

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY
(Tuesday, May 25, 2021)

The Senate met at 10:50 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, 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 announced that a quorum of the Senate was present.

Senator Taylor offered the invocation as follows:

Almighty God, You are a God of love, peace, unity, order, compassion, and grace. May we, as Your servants, in these last days of this session strive to be more like You as we work with our colleagues to finish the work before us. May we seek to do not only what is just and right, but to do Your will. For we know that the plans You have for us are to prosper us and not to harm us, to give us hope and a future. Lord, we ask that You forgive us where we have failed You and fallen short. We thank You for Your promise of redemption and forgiveness. And as we gather in this historic place, let us always be thankful for the honor and the privilege that You have bestowed upon us, to be Your servants and to have the opportunity to serve the people of this great state. Lord, grant us Your wisdom, give us discernment, and guide us in all that we do. We ask that You bless our efforts, our families, our staff, our colleagues in the House, and our Governor, and we ask that You continue to bless the State of Texas. 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.

(President Pro Tempore Birdwell in Chair)

SENATE RESOLUTION 463

Senator Paxton offered the following resolution:

SR 463, Recognizing Jimmy Spivey on the occasion of his retirement.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Paxton, joined by Senators West and Johnson, was recognized and introduced to the Senate Police Chief Jimmy Spivey of the Richardson Police Department.

The Senate welcomed its guest.

SENATE CONCURRENT RESOLUTION 58

The President Pro Tempore laid before the Senate the following resolution:

SCR 58, Recognizing the Lubbock Christian University women's basketball team for winning a national championship.

PERRY

The resolution was read.

On motion of Senator Perry and by unanimous consent, the resolution was considered immediately and was adopted without objection.

SENATE RESOLUTION 468

Senator Menéndez offered the following resolution:

WHEREAS, The members of the 11th class of the Senator Gregory Luna Legislative Scholars and Fellows Program have ably served their fellow Texans during the 87th Legislative Session; and

WHEREAS, This exemplary program is administered by the Senate Hispanic Research Council and is named in honor of the late Senator Gregory Luna, who devoted his life to public service and to fighting for educational equity; and

WHEREAS, Serving as a tribute to Senator Luna's legacy and his admirable work in the Texas Legislature, the program was created to provide undergraduate and graduate students from across the state with opportunities to gain professional experience in the Texas Senate; the program is designed to help students acquire the skills necessary to become successful leaders in our great state; and

WHEREAS, The members of the 11th class of the Senator Gregory Luna Legislative Scholars and Fellows Program have demonstrated outstanding dedication and hard work in their assigned senate offices throughout the session; the students of the 11th class are Joel Chavez of Pecos, serving in the office of State Senator Eddie Lucio, Jr.; Giovanna DiNapoli of El Paso, serving in the office of State Senator John Whitmire; Stacy Hernandez of Grand Prairie, serving in the office of State Senator César Blanco; Alejandro Lopez of Los Fresnos, serving in the office of State Senator Judith Zaffirini; Alicia Ramirez of Grand Prairie, serving in the office of State Senator José Menéndez; and Miguel Rivera of Corpus Christi, serving in the office of State Senator Juan "Chuy" Hinojosa; and

WHEREAS, These noteworthy Texans have performed their duties with skill and steadfast commitment, and they are indeed deserving of special recognition; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby commend the members of the 11th class of the Senator Gregory Luna Legislative Scholars and Fellows Program on their remarkable service and excellent work over the course of the legislative session and extend to them sincere best wishes for continued success as they prepare to become the future leaders of the Lone Star State; and, be it further

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

MENÉNDEZ	HINOJOSA	POWELL
ALVARADO	HUFFMAN	SCHWERTNER
BLANCO	HUGHES	SELIGER
CAMPBELL	JOHNSON	WEST
ECKHARDT	LUCIO	WHITMIRE
GUTIERREZ	MILES	ZAFFIRINI
HANCOCK	PAXTON	

SR 468 was read.

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

On motion of Senator Menéndez, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Menéndez, joined by Senators Zaffirini, Hinojosa, Whitmire, Blanco, and Lucio, was recognized and introduced to the Senate the Senator Gregory Luna Legislative Scholars and Fellows Program interns including Joel Chavez, Giovanna DiNapoli, Stacy Hernandez, Alejandro Lopez, Alicia Ramirez, and Miguel Rivera.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Gutierrez was recognized and introduced to the Senate a delegation from Maverick County and the City of Eagle Pass including Mayor Roland Salinas, Yolanda Ramon, William Davis, George Antuna, Ivan Morua, Aide Castaño, Francisco Martinez, David Saucedo, Olga Ramos, Jerry Morales, Roberto Ruiz, Rosy Cantu, Tom Schmerber, Jorge Barrera, Hilda Martinez, Hector Alvarez, Samuel Mijarez, and Morris Libson.

The Senate welcomed its guests.

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:

HB 9, HB 21, HB 30, HB 113, HB 458, HB 532, HB 632, HB 911, HB 912, HB 957, HB 963, HB 1012, HB 1062, HB 1128, HB 1153, HB 1156, HB 1258, HB 1259, HB 1278, HB 1284, HB 1307, HB 1570, HB 1788, HB 2058, HB 2110, HB 2225, HB 2361, HB 2926, HB 3012, HB 3069, HB 3212, HB 3319, HB 3481, HB 3489, HB 3533, HB 3564, HB 3583, HB 3610, HB 3777, HB 4202, HB 4279, HB 4454, HB 4477, HB 4568, HB 4621, HCR 25, HJR 143, HJR 165.

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

On motion of Senator Schwertner and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 9:00 p.m. today.

SENATE BILL 22 WITH HOUSE AMENDMENTS

Senator Springer called **SB 22** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.

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

SECTION 1. The heading to Subchapter B, Chapter 607, Government Code, is amended to read as follows:

SUBCHAPTER B. DISEASES OR ILLNESSES SUFFERED BY DETENTION
OFFICERS, CORRECTIONS EMPLOYEES, FIREFIGHTERS, PEACE
OFFICERS, AND EMERGENCY MEDICAL TECHNICIANS

SECTION 2. Section 607.051, Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Corrections employee" means an employee of the Texas Department of Criminal Justice whose job duties require regular interaction with the public or an incarcerated population.

(1-a) "Detention officer" means an individual employed by a state agency or political subdivision of the state to ensure the safekeeping of prisoners and the security of a municipal, county, or state penal institution in this state.

(1-b) "Disability" means partial or total disability.

