation by the Department of Family and Protective Services; creating a criminal offense.

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

Yeas: Alvarado, Birdwell, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Hall, Hughes, Nichols, Paxton, Springer.

The bill was read second time.

Senator Miles offered the following amendment to the bill:

**Floor Amendment No. 1**

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

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

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

; and

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

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

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

The amendment to **CSHB 135** was read and was adopted by a viva voce vote.

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

**CSHB 135** as amended was passed to third reading by the following vote: Yeas 25, Nays 6.

Yeas: Alvarado, Birdwell, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Hall, Hughes, Nichols, Springer.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 135 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 135** be placed on its third reading and final passage.

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

Yeas: Alvarado, Birdwell, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Bettencourt, Creighton, Hall, Hughes, Nichols, Springer.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**HOUSE BILL 1693 ON SECOND READING**

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1693** at this time on its second reading:

**HB 1693**, Relating to access to the financial responsibility verification program by justice and municipal courts.

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

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

### **HOUSE BILL 1693 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1693** be placed on its third reading and final passage.

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

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

### **HOUSE BILL 2048 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2048** at this time on its second reading:

**HB 2048**, Relating to the criminal offense of passing certain vehicles on a highway.

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

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

Nays: Buckingham, Springer.

### **HOUSE BILL 2048 ON THIRD READING**

Senator Powell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2048** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Buckingham, Springer.

### **COMMITTEE SUBSTITUTE HOUSE BILL 549 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 549** at this time on its second reading:

**CSHB 549**, Relating to exemptions from liability for certain professionals for the disclosure of certain mental health information.

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

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

Nays: Springer.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 549 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 549** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Springer.

#### **HOUSE BILL 1387 ON THIRD READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **HB 1387** at this time on its third reading and final passage:

**HB 1387**, Relating to the storage of firearms and ammunition in the same locked location in certain foster homes.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

#### **HOUSE BILL 2721 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2721** at this time on its second reading:

**HB 2721**, Relating to prohibiting a student from participating in future extracurricular activities for certain conduct involving the assault of an extracurricular activity official.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

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

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

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

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

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

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

(1) the request is submitted at least:

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

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

(2) the student:

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

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

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

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

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

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

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

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

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

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

The amendment to **HB 2721** was read and was adopted by a viva voce vote.

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

**HB 2721** as amended was passed to third reading by a viva voce vote.

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

#### **HOUSE BILL 2721 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2721** be placed on its third reading and final passage.

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

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

#### **HOUSE BILL 2748 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2748** at this time on its second reading:

**HB 2748**, Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.

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

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

#### **HOUSE BILL 2748 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2748** be placed on its third reading and final passage.

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

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

#### **HOUSE BILL 781 ON THIRD READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 781** at this time on its third reading and final passage:

**HB 781**, Relating to the carrying and possession of a handgun by a public junior college school marshal.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

### **HOUSE BILL 3496 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3496** at this time on its second reading:

**HB 3496**, Relating to the designation of State Highway 358 as the Peace Officers Memorial Highway.

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

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

### **HOUSE BILL 3496 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3496** be placed on its third reading and final passage.

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

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

**(President in Chair)**

### **HOUSE BILL 2112 ON SECOND READING**

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2112** at this time on its second reading:

**HB 2112**, Relating to the carrying of holstered handguns by handgun license holders.

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

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

**HOUSE BILL 2112 ON THIRD READING**

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2112** be placed on its third reading and final passage.

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

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

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 20, 2021 - 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

**HB 315** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 699** (144 Yeas, 0 Nays, 1 Present, not voting)

**HB 1544** (143 Yeas, 0 Nays, 1 Present, not voting)

**HB 1571** (142 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 20, 2021 - 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:

- SB 231** Seliger Sponsor: Cain  
Relating to training for county election officers.
- SB 237** Bettencourt Sponsor: Gervin-Hawkins  
Relating to the issuance of a citation for a criminal trespass offense punishable as a Class B misdemeanor.
- SB 516** Huffman Sponsor: Murr  
Relating to increasing the criminal penalty for the offense of criminal mischief involving impairment or interruption of access to an automated teller machine.
- SB 742** Birdwell Sponsor: Anderson  
Relating to installment payments of ad valorem taxes on property in a disaster area or emergency area.
- SB 851** Blanco Sponsor: Dominguez  
Relating to the composition of the cybersecurity council.
- SB 874** Hancock Sponsor: Oliverson  
Relating to the reporting and expiration dates of a temporary health insurance risk pool administered by the commissioner of insurance.
- SB 903** Perry Sponsor: Sanford  
Relating to suits for tax refunds.
- SB 1129** Zaffirini Sponsor: Neave  
Relating to guardianships, alternatives to guardianship, and supports and services for incapacitated persons.
- SB 1202** Hancock Sponsor: Paddie  
Relating to the applicability of certain utility provisions to a vehicle charging service.
- SB 1245** Perry Sponsor: Murr  
Relating to the farm and ranch survey conducted by the comptroller for purposes of estimating the productivity value of qualified open-space land as part of the study of school district taxable values.
- SB 1449** Bettencourt Sponsor: Murphy  
Relating to the exemption from ad valorem taxation of income-producing tangible personal property having a value of less than a certain amount.
- SB 1525** Creighton Sponsor: Parker  
Relating to the administration of the governor's university research initiative.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 20, 2021 - 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 PASSED THE FOLLOWING MEASURES:

**SB 22** Springer Sponsor: Patterson  
Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.  
(Committee Substitute/Amended)

**SB 49** Zaffirini Sponsor: Murr  
Relating to procedures regarding defendants who are or may be persons with a mental illness or intellectual disability.  
(Committee Substitute/Amended)

**SB 572** Springer Sponsor: White  
Relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency.  
(Committee Substitute/Amended)

**SB 626** Zaffirini Sponsor: Moody  
Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.  
(Amended)

**SB 860** Johnson Sponsor: Goldman  
Relating to the exclusion of certain car haulers from the definition of tow truck for purposes of certain laws regulating motor vehicle towing.  
(Amended)

**SB 1102** Creighton Sponsor: Parker  
Relating to the establishment of the Texas Reskilling and Upskilling through Education (TRUE) Program to support workforce education.  
(Amended)

**SB 1137** Kolkhorst Sponsor: Oliverson  
Relating to the required disclosure of prices for certain items and services provided by certain medical facilities; providing administrative penalties.  
(Committee Substitute)

**SB 1160** Taylor Sponsor: Paul  
Relating to the creation of the Gulf Coast Protection District; providing authority to issue bonds; providing authority to impose fees; providing authority to impose a tax; granting the power of eminent domain.  
(Committee Substitute/Amended)

**SB 1588** Hughes Sponsor: Turner, Chris  
Relating to the powers and duties of certain property owners' associations.  
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**HOUSE BILL 3514 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3514** at this time on its second reading:

**HB 3514**, Relating to the functions of the Texas Department of Motor Vehicles; authorizing a penalty.

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

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

**HOUSE BILL 3514 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3514** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3961 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3961** at this time on its second reading:

**CSHB 3961**, Relating to required posting of information regarding the office of the state long-term care ombudsman on certain long-term care facilities' Internet websites.

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

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

Nays: Creighton.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3961 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3961** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Creighton.

**HOUSE BILL 4080 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4080** at this time on its second reading:

**HB 4080**, Relating to issuance of autism awareness specialty license plates.

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

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

**HOUSE BILL 4080 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4080** be placed on its third reading and final passage.