SECTION 3. Sections 607.052(a), (b), (e), and (g), Government Code, are amended to read as follows:

(a) Notwithstanding any other law, this subchapter applies only to a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician who:

(1) on becoming employed or during employment as a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician, received a physical examination that failed to reveal evidence of the illness or disease for which benefits or compensation are sought using a presumption established by this subchapter;

(2) is employed for five or more years as a firefighter, peace officer, or emergency medical technician, except for the presumption under Section 607.0545; and

(3) seeks benefits or compensation for a disease or illness covered by this subchapter that is discovered during employment as a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician.

(b) A presumption under this subchapter does not apply:

(1) to a determination of a survivor's eligibility for benefits under Chapter 615;

(2) in a cause of action brought in a state or federal court except for judicial review of a proceeding in which there has been a grant or denial of employment-related benefits or compensation;

(3) to a determination regarding benefits or compensation under a life or disability insurance policy purchased by or on behalf of the detention officer, corrections employee, firefighter, peace officer, or emergency medical technician that provides coverage in addition to any benefits or compensation required by law; or

(4) if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and:

(A) the firefighter, peace officer, or emergency medical technician is or has been a user of tobacco; or

(B) the firefighter's, peace officer's, or emergency medical technician's spouse has, during the marriage, been a user of tobacco that is consumed through smoking.

(e) A detention officer, corrections employee, firefighter, peace officer, or emergency medical technician who uses a presumption established under this subchapter is entitled only to the benefits or compensation to which the detention officer, corrections employee, firefighter, peace officer, or emergency medical technician would otherwise be entitled to receive at the time the claim for benefits or compensation is filed.

(g) This subchapter applies to a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician who provides services as an employee of an entity created by an interlocal agreement.

SECTION 4. Section 607.054, Government Code, is amended to read as follows:

Sec. 607.054. TUBERCULOSIS OR OTHER RESPIRATORY ILLNESS. (a) A firefighter, peace officer, or emergency medical technician who suffers from tuberculosis, or any other disease or illness of the lungs or respiratory tract that has a statistically positive correlation with service as a firefighter, peace officer, or emergency medical technician, that results in death or total or partial disability is presumed to have contracted the disease or illness during the course and scope of employment as a firefighter, peace officer, or emergency medical technician.

(b) This section does not apply to a claim that a firefighter, peace officer, or emergency medical technician suffers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19).

SECTION 5. Subchapter B, Chapter 607, Government Code, is amended by adding Section 607.0545 to read as follows:

Sec. 607.0545. SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2 (SARS-CoV-2) OR CORONAVIRUS DISEASE 2019 (COVID-19). (a) A detention officer, corrections employee, firefighter, peace officer,

or emergency medical technician who, based on a test approved by the United States Food and Drug Administration, suffers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) that results in death or total or partial disability is presumed to have contracted the virus or disease during the course and scope of employment as a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician if the detention officer, corrections employee, firefighter, peace officer, or emergency medical technician:

(1) is employed in the area designated in a disaster declaration by the governor under Section 418.014 or another law and the disaster is related to severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19); and

(2) contracts the disease during the disaster declared by the governor described by Subdivision (1).

(b) The presumption under this section applies only to a person who:

(1) is employed as a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician on a full-time basis; and

(2) was last on duty not more than 14 days before the date the person tests positive for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19).

(c) This section does not affect the right of a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician to provide proof, without the use of the presumption under this section, that an injury or illness occurred during the course and scope of employment.

(d) Sections 409.009 and 409.0091, Labor Code, do not apply to a claim for compensation determined to be compensable or accepted by an insurance carrier as compensable using the presumption under this section. Notwithstanding this subsection, an injured employee may request reimbursement for health care paid by the employee as provided by Section 409.0092, Labor Code.

SECTION 6. Section 607.057, Government Code, is amended to read as follows:

Sec. 607.057. EFFECT OF PRESUMPTION. Except as provided by Section 607.052(b), a presumption established under this subchapter applies to a determination of whether a detention officer's, corrections employee's, firefighter's, peace officer's, or emergency medical technician's disability or death resulted from a disease or illness contracted in the course and scope of employment for purposes of benefits or compensation provided under another employee benefit, law, or plan, including a pension plan.

SECTION 7. Section 607.058, Government Code, is amended to read as follows:

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section 607.053, 607.054, 607.0545, 607.055, or 607.056 may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a detention officer,

corrections employee, firefighter, peace officer, or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(c) In addressing an argument based on a rebuttal offered under this section, an administrative law judge shall make findings of fact and conclusions of law that consider whether a qualified expert, relying on evidence-based medicine, stated the opinion that, based on reasonable medical probability, an identified risk factor, accident, hazard, or other cause not associated with the individual's service as a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician was a substantial factor in bringing about the individual's disease or illness, without which the disease or illness would not have occurred.

(d) A rebuttal offered under this section to a presumption under Section 607.0545 may not be based solely on evidence relating to the risk of exposure to severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) of a person with whom a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician resides.

(e) A rebuttal offered under this section to a presumption under Section 607.0545 may be based on evidence that a person with whom a detention officer, corrections employee, firefighter, peace officer, or emergency medical technician resides had a confirmed diagnosis of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19).

SECTION 8. Subchapter A, Chapter 409, Labor Code, is amended by adding Section 409.0092 to read as follows:

Sec. 409.0092. HEALTH CARE REIMBURSEMENT PROCEDURES FOR CERTAIN INJURED EMPLOYEES. (a) An injured employee whose claim for compensation is determined to be accepted by an insurance carrier as compensable using the presumption under Section 607.0545, Government Code, may request reimbursement for health care paid by the employee, including copayments and partial payments, by submitting to the carrier a legible written request and documentation showing the amounts paid to the health care provider.

(b) Not later than the 45th day after the date an injured employee submits a request for reimbursement for health care to an insurance carrier under Subsection (a), the carrier shall provide reimbursement or deny the request.

(c) If an insurance carrier denies an injured employee's request for reimbursement for health care, the employee may seek medical dispute resolution as provided by Chapter 413 and division rules. Notwithstanding any other law, an employee's request for medical dispute resolution is considered timely if the employee submits the request not later than the 120th day after the date the carrier denies the employee's request for reimbursement.

SECTION 9. Section 409.022(d), Labor Code, is amended to read as follows:

(d) In this subsection, the terms "corrections employee," "detention officer," "emergency medical technician," "firefighter," and "peace officer" have the meanings assigned by Section 607.051, Government Code. In addition to the other requirements of this section, if an insurance carrier's notice of refusal to pay benefits under Section 409.021 is sent in response to a claim for compensation resulting from a corrections employee's, a detention officer's, an emergency medical technician's, a firefighter's, or a peace officer's disability or death for which a presumption is claimed to be applicable under Subchapter B, Chapter 607, Government Code, the notice must include a statement by the carrier that:

(1) explains why the carrier determined a presumption under that subchapter does not apply to the claim for compensation; and

(2) describes the evidence that the carrier reviewed in making the determination described by Subdivision (1).

SECTION 10. (a) The changes in law made by this Act apply to a claim for benefits, compensation, or assistance pending on or filed on or after the effective date of this Act. A claim for benefits, compensation, or assistance filed before that date, other than a claim pending on that date, is covered by the law in effect on the date the claim was made, and that law is continued in effect for that purpose.

(b) Notwithstanding any other law, a person who on or after the date the governor declared a disaster under Chapter 418, Government Code, relating to SARS-CoV-2, coronavirus disease 2019 (COVID-19), but before the effective date of this Act, contracted SARS-CoV-2, coronavirus disease 2019 (COVID-19), may file a claim for benefits, compensation, or assistance related to SARS-CoV-2, coronavirus disease 2019 (COVID-19), on or after the effective date of this Act, regardless of whether that claim is otherwise considered untimely and the changes in law made by this Act apply to that claim. A claim authorized under this subsection must be filed not later than six months after the effective date of this Act.

(c) Notwithstanding Subsection (a) of this section or Section 409.003, 410.169, or 410.205, Labor Code, a person who on or after the date the governor declared a disaster under Chapter 418, Government Code, relating to SARS-CoV-2, coronavirus disease 2019 (COVID-19), but before the effective date of this Act, filed a claim for benefits, compensation, or assistance related to SARS-CoV-2, coronavirus disease 2019 (COVID-19), and whose claim was subsequently denied may, on or after the effective date of this Act, request in writing that the insurance carrier reprocess the claim and the changes in law made by this Act shall apply to that claim. A request to reprocess a claim as authorized by this subsection shall be filed not later than one year after the effective date of this Act.

(d) Not later than the 60th day after the date an insurance carrier receives a written request to reprocess a claim under Subsection (c) of this section, the insurance carrier shall reprocess the claim and notify the person in writing whether the carrier accepted or denied the claim. If the insurance carrier denies the claim, the notice must include information on the process for disputing the denial. The notice provided by the insurance carrier must use the notice provisions prescribed by the division of workers' compensation of the Texas Department of Insurance under Subsection (e) of this section.

(e) As soon as practicable after the effective date of this Act, the division of workers' compensation of the Texas Department of Insurance shall prescribe notice provisions for an insurance carrier to use when providing notice of the insurance carrier's acceptance or denial of a person's claim. The notice provisions must be clear and easily understandable.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 22** (house committee report) as follows:

(1) In SECTION 5 of the bill, in added Section 607.0545, Government Code (page 5, between lines 23 and 24), insert the following:

(e) This section expires September 1, 2023.

(2) In SECTION 7 of the bill, in added Section 607.058(d), Government Code (page 7, line 16), after the underlined period, insert "This subsection expires September 1, 2023."

(3) In SECTION 7 of the bill, in added Section 607.058(e), Government Code (page 7, line 22), after the underlined period, insert "This subsection expires September 1, 2023."

(4) In SECTION 8 of the bill, strike added Section 409.0092(a), Labor Code (page 7, line 26, through page 8, line 5), and substitute the following:

(a) An injured employee who is subject to Section 607.0545, Government Code, and whose claim for benefits is determined to be compensable by an insurance carrier or the division, may request reimbursement for health care paid by the employee, including copayments and partial payments, by submitting to the carrier a legible written request and documentation showing the amounts paid to the health care provider.

(5) In SECTION 8 of the bill, in added Section 409.0092, Labor Code (page 8, between lines 16 and 17), insert the following:

(d) This section expires September 1, 2023.

(6) In SECTION 10(a) of the bill (page 9, line 10), strike ", compensation, or assistance pending on or".

(7) In SECTION 10(a) of the bill (page 9, line 12), strike ", compensation, or assistance".

(8) In SECTION 10(a) of the bill (page 9, lines 12 and 13), strike ", other than a claim pending on that date,".

(9) In SECTION 10(b) of the bill (page 9, line 16), between "person" and "who", insert "subject to Section 607.0545, Government Code, as added by this Act,".

(10) In SECTION 10(b) of the bill (page 9, line 21), strike ", compensation, or assistance".

(11) In SECTION 10(c) of the bill (page 10, line 1), between "409.003," and "410.169,", insert "409.007,".

(12) In SECTION 10(c) of the bill (page 10, line 1), between "person" and "who", insert "subject to Section 607.0545, Government Code, as added by this Act,".

(13) In SECTION 10(c) of the bill (page 10, line 5), strike ", compensation, or assistance".

Floor Amendment No. 2

Amend **CSSB 22** (house committee report) as follows:

(1) In SECTION 1 of the bill, in the heading to Subchapter B, Chapter 607, Government Code (page 1, line 9), strike "CORRECTIONS EMPLOYEES" and substitute "CUSTODIAL OFFICERS".

(2) In SECTION 2 of the bill, strike amended Section 607.051(1), Government Code (page 1, lines 14-16), and substitute the following:

(1) "Custodial officer" has the meaning assigned by Section 811.001.

(3) Strike "corrections employee" and substitute "custodial officer" in each of the following places in which it appears:

- (A) page 2, line 1;
- (B) page 2, line 4;
- (C) page 2, line 14;
- (D) page 2, line 25;
- (E) page 3, line 10;
- (F) page 3, line 14;
- (G) page 3, line 18;
- (H) page 4, line 13;
- (I) page 4, line 20;
- (J) page 4, line 22;
- (K) page 5, lines 6 and 7;
- (L) page 5, line 14;
- (M) page 6, lines 13 and 14;
- (N) page 6, line 22;
- (O) page 7, line 5;
- (P) page 7, line 14;
- (Q) page 7, line 19; and
- (R) page 8, line 19.

(4) Strike "corrections employee's" and substitute "custodial officer's" in each of the following places in which it appears:

- (A) page 6, line 2; and
- (B) page 8, line 25.