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

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

**HOUSE BILL 159 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **HB 159** at this time on its second reading:

**HB 159**, Relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

The motion prevailed by the following vote: Yeas 22, Nays 8, Present-not voting 1.

Yeas: Alvarado, Blanco, Campbell, Eckhardt, Gutierrez, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Powell, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Hancock, Hughes, Perry, Schwertner, Springer.

Present-not voting: Bettencourt.

The bill was read second time and was passed to third reading by the following vote: Yeas 22, Nays 8, Present-not voting 1. (Same as previous roll call)

**HOUSE BILL 159 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 159** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-not voting 1.

Yeas: Alvarado, Blanco, Campbell, Eckhardt, Gutierrez, Hall, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Hancock, Schwertner.

Present-not voting: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8, Present-not voting 1.

Yeas: Alvarado, Blanco, Campbell, Eckhardt, Gutierrez, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Powell, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Buckingham, Creighton, Hancock, Hughes, Perry, Schwertner, Springer.

Present-not voting: Bettencourt.

### **HOUSE BILL 532 ON SECOND READING**

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 532** at this time on its second reading:

**HB 532**, Relating to the designation of a portion of State Highway Loop 121 in Bell County as the Deputy Sheriff John Rhoden Memorial Highway.

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

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

### **HOUSE BILL 532 ON THIRD READING**

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 532** be placed on its third reading and final passage.

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

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

### **HOUSE BILL 1407 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 1407** at this time on its second reading:

**HB 1407**, Relating to the carrying of a handgun by a license holder in a motor vehicle.

The motion prevailed.

Senators Alvarado, Eckhardt, and Whitmire asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Alvarado, Eckhardt, Whitmire.

### **HOUSE BILL 1407 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1407** be placed on its third reading and final passage.

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

Yeas: Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Zaffirini.

Nays: Alvarado, Eckhardt, Whitmire.

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

### **HOUSE BILL 3212 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3212** at this time on its second reading:

**HB 3212**, Relating to the inclusion of information relating to street racing in the curriculum of driver education courses and driving safety courses.

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

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

Nays: Buckingham, Hughes, Paxton.

### **HOUSE BILL 3212 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3212** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Buckingham, Hughes, Paxton.

### **HOUSE BILL 1925 ON SECOND READING**

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 1925** at this time on its second reading:

**HB 1925**, Relating to prohibitions on camping in a public place and to a political subdivision's designation of property for camping by homeless individuals; creating a criminal offense.

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

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

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

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

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

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

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

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

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

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

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

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

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

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

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

The amendment to **HB 1925** was read and was adopted by a viva voce vote.

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

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 2**

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

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

MENÉNDEZ	HINOJOSA
ALVARADO	LUCIO
BLANCO	POWELL
BUCKINGHAM	TAYLOR
CAMPBELL	ZAFFIRINI
GUTIERREZ	

The amendment to **HB 1925** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Schwertner offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **HB 1925** (senate committee report) in SECTION 2 of the bill, immediately following added Section 2306.1123(b), Government Code (page 3, between lines 4 and 5), by inserting the following appropriately lettered subsection and relettering the subsections of added Section 2306.1123, Government Code, and any cross-references to those subsections accordingly:

( ) In addition to the requirements prescribed by Subsection (b), if the applicant is a municipality, the plan must designate the following properties to be used by homeless individuals to camp:

- (1) the property where the municipality's city hall is located; and
- (2) each property where an administrative office of the municipality is located, if the municipality's city hall and administrative offices are located on separate properties.

The amendment to **HB 1925** was read.

Senator Schwertner withdrew Floor Amendment No. 3.

**HB 1925** as amended was passed to third reading by the following vote: Yeas 27, Nays 4.

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

Nays: Blanco, Eckhardt, Miles, West.

**HOUSE BILL 1925 ON THIRD READING**

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1925** be placed on its third reading and final passage.

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

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

Nays: Blanco, Eckhardt, Miles, West.

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

### **HOUSE BILL 3924 ON SECOND READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 3924** at this time on its second reading:

**HB 3924**, Relating to health benefits offered by certain nonprofit agricultural organizations.

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

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

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

The bill was read second time.

Senator Springer offered the following amendment to the bill:

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

Amend **HB 3924** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 1682.001, Insurance Code (page 1, line 56), strike "constitutes" and substitute "is regulated as".

(2) In the heading to added Section 1682.005, Insurance Code (page 2, line 32), between "BUSINESS OF" and "INSURANCE", insert "HEALTH".

(3) In added Section 1682.005, Insurance Code (page 2, line 36), strike "an insurer and is not engaging in the business of insurance" and substitute "a health insurer and is not engaging in the business of health insurance".

The amendment to **HB 3924** was read and was adopted by a viva voce vote.

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

Senator Springer offered the following amendment to the bill:

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

Amend **HB 3924** (senate committee report) as follows:

(1) In SECTION 2 of the bill, strike added Section 1682.007, Insurance Code (page 2, line 51, through page 3, line 3).

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

SECTION \_\_\_\_\_. Subtitle C, Title 8, Insurance Code, is amended by adding Chapter 1275 to read as follows:

CHAPTER 1275. BALANCE BILLING PROHIBITIONS AND  
OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION FOR CERTAIN PLANS  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1275.001. DEFINITIONS. In this chapter:

(1) "Enrollee" means an individual enrolled in a health benefit plan to which this chapter applies.

(2) "Usual and customary rate" means the relevant allowable amount as described by the applicable master benefit plan document.

Sec. 1275.002. APPLICABILITY OF CHAPTER. This chapter applies to a health benefit plan offered by a nonprofit agricultural organization under Chapter 1682.

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

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

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

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

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

Sec. 1275.004. OUT-OF-NETWORK CLAIM DISPUTE RESOLUTION. Chapter 1467 applies to a health benefit plan to which this chapter applies, and the administrator of a health benefit plan to which this chapter applies is an administrator for purposes of that chapter.

SUBCHAPTER B. PAYMENTS FOR CERTAIN SERVICES; BALANCE BILLING  
PROHIBITIONS

Sec. 1275.051. EMERGENCY CARE PAYMENTS. (a) In this section, "emergency care" has the meaning assigned by Section 1301.155.

(b) The administrator of a health benefit plan to which this chapter applies shall pay for covered emergency care performed by or a covered supply related to that care provided by an out-of-network provider at the usual and customary rate or at an agreed rate. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

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

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

(c) For emergency care subject to this section or a supply related to that care, an out-of-network provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health benefit plan that:

(1) is based on:

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

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

Sec. 1275.052. OUT-OF-NETWORK FACILITY-BASED PROVIDER PAYMENTS. (a) In this section, "facility-based provider" means a physician or health care provider who provides health care or medical services to patients of a health care facility.

(b) Except as provided by Subsection (d), the administrator of a health benefit plan to which this chapter applies shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to an enrollee by an out-of-network provider who is a facility-based provider at the usual and customary rate or at an agreed rate if the provider performed the service at a health care facility that is a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

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

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

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

(1) is based on:

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

(B) if applicable, a modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the provider does not have a contract with the enrollee's health benefit plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

Sec. 1275.053. OUT-OF-NETWORK DIAGNOSTIC IMAGING PROVIDER OR LABORATORY SERVICE PROVIDER PAYMENTS. (a) In this section, "diagnostic imaging provider" and "laboratory service provider" have the meanings assigned by Section 1467.001.