Floor Amendment No. 1 on Third Reading

Amend **SB 22** on third reading in SECTION 2 of the bill, by striking the text of amended Section 607.051(1), Government Code, as amended by the C. Turner floor amendment on second reading and substituting the following:

(1) "Custodial officer" means a person who is employed by the Board of Pardons and Paroles or the Texas Department of Criminal Justice as a parole officer or caseworker or who is employed by the correctional institutions division of the Texas Department of Criminal Justice and certified by the department as having a normal job assignment that requires frequent or infrequent regularly planned contact with, and in close proximity to, inmates or defendants of the correctional institutions division

without the protection of bars, doors, security screens, or similar devices and includes assignments normally involving supervision or the potential for supervision of inmates in inmate housing areas, educational or recreational facilities, industrial shops, kitchens, laundries, medical areas, agricultural shops or fields, or in other areas on or away from property of the department.

Floor Amendment No. 2 on Third Reading

Amend **SB 22** on third reading in SECTION 5 of the bill, in added Section 607.0545(a), Government Code (page 4, lines 14 and 15, house committee report) by striking "based on a test approved by" and substituting "based on a test authorized, approved, or licensed by".

The amendments were read.

Senator Springer moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 22** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Springer, Chair; Hughes, Blanco, Zaffirini, and Bettencourt.

SENATE BILL 49 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 49** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to procedures regarding defendants who are or may be persons with a mental illness or intellectual disability.

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

SECTION 1. Article 16.22(a)(2), Code of Criminal Procedure, is amended to read as follows:

(2) The magistrate is not required to order the interview and collection of other information under Subdivision (1) if the defendant is no longer in custody or if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another mental health or

intellectual and developmental disability expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

SECTION 2. Article 16.22, Code of Criminal Procedure, is amended by amending Subsection (b-1) and adding Subsection (b-2) to read as follows:

(b-1) The magistrate shall provide copies of the written report to:

- (1) the defense counsel;
- (2) [7] the attorney representing the state;
- (3) [~~and~~] the trial court;
- (4) the sheriff or other person responsible for the defendant's medical records while the defendant is confined in county jail; and

(5) as applicable:

(A) any personal bond office established under Article 17.42 for the county in which the defendant is being confined; or

(B) the director of the office or department that is responsible for supervising the defendant while the defendant is released on bail and receiving mental health or intellectual and developmental disability services as a condition of bail.

(b-2) The written report must include a description of the procedures used in the interview and collection of other information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

- (1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability;
- (2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and
- (3) any appropriate or recommended treatment or service.

SECTION 3. Article 17.04, Code of Criminal Procedure, is amended to read as follows:

Art. 17.04. REQUISITES OF A PERSONAL BOND. (a) A personal bond is sufficient if it includes the requisites of a bail bond as set out in Article 17.08, except that no sureties are required. In addition, a personal bond shall contain:

- (1) the defendant's name, address, and place of employment;
- (2) identification information, including the defendant's:
 - (A) date and place of birth;
 - (B) height, weight, and color of hair and eyes;
 - (C) driver's license number and state of issuance, if any; and
 - (D) nearest relative's name and address, if any; and
- (3) except as provided by Subsection (b), the following oath sworn and signed by the defendant:

"I swear that I will appear before (the court or magistrate) at (address, city, county) Texas, on the (date), at the hour of (time, a.m. or p.m.) or upon notice by the court, or pay to the court the principal sum of (amount) plus all necessary and reasonable expenses incurred in any arrest for failure to appear."

(b) A personal bond is not required to contain the oath described by Subsection (a)(3) if:

(1) the magistrate makes a determination under Article 16.22 that the defendant has a mental illness or is a person with an intellectual disability, including by using the results of a previous determination under that article;

(2) the defendant is released on personal bond under Article 17.032; or

(3) the defendant is found incompetent to stand trial in accordance with Chapter 46B.

SECTION 4. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0214 to read as follows:

Art. 45.0214. DEFENDANT WITH MENTAL ILLNESS, INTELLECTUAL OR DEVELOPMENTAL DISABILITY, OR LACK OF CAPACITY. (a) In this article:

(1) "Caregiver" means a person, including a guardian, who is authorized by law, contract, or familial relationship to provide care to another person.

(2) "Defendant" includes a child as defined by Article 45.058(h).

(b) On motion by the state, the defendant, or a person who stands in a parental relation to the defendant or who acts as the defendant's caregiver or, on the court's own motion, a justice or judge shall determine whether probable cause exists to believe that a defendant, including a defendant with a mental illness or an intellectual or developmental disability:

(1) lacks the capacity to understand the proceedings in criminal court or to assist in the defendant's own defense; or

(2) is unfit to proceed.

(c) If the court determines that probable cause exists for a finding under Subsection (b), after providing notice to the state, the court may dismiss the complaint.

(d) A dismissal of a complaint under Subsection (c) may be appealed as provided by Article 44.01.

SECTION 5. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0241 to read as follows:

Art. 45.0241. ACCEPTANCE OF PLEA OF GUILTY OR NOLO CONTENDERE. Notwithstanding any other law, a justice or judge may not accept a plea of guilty or plea of nolo contendere under Article 45.022 or 45.023(a) unless it appears that the defendant is mentally competent and the plea is free and voluntary.

SECTION 6. Article 46B.009, Code of Criminal Procedure, is amended to read as follows:

Art. 46B.009. TIME CREDITS. (a) A court sentencing a person convicted of a criminal offense shall credit to the term of the person's sentence each of the following periods for which the person may be confined in a mental health facility, residential care facility, or jail:

(1) any period of confinement that occurs pending a determination under Subchapter C as to the defendant's competency to stand trial; and

(2) any period of confinement that occurs between the date of any initial determination of the defendant's incompetency under that subchapter and the date the person is transported to jail following a final judicial determination that the person has been restored to competency.

(b) A court sentencing a person convicted of a criminal offense shall credit to the term of the person's sentence any period during which the person participated in an outpatient competency restoration program.

SECTION 7. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0735 to read as follows:

Art. 46B.0735. DATE COMPETENCY RESTORATION PERIOD BEGINS. The initial restoration period for a defendant under Article 46B.0711, 46B.072, or 46B.073 begins on the later of:

(1) the date the defendant is:

(A) ordered to participate in an outpatient competency restoration program; or

(B) committed to a mental health facility, residential care facility, or jail-based competency restoration program; or

(2) the date competency restoration services actually begin.

SECTION 8. Article 46B.080, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) An extension under this article begins on the later of:

(1) the date the court enters the order under Subsection (a); or

(2) the date competency restoration services actually begin pursuant to the order entered under Subsection (a).

SECTION 9. Article 46B.090, Code of Criminal Procedure, is amended by amending Subsections (a-1), (b), (c), (f), (g), (i), (j), (k), (l), (m), and (n) and adding Subsections (f-1), (l-1), (l-2), and (o) to read as follows:

(a-1) If the legislature appropriates to the commission [~~department~~] the funding necessary for the commission [~~department~~] to operate a jail-based restoration of competency pilot program as described by this article, the commission [~~department~~] shall develop and implement the pilot program in one or two counties in this state that choose to participate in the pilot program. In developing the pilot program, the commission [~~department~~] shall coordinate and allow for input from each participating county.

(b) The commission [~~department~~] shall contract with a provider of jail-based competency restoration services to provide services under the pilot program if the commission [~~department~~] develops a pilot program under this article.

(c) ~~The executive [Not later than November 1, 2013, the] commissioner [of the department] shall adopt rules as necessary to implement the pilot program. [In adopting rules under this article, the commissioner shall specify the types of information the department must collect during the operation of the pilot program for use in evaluating the outcome of the pilot program.]~~

(f) To contract with the commission [~~department~~] under Subsection (b), a provider of jail-based competency restoration services must [~~demonstrate to the department that~~]:

(1) be [the provider]

[(A) has previously provided jail-based competency restoration services for one or more years; or

~~[(B) is]~~ a local mental health authority or local behavioral health authority that is in good standing with the commission, which may include an authority that is in good standing with the commission and subcontracts with a provider of jail-based competency restoration services ~~[that has previously provided competency restoration services]; and~~

(2) contract with a county or counties to develop and implement a jail-based competency restoration program.

(f-1) The ~~[the]~~ provider's jail-based competency restoration program must:

(1) through the use of a multidisciplinary treatment team, provide jail-based competency restoration services that are:

(A) ~~[uses a multidisciplinary treatment team to provide clinical treatment that is:~~

~~[(i)]~~ directed toward the specific objective of restoring the defendant's competency to stand trial; and

(B) ~~[(ii)]~~ similar to other ~~[the clinical treatment provided as part of a]~~ competency restoration programs ~~[program at an inpatient mental health facility];~~

(2) employ ~~[(B) employs]~~ or contract ~~[contracts]~~ for the services of at least one psychiatrist;

(3) provide jail-based competency restoration services through licensed or qualified mental health professionals;

(4) provide ~~[and (C) provides]~~ weekly competency restoration ~~[treatment]~~ hours commensurate to the ~~[treatment]~~ hours provided as part of other ~~[a]~~ competency restoration programs ~~[program at an inpatient mental health facility];~~

(5) operate in the jail in a designated space that is separate from the space used for the general population of the jail;

(6) ensure coordination of general health care;

(7) provide mental health treatment and substance use disorder treatment to defendants, as necessary, for competency restoration; and

(8) supply clinically appropriate psychoactive medications for purposes of administering court-ordered medication to defendants as applicable and in accordance with Article 46B.086 of this code or Section 574.106, Health and Safety Code

~~[(3) the provider is certified by a nationwide nonprofit organization that accredits health care organizations and programs, such as the Joint Commission on Health Care Staffing Services, or the provider is a local mental health authority in good standing with the department; and~~

~~[(4) the provider has a demonstrated history of successful jail based competency restoration outcomes or, if the provider is a local mental health authority, a demonstrated history of successful competency restoration outcomes].~~

(g) A contract under Subsection (b) must require the designated provider to collect and submit to the commission ~~[department]~~ the information specified by rules adopted under Subsection (c).

(i) A ~~[The]~~ psychiatrist or psychologist for the provider who has the qualifications described by Article 46B.022 shall evaluate the defendant's competency and report to the court as required by Article 46B.079 ~~[conduct at least two full psychiatric evaluations of the defendant during the period the defendant receives competency restoration services in the jail. The psychiatrist must conduct one~~

~~evaluation not later than the 21st day and one evaluation not later than the 55th day after the date the defendant begins to participate in the pilot program. The psychiatrist shall submit to the court a report concerning each evaluation required under this subsection].~~

(j) If at any time during a defendant's participation in the jail-based restoration of competency pilot program the psychiatrist or psychologist for the provider determines that the defendant has attained competency to stand trial:

(1) the psychiatrist or psychologist for the provider shall promptly issue and send to the court a report demonstrating that fact; and

(2) the court shall consider that report as the report of an expert stating an opinion that the defendant has been restored to competency for purposes of Article 46B.0755(a) or (b).

(k) If at any time during a defendant's participation in the jail-based restoration of competency pilot program the psychiatrist or psychologist for the provider determines that the defendant's competency to stand trial is unlikely to be restored in the foreseeable future:

(1) the psychiatrist or psychologist for the provider shall promptly issue and send to the court a report demonstrating that fact; and

(2) the court shall:

(A) proceed under Subchapter E or F and order the transfer of the defendant, without unnecessary delay, to the first available facility that is appropriate for that defendant, as provided under Subchapter E or F, as applicable; or

(B) release the defendant on bail as permitted under Chapter 17.

(l) If the psychiatrist or psychologist for the provider determines that a defendant ordered to participate in the pilot program has not been restored to competency by the end of the 60th day after the date the defendant began to receive services in the pilot program, the jail-based competency restoration program shall continue to provide competency restoration services to the defendant for the period authorized by this subchapter, including any extension ordered under Article 46B.080, unless the jail-based competency restoration program is notified that space at a facility or outpatient competency restoration program appropriate for the defendant is available and, as applicable:

(1) for a defendant charged with a felony, not less than 45 days are remaining in the initial restoration period; or

(2) for a defendant charged with a felony or a misdemeanor, an extension has been ordered under Article 46B.080 and not less than 45 days are remaining under the extension order.