(b) Except as provided by Subsection (d), the administrator of a health benefit plan to which this chapter applies shall pay for a covered health care or medical service performed for or a covered supply related to that service provided to an enrollee by an out-of-network provider who is a diagnostic imaging provider or laboratory service provider at the usual and customary rate or at an agreed rate if the provider performed the service in connection with a health care or medical service performed by a participating provider. The administrator shall make a payment required by this subsection directly to the provider not later than, as applicable:

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

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

(c) Except as provided by Subsection (d), an out-of-network provider who is a diagnostic imaging provider or laboratory service provider or a person asserting a claim as an agent or assignee of the provider may not bill an enrollee receiving a health care or medical service or supply described by Subsection (b) in, and the enrollee does not have financial responsibility for, an amount greater than an applicable copayment, coinsurance, and deductible under the enrollee's health benefit plan that:

(1) is based on:

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

(B) if applicable, the modified amount as determined under the administrator's internal appeal process; and

(2) is not based on any additional amount determined to be owed to the provider under Chapter 1467.

(d) This section does not apply to a nonemergency health care or medical service:

(1) that an enrollee elects to receive in writing in advance of the service with respect to each out-of-network provider providing the service; and

(2) for which an out-of-network provider, before providing the service, provides a complete written disclosure to the enrollee that:

(A) explains that the provider does not have a contract with the enrollee's health benefit plan;

(B) discloses projected amounts for which the enrollee may be responsible; and

(C) discloses the circumstances under which the enrollee would be responsible for those amounts.

The amendment to **HB 3924** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**HB 3924** as amended was passed to third reading by the following vote: Yeas 19, Nays 12.

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

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 1540 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1540** at this time on its second reading:

**CSHB 1540**, Relating to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare; creating a criminal offense; increasing criminal penalties.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

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

Amend **CSHB 1540** (senate committee printing) as follows:

(1) In the recital to SECTION 22 of the bill, amending Section 20A.02(b), Penal Code (page 7, line 56), strike "Section 20A.02(b), Penal Code, is" and substitute "Sections 20A.02(a) and (b), Penal Code, are".

(2) In SECTION 22 of the bill, amending Section 20A.02(b), Penal Code (page 7, between lines 57 and 58), immediately following the recital, insert the following:

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

(1) traffics another person with the intent that the trafficked person engage in forced labor or services;

(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;

(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:

(A) Section 43.02 (Prostitution);

(B) Section 43.03 (Promotion of Prostitution);

(B-1) Section 43.031 (Online Promotion of Prostitution);

(C) Section 43.04 (Aggravated Promotion of Prostitution);

(C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or

(D) Section 43.05 (Compelling Prostitution);

(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

(5) traffics a child with the intent that the trafficked child engage in forced labor or services;

(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:

(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);

(B) Section 21.11 (Indecency with a Child);

(C) Section 22.011 (Sexual Assault);

(D) Section 22.021 (Aggravated Sexual Assault);

(E) Section 43.02 (Prostitution);

(E-1) Section 43.021 (Solicitation of Prostitution);

(F) Section 43.03 (Promotion of Prostitution);

(F-1) Section 43.031 (Online Promotion of Prostitution);

(G) Section 43.04 (Aggravated Promotion of Prostitution);

(G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);

(H) Section 43.05 (Compelling Prostitution);

(I) Section 43.25 (Sexual Performance by a Child);

(J) Section 43.251 (Employment Harmful to Children); or

(K) Section 43.26 (Possession or Promotion of Child Pornography); or

(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

(3) In SECTION 29(d) of the bill, adding transition language (page 9, lines 43 and 44), strike "The change in law made to Section 481.134, Health and Safety Code, and the Penal Code by this Act applies" and substitute "Except as otherwise provided by this section, the changes in law made by this Act apply".

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

SECTION \_\_\_\_ . Chapter 43, Penal Code, is amended by adding Section 43.021, and a heading is added to that section to read as follows:

Sec. 43.021. SOLICITATION OF PROSTITUTION.

SECTION \_\_\_\_ . Sections 43.02(b) and (c-1), Penal Code, are transferred to Section 43.021, Penal Code, as added by this Act, redesignated as Sections 43.021(a) and (b), Penal Code, respectively, and amended to read as follows:

(a) ~~(b)~~ A person commits an offense if the person knowingly offers or agrees to pay a fee to another person for the purpose of engaging in sexual conduct with that person or another.

(b) ~~(c-1)~~ An offense under Subsection (a) ~~(b)~~ is a state jail felony [~~Class A misdemeanor~~], except that the offense is:

(1) a ~~[state jail]~~ felony of the third degree if the actor has previously been convicted of an offense under Subsection (a) or under Section 43.02(b), as that law existed before September 1, 2021 ~~(b)~~; or

(2) a felony of the second degree if the person with whom the actor agrees to engage in sexual conduct is:

(A) younger than 18 years of age, regardless of whether the actor knows the age of the person at the time of the offense;

(B) represented to the actor as being younger than 18 years of age; or

(C) believed by the actor to be younger than 18 years of age.

SECTION \_\_\_\_ . Section 43.021, Penal Code, as added by this Act, is amended by adding Subsection (c) to read as follows:

(c) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and that subchapter. For purposes of enhancement of penalties under this section or Subchapter D, Chapter 12, a defendant is considered to have been previously convicted of an offense under this section or under Section 43.02(b), as that law existed before September 1, 2021, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION \_\_\_\_ . Section 25.06(a), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(a) The commission shall deny an original application for a wine and malt beverage retailer's permit if the commission finds that the applicant, or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses:

(1) prostitution or solicitation of prostitution;

(2) a vagrancy ~~offense~~ involving moral turpitude;

(3) bookmaking;

(4) gambling or gaming;

(5) an offense involving controlled substances as defined in Chapter 481, Health and Safety Code, or other dangerous drugs;

(6) a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than \$500;

(7) more than three violations of this code relating to minors;

(8) bootlegging; or

(9) an offense involving firearms or a deadly weapon.

SECTION \_\_\_\_. Section 69.06(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The commission shall deny an original application for a retail dealer's on-premise license if the commission finds that the applicant or the applicant's spouse, during the five years immediately preceding the application, was finally convicted of a felony or one of the following offenses:

(1) prostitution or solicitation of prostitution;

(2) a vagrancy offense involving moral turpitude;

(3) bookmaking;

(4) gambling or gaming;

(5) an offense involving controlled substances as defined in the Texas Controlled Substances Act, including an offense involving a synthetic cannabinoid, or an offense involving other dangerous drugs;

(6) a violation of this code resulting in the cancellation of a license or permit, or a fine of not less than \$500;

(7) more than three violations of this code relating to minors;

(8) bootlegging; or

(9) an offense involving firearms or a deadly weapon.