(l-1) After receipt of a notice under Subsection (l), [:

[(1) for a defendant charged with a felony, the defendant shall be transferred, without unnecessary delay and for the remainder of the period prescribed by Article 46B.073(b), to the first available facility that is appropriate for that defendant as provided by Article 46B.073(c) or (d); and

[(2) for a defendant charged with a misdemeanor, the court may:

[(A) order a single extension under Article 46B.080 and the transfer of] the defendant shall be transferred without unnecessary delay to the appropriate mental health facility, ~~[or]~~ residential care facility, or outpatient competency restoration

program [as provided by Article 46B.073(d)] for the remainder of the period permitted by this subchapter, including any extension that may be ordered under Article 46B.080 if an extension has not previously been ordered under that article. If the defendant is not transferred, and if the psychiatrist or psychologist for the provider determines that the defendant has not been restored to competency by the end of the period authorized by this subchapter, the defendant shall be returned to the court for further proceedings. For a defendant charged with a misdemeanor, the court may:

- (1) [under the extension;
- [~~(B)~~] proceed under Subchapter E or F;
- (2) [~~(C)~~] release the defendant on bail as permitted under Chapter 17; or
- (3) [~~(D)~~] dismiss the charges in accordance with Article 46B.010.

(1-2) The court retains authority to order the transfer of a defendant who is subject to an order for jail-based competency restoration services to an outpatient competency restoration program if:

- (1) the court determines that the defendant is not a danger to others and may be safely treated on an outpatient basis with the specific objective of attaining competency to stand trial; and
- (2) the other requirements of this subchapter relating to an order for outpatient competency restoration services are met.

(m) Unless otherwise provided by this article, the provisions of this chapter, including the maximum periods prescribed by Article 46B.0095, apply to a defendant receiving competency restoration services, including competency restoration education services, under the pilot program in the same manner as those provisions apply to any other defendant who is subject to proceedings under this chapter.

(n) If the commission [~~department~~] develops and implements a jail-based restoration of competency pilot program under this article, not later than December 1, 2021 [~~2018~~], the executive commissioner [~~of the department~~] shall submit a report concerning the pilot program to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services issues and over criminal justice issues. The report must include the information collected by the commission [~~department~~] during the pilot program and the executive commissioner's evaluation of the outcome of the program as of the date the report is submitted.

(o) This article expires September 1, 2022. After the expiration of this article, a pilot program established under this article may continue to operate subject to the requirements of Article 46B.091.

SECTION 10. Article 46B.091, Code of Criminal Procedure, is amended by amending Subsections (g) and (j) and adding Subsections (j-1) and (m) to read as follows:

(g) A psychiatrist or psychologist for the provider who has the qualifications described by Article 46B.022 shall evaluate the defendant's competency and report to the court as required by Article 46B.079 [~~conduct at least two full psychiatric or psychological evaluations of the defendant during the period the defendant receives competency restoration services in the jail. The psychiatrist or psychologist must conduct one evaluation not later than the 21st day and one evaluation not later than~~

~~the 55th day after the date the defendant is committed to the program. The psychiatrist or psychologist shall submit to the court a report concerning each evaluation required under this subsection].~~

(j) If the psychiatrist or psychologist for the provider determines that a defendant committed to a program implemented under this article has not been restored to competency by the end of the 60th day after the date the defendant began to receive services in the program, the jail-based competency restoration program shall continue to provide competency restoration services to the defendant for the period authorized by this subchapter, including any extension ordered under Article 46B.080, unless the jail-based competency restoration program is notified that space at a facility or outpatient competency restoration program appropriate for the defendant is available and, as applicable:

(1) for a defendant charged with a felony, not less than 45 days are remaining in the initial restoration period; or

(2) for a defendant charged with a felony or a misdemeanor, an extension has been ordered under Article 46B.080 and not less than 45 days are remaining under the extension order.

(j-1) After receipt of a notice under Subsection (j), [the defendant shall be transferred, without unnecessary delay and for the remainder of the period prescribed by Article 46B.073(b), to the first available facility that is appropriate for that defendant as provided by Article 46B.073(c) or (d); and

[(2) for a defendant charged with a misdemeanor, the court may:

[(A) order a single extension under Article 46B.080 and, notwithstanding Articles 46B.073(e) and (f), the transfer of] the defendant shall be transferred without unnecessary delay to the appropriate mental health facility, [or] residential care facility, or outpatient competency restoration program [as provided by Article 46B.073(d)] for the remainder of the period permitted by this subchapter, including any extension that may be ordered under Article 46B.080 if an extension has not previously been ordered under that article. If the defendant is not transferred, and if the psychiatrist or psychologist for the provider determines that the defendant has not been restored to competency by the end of the period authorized by this subchapter, the defendant shall be returned to the court for further proceedings. For a defendant charged with a misdemeanor, the court may: [under the extension;]

(1) [(B)] proceed under Subchapter E or F;

(2) [(C)] release the defendant on bail as permitted under Chapter 17; or

(3) [(D)] dismiss the charges in accordance with Article 46B.010.

(m) The court retains authority to order the transfer of a defendant who is subject to an order for jail-based competency restoration services to an outpatient competency restoration program if:

(1) the court determines that the defendant is not a danger to others and may be safely treated on an outpatient basis with the specific objective of attaining competency to stand trial; and

(2) the other requirements of this subchapter relating to an order for outpatient competency restoration services are met.

SECTION 11. Subchapter E, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.1055 to read as follows:

Art. 46B.1055. MODIFICATION OF ORDER FOLLOWING INPATIENT CIVIL COMMITMENT PLACEMENT. (a) This article applies to a defendant who has been transferred under Article 46B.105 from a maximum security unit to any facility other than a maximum security unit.

(b) The defendant, the head of the facility to which the defendant is committed, or the attorney representing the state may request that the court modify an order for inpatient treatment or residential care to order the defendant to participate in an outpatient treatment program.

(c) If the head of the facility to which the defendant is committed makes a request under Subsection (b), not later than the 14th day after the date of the request the court shall hold a hearing to determine whether the court should modify the order for inpatient treatment or residential care in accordance with Subtitle C, Title 7, Health and Safety Code.

(d) If the defendant or the attorney representing the state makes a request under Subsection (b), not later than the 14th day after the date of the request the court shall grant the request, deny the request, or hold a hearing on the request to determine whether the court should modify the order for inpatient treatment or residential care. A court is not required to hold a hearing under this subsection unless the request and any supporting materials provided to the court provide a basis for believing modification of the order may be appropriate.

(e) On receipt of a request to modify an order under Subsection (b), the court shall require the local mental health authority or local behavioral health authority to submit to the court, before any hearing is held under this article, a statement regarding whether treatment and supervision for the defendant can be safely and effectively provided on an outpatient basis and whether appropriate outpatient mental health services are available to the defendant.

(f) If the head of the facility to which the defendant is committed believes that the defendant is a person with mental illness who meets the criteria for court-ordered outpatient mental health services under Subtitle C, Title 7, Health and Safety Code, the head of the facility shall submit to the court before the hearing a certificate of medical examination for mental illness stating that the defendant meets the criteria for court-ordered outpatient mental health services.