SECTION \_\_\_\_. Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

(1) discharge of a firearm in a public place as prohibited by the Penal Code;

(2) reckless discharge of a firearm as prohibited by the Penal Code;

(3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;

(4) delivery, possession, manufacture, or use of a substance or other item in violation of Chapter 481, Health and Safety Code;

(5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;

(6) prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, or aggravated promotion of prostitution as described by Section 43.04, [prohibited by the] Penal Code;

(7) compelling prostitution as prohibited by the Penal Code;

(8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;

(9) aggravated assault as described by Section 22.02, Penal Code;

(10) sexual assault as described by Section 22.011, Penal Code;

(11) aggravated sexual assault as described by Section 22.021, Penal Code;

- (12) robbery as described by Section 29.02, Penal Code;
- (13) aggravated robbery as described by Section 29.03, Penal Code;
- (14) unlawfully carrying a weapon as described by Section 46.02, Penal Code;
- (15) murder as described by Section 19.02, Penal Code;
- (16) capital murder as described by Section 19.03, Penal Code;
- (17) continuous sexual abuse of young child or children as described by Section 21.02, Penal Code;
- (18) massage therapy or other massage services in violation of Chapter 455, Occupations Code;
- (19) employing a minor at a sexually oriented business as defined by Section 243.002, Local Government Code;
- (20) trafficking of persons as described by Section 20A.02, Penal Code;
- (21) sexual conduct or performance by a child as described by Section 43.25, Penal Code;
- (22) employment harmful to a child as described by Section 43.251, Penal Code;
- (23) criminal trespass as described by Section 30.05, Penal Code;
- (24) disorderly conduct as described by Section 42.01, Penal Code;
- (25) arson as described by Section 28.02, Penal Code;
- (26) criminal mischief as described by Section 28.03, Penal Code, that causes a pecuniary loss of \$500 or more; or
- (27) a graffiti offense in violation of Section 28.08, Penal Code.

SECTION \_\_\_\_. Article 17.45, Code of Criminal Procedure, is amended to read as follows:

Art. 17.45. CONDITIONS REQUIRING AIDS AND HIV INSTRUCTION. A magistrate may require as a condition of bond that a defendant charged with an offense under Section 43.02 or 43.021, Penal Code, receive counseling or education, or both, relating to acquired immune deficiency syndrome or human immunodeficiency virus.

SECTION \_\_\_\_. Article 42A.751(a), Code of Criminal Procedure, is amended to read as follows:

(a) At any time during the period of community supervision, the judge may issue a warrant for a violation of any condition of community supervision and cause a defendant convicted under Section 43.02 or 43.021, Penal Code, Chapter 481, Health and Safety Code, or Sections 485.031 through 485.035, Health and Safety Code, or placed on deferred adjudication community supervision after being charged with one of those offenses, to be subject to:

- (1) the control measures of Section 81.083, Health and Safety Code; and
- (2) the court-ordered-management provisions of Subchapter G, Chapter 81, Health and Safety Code.

SECTION \_\_\_\_. Section 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.04 (Aggravated promotion of prostitution), 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.021 (Solicitation of Prostitution) [~~43.02 (Prostitution)~~], Penal Code, if the offense is punishable as a felony of the second degree [~~under Subsection (e-1)(2) of that section~~];

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K), or (L), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; or

(L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code.

SECTION \_\_\_\_. Section 11.066, Education Code, is amended to read as follows:

Sec. 11.066. ELIGIBILITY FOR SERVICE BY TRUSTEE CONVICTED OF CERTAIN OFFENSES. A person is ineligible to serve as a member of the board of trustees of a school district if the person has been convicted of a felony or an offense under Section 43.021 [~~43.02(b)~~], Penal Code.

SECTION \_\_\_\_. Section 51.03(b), Family Code, is amended to read as follows:

(b) Conduct indicating a need for supervision is:

(1) subject to Subsection (f), conduct, other than a traffic offense, that violates:

(A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or

(B) the penal ordinances of any political subdivision of this state;

(2) the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return;

(3) conduct prohibited by city ordinance or by state law involving the inhalation of the fumes or vapors of paint and other protective coatings or glue and other adhesives and the volatile chemicals itemized in Section 485.001, Health and Safety Code;

(4) an act that violates a school district's previously communicated written standards of student conduct for which the child has been expelled under Section 37.007(c), Education Code;

(5) notwithstanding Subsection (a)(1), conduct described by Section 43.02 or 43.021 [~~43.02(a) or (b)~~], Penal Code; or

(6) notwithstanding Subsection (a)(1), conduct that violates Section 43.261, Penal Code.

SECTION \_\_\_\_. Section 261.001(1), Family Code, is amended to read as follows:

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under Section 43.021 [43.02(b)], Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

(M) forcing or coercing a child to enter into a marriage.

SECTION \_\_\_\_. Section 71.0353, Government Code, is amended to read as follows:

Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

- (1) trafficking of persons under Section 20A.02, Penal Code;
- (2) prostitution under Section 43.02, Penal Code;
- (3) solicitation of prostitution under Section 43.021, Penal Code; and
- (4) ~~(3)~~ compelling prostitution under Section 43.05, Penal Code.

SECTION \_\_\_\_. Section 402.035(d), Government Code, is amended to read as follows:

(d) The task force shall:

- (1) collaborate, as needed to fulfill the duties of the task force, with:

(A) United States attorneys' offices for all of the federal districts of Texas; and

(B) special agents or customs and border protection officers and border patrol agents of:

- (i) the Federal Bureau of Investigation;
- (ii) the United States Drug Enforcement Administration;
- (iii) the Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (iv) United States Immigration and Customs Enforcement; or
- (v) the United States Department of Homeland Security;

(2) collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in this state, including data described by Subdivisions (4)(A), (B), (C), (D), and (E);

(3) solicit cooperation and assistance from state and local governmental agencies, political subdivisions of the state, nongovernmental organizations, and other persons, as appropriate, for the purpose of collecting and organizing statistical data under Subdivision (2);

(4) ensure that each state or local governmental agency and political subdivision of the state and each state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking collects statistical data related to human trafficking, including, as appropriate:

(A) the number of investigations concerning, arrests and prosecutions for, and convictions of:

(i) the offense of trafficking of persons;

(ii) the offense of forgery or an offense under Chapter 43, Penal Code, if the offense was committed as part of a criminal episode involving the trafficking of persons; and

(iii) an offense punishable as a felony of the second degree under Section 43.021 [43.02(c)(2)], Penal Code, regardless of whether the offense was committed as part of a criminal episode involving the trafficking of persons;

(B) demographic information on persons who are convicted of offenses described by Paragraph (A) and persons who are the victims of those offenses;

(C) geographic routes by which human trafficking victims are trafficked, including routes by which victims are trafficked across this state's international border, and geographic patterns in human trafficking, including the country or state of origin and the country or state of destination;

(D) means of transportation and methods used by persons who engage in trafficking to transport their victims; and

(E) social and economic factors that create a demand for the labor or services that victims of human trafficking are forced to provide;

(5) work with the Texas Commission on Law Enforcement to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers to identify victims of human trafficking;

(6) work with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to:

(A) develop a list of key indicators that a person is a victim of human trafficking;

(B) develop a standardized curriculum for training doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(C) train doctors, nurses, emergency medical services personnel, teachers, school counselors, school administrators, and personnel from the Department of Family and Protective Services and the Health and Human Services Commission to identify and assist victims of human trafficking;

(D) develop and conduct training for personnel from the Department of Family and Protective Services and the Health and Human Services Commission on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking; and

(E) develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate entities for services;

(7) on the request of a judge of a county court, county court at law, or district court or a county attorney, district attorney, or criminal district attorney, assist and train the judge or the judge's staff or the attorney or the attorney's staff in the recognition and prevention of human trafficking;

(8) examine training protocols related to human trafficking issues, as developed and implemented by federal, state, and local law enforcement agencies;

(9) collaborate with state and local governmental agencies, political subdivisions of the state, and nongovernmental organizations to implement a media awareness campaign in communities affected by human trafficking;

(10) develop recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb markets and other economic avenues that facilitate human trafficking and investigate and prosecute human trafficking offenders;

(11) examine the extent to which human trafficking is associated with the operation of sexually oriented businesses, as defined by Section 243.002, Local Government Code, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses;

(12) develop recommendations for addressing the demand for forced labor or services or sexual conduct involving victims of human trafficking, including recommendations for increased penalties for individuals who engage or attempt to engage in solicitation of prostitution with victims younger than 18 years of age; and

(13) identify and report to the governor and legislature on laws, licensure requirements, or other regulations that can be passed at the state and local level to curb trafficking using the Internet and in sexually oriented businesses.