(g) If a request under Subsection (b) is made by a defendant before the 91st day after the date the court makes a determination on a previous request under that subsection, the court is not required to act on the request until the earlier of:

(1) the expiration of the current order for inpatient treatment or residential care; or

(2) the 91st day after the date of the court's previous determination.

(h) Proceedings for commitment of the defendant to a court-ordered outpatient treatment program are governed by Subtitle C, Title 7, Health and Safety Code, to the extent that Subtitle C applies and does not conflict with this chapter, except that the criminal court shall conduct the proceedings regardless of whether the criminal court is also the county court.

(i) The court shall rule on a request made under Subsection (b) as soon as practicable after a hearing on the request, but not later than the 14th day after the date of the request.

(j) An outpatient treatment program may not refuse to accept a placement ordered under this article on the grounds that criminal charges against the defendant are pending.

SECTION 12. Article 46C.102(a), Code of Criminal Procedure, is amended to read as follows:

(a) The court may appoint qualified psychiatrists or psychologists as experts under this chapter. To qualify for appointment under this subchapter as an expert, a psychiatrist or psychologist must:

(1) as appropriate, be a physician licensed in this state or be a psychologist licensed in this state who has a doctoral degree in psychology; and

(2) have the following certification [~~or experience~~] or training:

(A) as appropriate, certification by:

(i) the American Board of Psychiatry and Neurology with added or special qualifications in forensic psychiatry; or

(ii) the American Board of Professional Psychology in forensic psychology; or

(B) [~~experience or~~] training consisting of:

(i) at least 24 hours of specialized forensic training relating to incompetency or insanity evaluations; and

(ii) at least [~~five years of experience in performing criminal forensic evaluations for courts; and~~

~~(iii)]~~ eight [~~or more~~] hours of continuing education relating to forensic evaluations, completed in the 12 months preceding the appointment [~~and documented with the court~~].

SECTION 13. Section 511.009(d), Government Code, is amended to read as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that:

(1) a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody; and

(2) a prisoner with a mental illness be provided with each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of the prisoner.

SECTION 14. The following provisions of the Code of Criminal Procedure are repealed:

(1) Articles 46B.090(a) and (h); and

(2) Article 46B.091(a).

SECTION 15. The change in law made by this Act to Article 16.22, Code of Criminal Procedure, applies only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

SECTION 16. The change in law made by this Act to Article 17.04, Code of Criminal Procedure, applies only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of this Act is governed by the law in effect on the date the personal bond was executed, and the former law is continued in effect for that purpose.

SECTION 17. The change in law made by this Act to Article 46C.102(a), Code of Criminal Procedure, applies to a defendant against whom proceedings are initiated under Chapter 46C, Code of Criminal Procedure, before, on, or after the effective date of this Act.

SECTION 18. Not later than December 1, 2021, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(d), Government Code, as amended by this Act.

SECTION 19. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 49** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 574.037(a), Health and Safety Code, is amended to read as follows:

(a) The court, in an order that directs a patient to participate in outpatient mental health services, shall designate the person identified under Section 574.0125 as responsible for those services or may designate a different person if necessary. The person designated must be the facility administrator or an individual involved in providing court-ordered outpatient services. A person may not be designated as responsible for the ordered services without the person's consent unless the person is the facility administrator of a department facility or the facility administrator of a community center that provides mental health services[:

~~(1)~~ in the region in which the committing court is located[; or

~~(2) in a county where a patient has previously received mental health services].~~

The amendments were read.

Senator Zaffirini moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 49** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Whitmire, Hughes, Birdwell, and Huffman.

SENATE BILL 626 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 626** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 626** (house committee printing) as follows:

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

SECTION _____. Section 30.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) In a civil action, including a probate or guardianship proceeding, filed in a district court, county court, ~~or~~ statutory county court, or statutory probate court, each party or the party's attorney shall include in its initial pleading:

(1) the last three numbers of the party's driver's license number, if the party has been issued a driver's license; and

(2) the last three numbers of the party's social security number, if the party has been issued a social security number.

SECTION _____. Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION _____. Section 33.102(a), Estates Code, is amended to read as follows:

(a) If it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, the court shall, on the application of an interested person, transfer the proceeding to the proper county by transmitting to the proper court in that county in electronic or paper form:

(1) the original file in the case; and

(2) certified copies of all entries that have been made in the judge's probate docket in the proceeding.

SECTION _____. Section 33.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) The transmittal under Subsection (b) of the original file and the certified copy of the index may be in electronic or paper form, except that an original will filed in the probate proceeding, if any, must be delivered to the court to which the proceeding is transferred.

SECTION _____. Section 51.003(b), Estates Code, is amended to read as follows:

(b) A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's [~~clerk's~~] seal.

SECTION _____. Section 202.054, Estates Code, is amended to read as follows:

Sec. 202.054. PERSONAL SERVICE OF CITATION MAY BE REQUIRED.

(a) The court may require that service of citation in a proceeding to declare heirship be made by personal service on some or all of those named as distributees in the application filed under Section 202.005.

(b) If a distributee to be cited under Subsection (a) is absent from or is not a resident of this state, any disinterested person competent to make an oath that the citation was served may serve the citation.

SECTION _____. Section 351.351, Estates Code, is amended to read as follows:

Sec. 351.351. APPLICABILITY. This subchapter does not apply to:

(1) the appointment of an independent executor or administrator under Section 401.002 or 401.003(a); or

(2) the appointment of a successor independent administrator [~~executor~~] under Section 404.005.

SECTION _____. Section 404.0036(b), Estates Code, is amended to read as follows:

(b) If an independent executor is removed by the court under Section 404.003 or 404.0035, the court may, on application, appoint a successor independent administrator [~~executor~~] as provided by Section 404.005.

SECTION _____. The heading to Section 404.005, Estates Code, is amended to read as follows:

Sec. 404.005. COURT-APPOINTED SUCCESSOR INDEPENDENT ADMINISTRATOR [~~EXECUTOR~~].