SECTION \_\_\_\_ . Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02 [~~43.02(a)~~], 43.021 [~~43.02(b)~~], 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check as required by that chapter, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION \_\_\_\_. Section 411.1471(a), Government Code, is amended to read as follows:

(a) This section applies to a defendant who is:

(1) arrested for a felony prohibited under any of the following Penal Code sections:

(A) Section 19.02;

(B) Section 19.03;

(C) Section 20.03;

(D) Section 20.04;

(E) Section 20.05;

(F) Section 20.06;

(G) Section 20A.02;

(H) Section 20A.03;

(I) Section 21.02;

(J) Section 21.11;

(K) Section 22.01;

(L) Section 22.011;

(M) Section 22.02;

(N) Section 22.021;

(O) Section 25.02;

(P) Section 29.02;

(Q) Section 29.03;

(R) Section 30.02;

(S) Section 31.03;

(T) Section 43.03;

(U) Section 43.04;

(V) Section 43.05;

(W) Section 43.25; or

(X) Section 43.26; or

(2) convicted of an offense:

(A) under Title 5, Penal Code, other than an offense described by Subdivision (1), that is punishable as a Class A misdemeanor or any higher category of offense, except for an offense punishable as a Class A misdemeanor under Section 22.05, Penal Code; or

(B) under Section 21.08, 25.04, 43.021 [~~43.02(b)~~], or 43.24, Penal Code.

SECTION \_\_\_\_\_. Section 81.093(a), Health and Safety Code, is amended to read as follows:

(a) A court may direct a person convicted of an offense under Section 43.02 or 43.021, Penal Code, under Chapter 481 (Texas Controlled Substances Act), or under Sections 485.031 through 485.035 to be subject to the control measures of Section 81.083 and to the court-ordered management provisions of Subchapter G.

SECTION \_\_\_\_\_. The heading to Chapter 169, Health and Safety Code, is amended to read as follows:

CHAPTER 169. FIRST OFFENDER SOLICITATION OF PROSTITUTION PREVENTION PROGRAM

SECTION \_\_\_\_\_. Section 169.001, Health and Safety Code, is amended to read as follows:

Sec. 169.001. FIRST OFFENDER SOLICITATION OF PROSTITUTION PREVENTION PROGRAM; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "first offender solicitation of prostitution prevention program" means a program that has the following essential characteristics:

(1) the integration of services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety, to reduce the demand for the commercial sex trade and trafficking of persons by educating offenders, and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse;

(5) a coordinated strategy to govern program responses to participant compliance;

(6) monitoring and evaluation of program goals and effectiveness;

(7) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(8) development of partnerships with public agencies and community organizations.

(b) If a defendant successfully completes a first offender solicitation of prostitution prevention program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt, after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition, including whether the required time period has elapsed, and whether issuance of the order is in the best interest of justice, the court shall enter an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, Government Code, as if the defendant had received a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program if the defendant:

(1) has not been previously convicted of a felony offense; and

(2) is not convicted of any other felony offense before the second anniversary of the defendant's successful completion of the program.

SECTION \_\_\_\_ . Sections 169.002(a), (b), (d), (e), and (f), Health and Safety Code, are amended to read as follows:

(a) The commissioners court of a county or governing body of a municipality may establish a first offender solicitation of prostitution prevention program for defendants charged with an offense under Section 43.021 [~~43.02(b)~~], Penal Code.

(b) A defendant is eligible to participate in a first offender solicitation of prostitution prevention program established under this chapter only if:

(1) the attorney representing the state consents to the defendant's participation in the program; and

(2) the court in which the criminal case is pending finds that the defendant has not been previously convicted of:

(A) an offense under Section 20A.02, 43.02(b), as that law existed before September 1, 2021 [~~43.02~~], 43.021, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code;

(B) an offense listed in Article 42A.054(a), Code of Criminal Procedure; or

(C) an offense punishable as a felony under Chapter 481.

(d) A defendant is not eligible to participate in the first offender solicitation of prostitution prevention program if the defendant offered or agreed to hire a person to engage in sexual conduct and the person was younger than 18 years of age at the time of the offense.

(e) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to participate in the first offender solicitation of prostitution prevention program or otherwise proceed through the criminal justice system.

(f) If a defendant who chooses to participate in the first offender solicitation of prostitution prevention program fails to attend any portion of the program, the court in which the defendant's criminal case is pending shall issue a warrant for the defendant's arrest and proceed on the criminal case as if the defendant had chosen not to participate in the program.

SECTION \_\_\_\_ . Section 169.003(a), Health and Safety Code, is amended to read as follows:

(a) A first offender solicitation of prostitution prevention program established under this chapter must:

(1) ensure that a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide each participant with information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse; and

(4) provide each participant with classroom instruction related to the prevention of the solicitation of prostitution.

SECTION \_\_\_\_\_. Sections 169.004, 169.005, and 169.006, Health and Safety Code, are amended to read as follows:

Sec. 169.004. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of first offender solicitation of prostitution prevention programs established under this chapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a first offender solicitation of prostitution prevention program established under this chapter.

(c) A first offender solicitation of prostitution prevention program established under this chapter shall:

(1) notify the criminal justice division of the governor's office before or on implementation of the program; and

(2) provide information regarding the performance of the program to the division on request.

Sec. 169.005. REIMBURSEMENT FEES. (a) A first offender solicitation of prostitution prevention program established under this chapter may collect from a participant in the program a nonrefundable reimbursement fee for the program in a reasonable amount not to exceed \$1,000, from which the following must be paid:

(1) a counseling and services reimbursement fee in an amount necessary to cover the costs of the counseling and services provided by the program; and

(2) a law enforcement training reimbursement fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.

(b) Reimbursement fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the first offender solicitation of prostitution prevention program. The fees must be based on the participant's ability to pay.

Sec. 169.006. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) To encourage participation in a first offender solicitation of prostitution prevention program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project.

(b) On a participant's successful completion of a first offender solicitation of prostitution prevention program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

SECTION \_\_\_\_\_. Section 455.202(d)(2), Occupations Code, is amended to read as follows:

(2) "Sexual contact" includes:

(A) any touching of any part of the genitalia or anus;

(B) any touching of the breasts of a female without the written consent of the female;

(C) any offer or agreement to engage in any activity described in Paragraph (A) or (B);

(D) kissing without the consent of both persons;

(E) deviate sexual intercourse, sexual contact, sexual intercourse, indecent exposure, sexual assault, prostitution, solicitation of prostitution, and promotion [~~promotions~~] of prostitution as described in Chapters 21, 22, and 43, Penal Code, or any offer or agreement to engage in such activities;

(F) any behavior, gesture, or expression that may reasonably be interpreted as inappropriately seductive or sexual; or

(G) inappropriate sexual comments about or to a client, including sexual comments about a person's body.

SECTION \_\_\_\_. Section 15.031(b), Penal Code, is amended to read as follows:

(b) A person commits an offense if, with intent that an offense under Section 20A.02(a)(7) or (8), 21.02, 21.11, 22.011, 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25 be committed, the person by any means requests, commands, or attempts to induce a minor or another whom the person believes to be a minor to engage in specific conduct that, under the circumstances surrounding the actor's conduct as the actor believes them to be, would constitute an offense under one of those sections or would make the minor or other believed by the person to be a minor a party to the commission of an offense under one of those sections.

SECTION \_\_\_\_. Section 25.08(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Section 20A.02, 43.021 [~~43.02~~], 43.05, or 43.25.

SECTION \_\_\_\_. Section 25.081(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Section 20A.02, 43.021 [~~43.02~~], 43.05, 43.25, 43.251, or 43.26.

SECTION \_\_\_\_. Section 43.01, Penal Code, is amended by adding Subdivision (6) to read as follows:

(6) "Solicitation of prostitution" means the offense defined in Section 43.021.

SECTION \_\_\_\_. Section 43.031(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of another person or facilitate another person to engage in prostitution or solicitation of prostitution.

SECTION \_\_\_\_. Section 43.041(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person owns, manages, or operates an interactive computer service or information content provider, or operates as an information content provider, with the intent to promote the prostitution of five or more persons or facilitate five or more persons to engage in prostitution or solicitation of prostitution.

SECTION \_\_\_\_\_. Section 93.013(a), Property Code, is amended to read as follows:

(a) Notwithstanding a provision in a lease to the contrary, a tenant's right of possession terminates and the landlord has a right to recover possession of the leased premises if the tenant is using the premises or allowing the premises to be used for the purposes of prostitution as described by Section 43.02, Penal Code, solicitation of prostitution as described by Section 43.021, Penal Code, promotion of prostitution as described by Section 43.03, Penal Code, aggravated promotion of prostitution as described by Section 43.04, Penal Code, ~~[or]~~ compelling prostitution~~;~~ as described ~~[prohibited]~~ by Section 43.05, ~~[the]~~ Penal Code, or trafficking of persons as described by Section 20A.02, Penal Code.

The amendment to **CSHB 1540** was read and was adopted by a viva voce vote.

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

Senator Taylor offered the following amendment to the bill:

### Floor Amendment No. 2

Amend **CSHB 1540** (senate committee printing) as follows:

(1) In the recital to SECTION 21 of the bill, amending Section 20A.01, Penal Code (page 7, line 37), strike "Subdivision (1-a)" and substitute "Subdivisions (1-a), (2-a), and (2-b)".

(2) In SECTION 21 of the bill, immediately following added Section 20A.01(1-a), Penal Code (page 7, between lines 55 and 56), insert the following:

(2-a) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

(2-b) "School" means a public or private primary or secondary school.

(3) Strike the recital to SECTION 22 of the bill, amending Section 20A.02, Penal Code (page 7, lines 56 and 57), and substitute the following:

SECTION 22. Section 20A.02, Penal Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(4) In SECTION 22 of the bill, in amended Section 20A.02(b), Penal Code (page 7, line 58), between "subsection" and the comma, insert "and Subsection (b-1)".

(5) In SECTION 22 of the bill, immediately following amended Section 20A.02(b), Penal Code (page 8, between lines 3 and 4), insert the following:

(b-1) An offense under this section is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of a school; or

(2) on premises or within 1,000 feet of premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic

League was taking place.

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

SECTION \_\_\_\_\_. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.086 to read as follows:

Sec. 37.086. REQUIRED POSTING OF WARNING SIGNS OF INCREASED TRAFFICKING PENALTIES. (a) In this section:

(1) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

(2) "School" means a public or private primary or secondary school.

(b) Each school shall post warning signs of the increased penalties for trafficking of persons under Section 20A.02(b-1)(2), Penal Code, at the following locations:

(1) parallel to and along the exterior boundaries of the school's premises;

(2) at each roadway or other way of access to the premises;

(3) for premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;

(4) at each entrance to the premises; and

(5) at conspicuous places reasonably likely to be viewed by all persons entering the premises.

(c) The agency, in consultation with the human trafficking prevention task force created under Section 402.035, Government Code, shall adopt rules regarding the placement, installation, design, size, wording, and maintenance procedures for the warning signs required under this section. The rules must require that each warning sign:

(1) include a description of the provisions of Section 20A.02(b-1), Penal Code, including the penalties for violating that section;

(2) be written in English and Spanish; and

(3) be at least 8-1/2 by 11 inches in size.

(d) The agency shall provide each school without charge the number of warning signs required to comply with this section and rules adopted under this section. If the agency is unable to provide each school with the number of signs necessary to comply with Subsection (b), the agency may:

(1) provide to a school fewer signs than the number necessary to comply with that section; and

(2) prioritize distribution of signs to schools based on reports of criminal activity in the areas near that school.

SECTION \_\_\_\_\_. Section 33.021, Penal Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The punishment for an offense under this section is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor committed the offense during regular public or private primary or secondary school hours; and

(2) the actor knew or reasonably should have known that the minor was enrolled in a public or private primary or secondary school at the time of the offense.

SECTION \_\_\_\_\_. Section 43.01, Penal Code, is amended by adding Subdivisions (1-f) and (2-a) to read as follows.

(1-f) "Premises" has the meaning assigned by Section 481.134, Health and Safety Code.

(2-a) "School" means a public or private primary or secondary school.

SECTION \_\_\_\_\_. Section 43.02, Penal Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) The punishment prescribed for an offense under Subsection (b) is increased to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that the actor committed the offense in a location that was:

(1) on the premises of or within 1,000 feet of the premises of a school; or

(2) on premises or within 1,000 feet of premises where:

(A) an official school function was taking place; or

(B) an event sponsored or sanctioned by the University Interscholastic

League was taking place.

SECTION \_\_\_\_\_. The Texas Education Agency is required to implement the change in law made by Section 37.086(d), Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement the change in law made by Section 37.086(d), Education Code, as added by this Act, using other appropriations available for that purpose.

The amendment to **CSHB 1540** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

**CSHB 1540** as amended was passed to third reading by a viva voce vote.

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 1540 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1540** be placed on its third reading and final passage.

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

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 29 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 29** at this time on its second reading:

**CSHB 29**, Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.

The motion prevailed.

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

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 29** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 2165.455, Government Code (page 2, line 53), following "fee", insert "of not more than \$5".

(2) In SECTION 1 of the bill, in added Section 2165.456(d), Government Code (page 3, line 7), following "fee", insert "of not more than \$10 per day and not to exceed a total of \$150".

(3) In SECTION 2 of the bill, in added Section 365.005, Local Government Code (page 4, line 60), following "fee", insert "of not more than \$5".

(4) In SECTION 2 of the bill, in added Section 365.006(d), Local Government Code (page 5, line 14), following "fee", insert "of not more than \$10 per day and not to exceed a total of \$150".

The amendment to **CSHB 29** was read and was adopted by a viva voce vote.

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

**CSHB 29** as amended was passed to third reading by a viva voce vote.

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

Nays: Eckhardt.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 29 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 29** be placed on its third reading and final passage.

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

Nays: Eckhardt.

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

**HOUSE BILL 2086 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2086** at this time on its second reading:

**HB 2086**, Relating to appeals from an interlocutory order denying a motion for summary judgment by certain contractors.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 2086** (senate committee printing) in SECTION 1 of the bill, amending Section 51.014(a), Civil Practice and Remedies Code (page 2, line 4), by inserting "grants or" between "(15)" and "denies".

The amendment to **HB 2086** was read and was adopted by a viva voce vote.

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

**HB 2086** as amended was passed to third reading by a viva voce vote.

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

**HOUSE BILL 2086 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2086** be placed on its third reading and final passage.

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

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

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**HB 1535** to Committee on State Affairs.

**HB 2706** to Committee on Jurisprudence.

**HOUSE BILL 928 REREFERRED**

**(Motion In Writing)**

Senator Taylor submitted a Motion In Writing requesting that **HB 928** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Water, Agriculture and Rural Affairs.

The Motion In Writing was read and prevailed without objection.

**SENATE RULES SUSPENDED**

**(Posting Rules)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider the following bills and resolution today in Room E1.028:

**HCR 1, HB 525, HB 1135, HB 1262, HB 2197, HB 2416, HB 2701, HB 3009, HB 3566, HB 3868, HB 4240.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Local Government might meet and consider the following bills at 9:00 a.m. tomorrow in Room E1.028: **HB 746, HB 792, HB 3690, HB 4025, HB 4429, HB 4604.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet at 5:30 p.m. today.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet at 9:00 a.m. tomorrow in the press room, 2E.9.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Birdwell and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources and Economic Development might meet and consider the following bills at 6:00 p.m. today in the Senate Chamber: **HB 1501, HB 1520, HB 2607, HB 2708.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following resolutions tomorrow:

**HCR 5, HCR 29.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider **HB 2** in Room E1.016 at 9:00 a.m. tomorrow.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Taylor and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills at 9:00 a.m. tomorrow in the Capitol Extension Auditorium: **HB 2287, HB 2681, HB 2756.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Higher Education might meet and consider the following bills upon adjournment today in the press room, 2E.9: **HB 2030, HB 2645.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bill and resolution at 8:30 a.m. tomorrow in the Senate Chamber: **HB 2633, HCR 86.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Perry and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Water, Agriculture and Rural Affairs might meet and consider the following bills at 8:00 a.m. tomorrow in Room E1.012: **HB 928, HB 4650, HB 3006, HB 3750, HB 3802.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider the following bills upon adjournment today in the Betty King Committee Room, 2E.20: **HB 1193, HB 2107, HB 2706.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **HB 1664** tomorrow.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills at 8:30 a.m. tomorrow in Room E1.016:

**HB 558, HB 624, HB 679, HB 721, HB 757, HB 1306, HB 1400, HB 2036, HB 2352, HB 2357, HB 2831, HB 3114, HB 3452, HB 4149, HB 4293, HB 4338, HB 3157.**

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 50**

On motion of Senator Campbell, Senator Eckhardt will be shown as Co-author of **SCR 50.**

**CO-SPONSOR OF HOUSE BILL 912**

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-sponsor of **HB 912**.

**CO-SPONSOR OF HOUSE BILL 957**

On motion of Senator Springer, Senator Creighton will be shown as Co-sponsor of **HB 957**.

**CO-SPONSOR OF HOUSE BILL 1252**

On motion of Senator Hall, Senator Lucio will be shown as Co-sponsor of **HB 1252**.

**CO-SPONSOR OF HOUSE BILL 1588**

On motion of Senator Paxton, Senator Powell will be shown as Co-sponsor of **HB 1588**.

**CO-SPONSOR OF HOUSE BILL 1616**

On motion of Senator Huffman, Senator Campbell will be shown as Co-sponsor of **HB 1616**.

**CO-SPONSOR OF HOUSE BILL 1802**

On motion of Senator Campbell, Senator Buckingham will be shown as Co-sponsor of **HB 1802**.

**CO-SPONSOR OF HOUSE BILL 2056**

On motion of Senator Perry, Senator Blanco will be shown as Co-sponsor of **HB 2056**.

**CO-SPONSOR OF HOUSE BILL 2622**

On motion of Senator Hall, Senator Creighton will be shown as Co-sponsor of **HB 2622**.

**CO-SPONSOR OF HOUSE BILL 2822**

On motion of Senator Buckingham, Senator Campbell will be shown as Co-sponsor of **HB 2822**.

**CO-SPONSOR OF HOUSE BILL 2926**

On motion of Senator Buckingham, Senator Eckhardt will be shown as Co-sponsor of **HB 2926**.

**CO-SPONSOR OF HOUSE BILL 3496**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-sponsor of **HB 3496**.

**CO-SPONSOR OF HOUSE BILL 3898**

On motion of Senator Huffman, Senator Schwertner will be shown as Co-sponsor of **HB 3898**.

**CO-SPONSOR OF HOUSE BILL 3948**

On motion of Senator Perry, Senator Gutierrez will be shown as Co-sponsor of **HB 3948**.

**CO-SPONSORS OF HOUSE BILL 4080**

On motion of Senator Zaffirini, Senators Lucio and Menéndez will be shown as Co-sponsors of **HB 4080**.

**CO-SPONSOR OF HOUSE BILL 4107**

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-sponsor of **HB 4107**.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 51**

On motion of Senator Alvarado, Senator Eckhardt will be shown as Co-sponsor of **HCR 51**.

**CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 71**

On motion of Senator Blanco, Senator Eckhardt will be shown as Co-sponsor of **HCR 71**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 448** by Hughes, In memory of Bill Baker.

**SR 451** by Lucio, In memory of Ronald James "Jimmy" Whitlock.

**SR 453** by Lucio, In memory of Beatrice Cavazos.

**SR 455** by Creighton, In memory of James Kyle Park.

**Congratulatory Resolutions**

**SR 446** by Birdwell, Recognizing the Midlothian Heritage High School girls' soccer team for winning a state championship.

**SR 447** by Miles, Recognizing Tracy Senf for being honored as part of Curriculum Associates' Extraordinary Educators program.

**SR 449** by Powell, Recognizing Glenn O. Lewis for being elected chair of the Texas Wesleyan University Board of Trustees.

**SR 450** by Lucio, Recognizing Juanita Ybarra on the occasion of her 104th birthday.

**SR 452** by Eckhardt, Recognizing Elijah R. Brown Jr. on the occasion of his retirement.

**SR 454** by Schwertner, Recognizing Craig Spinn on the occasion of his retirement.

**RECESS**

On motion of Senator Whitmire, the Senate at 4:54 p.m. recessed, in memory of Stuart Samuel Klein and Angela Maria Farias, until 10:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 20, 2021

STATE AFFAIRS — **HB 2593**

ADMINISTRATION — **HB 632, HB 1966, HB 2139, HB 53, HB 2728, HB 3481, HB 3530, HB 3607, HB 3773, HCR 23, HCR 24, HCR 50, HCR 61, HCR 83, HCR 84, HCR 103**

FINANCE — **CSHB 115**

EDUCATION — **CSHB 3261**

ADMINISTRATION — **CSHB 3252, CSHB 1281**

WATER, AGRICULTURE AND RURAL AFFAIRS — **CSHB 1480, HB 671, CSHB 3476**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 3807**

TRANSPORTATION — **CSHB 1863, CSHB 3286, CSHB 3324, CSHB 3853**

HEALTH AND HUMAN SERVICES — **CSSB 505, CSHB 4, CSHB 18**

STATE AFFAIRS — **CSHB 2283**

FINANCE — **CSHB 4018**

LOCAL GOVERNMENT — **HB 2893, HB 4606, CSHB 4651, CSHB 4612, CSHB 4614, CSHB 4646**

CRIMINAL JUSTICE — **HB 9, HB 30, HB 80, HB 148, HB 460, HB 465, CSHB 686, HB 787, HB 954, HB 978, CSHB 1172, HB 1307, HB 2366, HB 2446, HB 3457, HB 3606, HB 4220, HB 4544, HB 4568, HB 1694, HB 1126, HB 1127, HB 1156, HB 2315, HB 2505, HB 3363, HB 2781**

BUSINESS AND COMMERCE — **HB 4477, HB 113, HB 428, HB 900, HB 1477, HB 1268, HB 1526, HB 1589, HB 1753, HB 2063, HB 2110, HB 2199, HB 2267, HB 2483, HB 2581, HB 2595, HB 2743, HB 2879, HB 3045, HB 3115, HB 3374, HB 3388, HB 3510, HB 3616, HB 3618, HB 3215, HB 3746, HB 3849, HB 3850, HB 3923, HB 4016, HB 4153, HB 4474**

VETERAN AFFAIRS AND BORDER SECURITY — **CSHCR 71, CSHB 548**

BUSINESS AND COMMERCE — **HB 1518**

TRANSPORTATION — **CSHB 3665, HJR 99, CSHB 1505**

STATE AFFAIRS — **CSHB 2204**

HEALTH AND HUMAN SERVICES — **HB 707, HB 2822, HB 3088, HB 4074, HB 3800, HB 3037, HB 2792, HB 1097, HB 297, HB 1935, HB 1967, HB 2056, HB 2758, HB 2867, HB 4048, HB 2052, HB 2308, HB 4094, HB 4158**

LOCAL GOVERNMENT — **HB 466, HB 1278, HB 1554, HB 2835, HB 3135, HB 3402, HB 3833, SB 1886**

STATE AFFAIRS — **CSSB 1430**

CRIMINAL JUSTICE — **CSHB 2555, HB 385**

#### **BILLS AND RESOLUTIONS ENROLLED**

May 19, 2021

**SB 40, SB 58, SB 184, SB 197, SB 280, SB 284, SB 297, SB 454, SB 510, SB 550, SB 586, SB 695, SB 702, SB 707, SB 787, SB 791, SB 795, SB 905, SB 911, SB 937, SB 997, SB 1028, SB 1072, SB 1134, SB 1185, SB 1323, SB 1371, SB 1414, SB 1474, SB 1534, SB 1550, SB 1677, SB 1727, SB 1821, SB 1829, SCR 41, SJR 47, SR 431, SR 435, SR 436, SR 437, SR 438, SR 441, SR 442, SR 443, SR 444**

#### **SENT TO SECRETARY OF STATE**

May 20, 2021

**SJR 47**

#### **SENT TO GOVERNOR**

May 20, 2021

**SB 40, SB 58, SB 184, SB 197, SB 280, SB 284, SB 297, SB 454, SB 510, SB 550, SB 586, SB 695, SB 702, SB 707, SB 787, SB 791, SB 795, SB 905, SB 911, SB 937, SB 997, SB 1028, SB 1072, SB 1134, SB 1185, SB 1323, SB 1371, SB 1414, SB 1474, SB 1534, SB 1550, SB 1677, SB 1727, SB 1821, SB 1829, SCR 41**

**In Memory**  
**of**  
**Angela Maria Farias**  
**Senate Resolution 429**

WHEREAS, Countless lives were touched by the kindness and generosity of Angela Maria Farias of San Antonio, who passed away on January 8, 2020, at the age of 70; and

WHEREAS, Born in Laredo on February 16, 1949, the former Angie Rodriguez was the daughter of Felipe and Jane Rodriguez; she grew up with two brothers, Phillip and David, and graduated from McCollum High School; later, she joined the staff of the Harlandale Independent School District, and she loved working at her alma mater, where her sweet smile and sunny disposition brightened the days of colleagues and students alike; and

WHEREAS, She married Joe Farias on July 18, 1970, and they became the parents of four treasured sons, Gabriel, Joey, Daniel, and Jaime; while her children were young, she encouraged them in all their athletic activities, taking many weekend road trips to cheer them on, and their friends were also beneficiaries of her motherly care and affection; she later took pride in becoming a grandmother, and she delighted in attending her grandchildren's events, from school carnivals and plays to sports competitions and award ceremonies; eventually, she knew the joy of becoming a great-grandmother as well; and

WHEREAS, Dedicated to her South Side community, Ms. Farias was active in civic life, and she enthusiastically supported her husband's endeavors during his tenure in the Texas House of Representatives; he credited her with making him a better public servant, and he liked to assert that she was actually the bigger vote-getter; ever pleased to further expand the definition of family, she welcomed his office staff into the fold; she was commissioned as a Yellow Rose of Texas by Governor Ann Richards; and

WHEREAS, Angie Farias lived a life that was rich in family, friends, and community engagement, and those who were privileged to share in her love and affection will forever hold her close in their hearts; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby pay tribute to the memory of Angela Maria Farias and extend sincere condolences to the members of her family: to her husband, the Honorable Joe Farias; to her sons, Gabriel Farias and his wife, Katie, Joey Farias Jr. and his wife, Athena, Daniel Farias, and Jaime Farias and his wife, JoAna; to her grandchildren, Niya, Xzavier, Analyssa, Joey, Gia, Nicholas, Noah, Christian, Jasmine, and Elijah; to her great-grandchildren, Eano, Braylon, and Chanel; to her father, Felipe Rodriguez; to her brothers, Phillip and David Rodriguez; and to her other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas Senate adjourns this day, it do so in memory of Angie Farias.

GUTIERREZ

**In Memory**  
**of**  
**Stuart Samuel Klein**  
**Senate Resolution 445**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Stuart Samuel Klein, who died May 2, 2021, at the age of 88; and

WHEREAS, Stuart Klein was born on August 25, 1932, in Chicago; he grew up in the Rio Grande Valley and graduated from McAllen High School in 1950 before serving the nation in the United States Army; and

WHEREAS, He returned to Texas after his military service and earned a degree from Pan American University; a passionate and talented artist from a young age, he was a skilled cartoonist and painter and was known for his captivating depictions of the Old West; in 1960, he opened S. Klein Galleries, a successful art studio and frame shop in McAllen; and

WHEREAS, He married the love of his life, Sylvia Gayle Sachs, on July 4, 1965, and they enjoyed 55 years of marriage together; they were blessed with three daughters, Alysa, Denise, and Marina, and eight grandchildren, who were a source of much pride and joy for him; and

WHEREAS, He was active in a range of civic and community organizations, including the McAllen Jaycees, the B'nai B'rith Lodge, and the Temple Emanuel board of directors; he was in much demand as a lecturer and speaker and was renowned for his expertise on Jewish history and the history of South Texas; and

WHEREAS, A man of kindness and wit, he was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby extend sincere condolences to the bereaved family of Stuart Samuel Klein; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Stuart Klein.

HINOJOSA