SECTION _____. Sections 404.005(a), (b), (c), (h), and (i), Estates Code, are amended to read as follows:

(a) If the will of a person who dies testate names an independent executor who, having qualified, fails for any reason to continue to serve, or is removed for cause by the court, and the will does not name a successor independent executor or if each successor executor named in the will fails for any reason to qualify as executor or indicates by affidavit filed with the application for an order continuing independent administration the successor executor's inability or unwillingness to serve as successor independent executor, all of the distributees of the decedent as of the filing of the application for an order continuing independent administration may apply to the probate court for the appointment of a qualified person, firm, or corporation to serve as successor independent administrator [~~executor~~]. If the probate court finds that continued administration of the estate is necessary, the court shall enter an order continuing independent administration and appointing the person, firm, or corporation designated in the application as successor independent administrator [~~executor~~], unless the probate court finds that it would not be in the best interest of the estate to do so. The successor independent administrator [~~executor~~] shall serve with all of the powers and privileges granted to the successor's predecessor independent executor.

(b) Except as otherwise provided by this subsection, if a distributee described in this section is an incapacitated person, the guardian of the person of the distributee may sign the application on behalf of the distributee. If the probate court finds that

either the continuing of independent administration or the appointment of the person, firm, or corporation designated in the application as successor independent administrator ~~executor~~ would not be in the best interest of the incapacitated person, then, notwithstanding Subsection (a), the court may not enter an order continuing independent administration of the estate. If the distributee is an incapacitated person and has no guardian of the person, the court may appoint a guardian ad litem to make application on behalf of the incapacitated person if the probate court considers such an appointment necessary to protect the interest of that distributee. If a distributee described in this section is a minor and has no guardian of the person, a natural guardian of the minor may sign the application for the order continuing independent administration on the minor's behalf unless a conflict of interest exists between the minor and the natural guardian.

(c) Except as otherwise provided by this subsection, if a trust is created in the decedent's will or if the decedent's will devises property to a trustee as described by Section 254.001, the person or class of persons entitled to receive property outright from the trust on the decedent's death and those first eligible to receive the income from the trust, determined as if the trust were to be in existence on the date of the filing of the application for an order continuing independent administration, shall, for the purposes of this section, be considered to be the distributee or distributees on behalf of the trust, and any other trust or trusts coming into existence on the termination of the trust, and are authorized to apply for an order continuing independent administration on behalf of the trust without the consent or agreement of the trustee or any other beneficiary of the trust, or the trustee or any beneficiary of any other trust which may come into existence on the termination of the trust. If a person considered to be a distributee under this subsection is an incapacitated person, the trustee or cotrustee may apply for the order continuing independent administration or sign the application on the incapacitated person's behalf if the trustee or cotrustee is not the person proposed to serve as the independent administrator ~~executor~~.

(h) If a successor independent administrator ~~executor~~ is appointed under this section, then, unless the probate court shall waive bond on application for waiver, the successor independent administrator ~~executor~~ shall be required to enter into bond payable to and to be approved by the judge and the judge's successors in a sum that is found by the judge to be adequate under all circumstances, or a bond with one surety in an amount that is found by the judge to be adequate under all circumstances, if the surety is an authorized corporate surety.

(i) Absent proof of fraud or collusion on the part of a judge, the judge may not be held civilly liable for the commission of misdeeds or the omission of any required act of any person, firm, or corporation designated as a successor independent administrator ~~executor~~ under this section. Section 351.354 does not apply to an appointment of a successor independent administrator ~~executor~~ under this section.

SECTION _____. Section 452.006, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) The appointee shall file with the court proof of service of the notice required under Subsection (a) in the manner provided by Section 51.103(b)(3).

SECTION _____. Section 503.002, Estates Code, is amended to read as follows:

Sec. 503.002. RECORDING OF CERTAIN FOREIGN TESTAMENTARY INSTRUMENTS IN LANGUAGE OTHER THAN ENGLISH [ORIGINAL SIGNATURES NOT REQUIRED]. (a) An authenticated copy of a will or other testamentary instrument described by Section 503.001(a), along with a copy of the judgment, order, or decree by which the instrument was admitted to probate that has the attestation and certificate required by Section 501.002(c), that is written in whole or in part in a language other than English may be filed for recording in the deed records in any county in this state in which the land conveyed or disposed of in the instrument is located if:

(1) a correct English translation is recorded with the authenticated copies of the will or other testamentary instrument and judgment, order, or decree by which the instrument was admitted to probate; and

(2) the accuracy of the translation is sworn to before an officer authorized to administer oaths [Notwithstanding Section 501.002(e), the original signatures required by that section may not be required for a recordation in the deed records in accordance with Section 503.001 or for a purpose described by Section 503.051 or 503.052].

(b) The recording of an authenticated copy of a will or other testamentary instrument and a copy of the judgment, order, or decree in the manner provided by Subsection (a) operates as constructive notice from the date of filing to all persons of the:

(1) existence of the instrument; and

(2) title or titles conferred by the instrument.

SECTION _____. Section 1023.006, Estates Code, is amended to read as follows:

Sec. 1023.006. TRANSFER OF RECORD. When an order of transfer is made under Section 1023.005, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit in electronic or paper form to the county clerk of the county to which the guardianship was ordered transferred:

(1) the case file of the guardianship proceedings; and

(2) a certified copy of the index of the guardianship records.

SECTION _____. Section 1023.007, Estates Code, is amended to read as follows:

Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring a guardianship does not take effect until:

(1) the case file and a certified copy of the index required by Section 1023.006 are filed in electronic or paper form in the office of the county clerk of the county to which the guardianship was ordered transferred; and

(2) a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in electronic or paper form in the court ordering the transfer by the county clerk of the county to which the guardianship was ordered transferred.

SECTION _____. Section 1051.003(b), Estates Code, is amended to read as follows:

(b) A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's ~~clerk's~~ seal.

SECTION _____. The heading to Chapter 1054, Estates Code, is amended to read as follows:

CHAPTER 1054. COURT OFFICERS, ~~[AND]~~ COURT-APPOINTED PERSONS,
AND ATTORNEYS

SECTION _____. The heading to Subchapter E, Chapter 1054, Estates Code, is amended to read as follows:

SUBCHAPTER E. QUALIFICATIONS TO SERVE AS ~~[COURT-APPOINTED]~~
ATTORNEY

SECTION _____. Section 1054.201, Estates Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), an ~~[An]~~ attorney representing any person's interests ~~[for an applicant for guardianship and a court appointed attorney]~~ in a guardianship proceeding, including an attorney ad litem, must be certified by the State Bar of Texas, or a person or other entity designated by the state bar, as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or the state bar's designee.

(c) An attorney may commence representation of a person's interests and file an appearance in a guardianship proceeding before completing the course required for certification under Subsection (a), but must complete the course not later than the 14th day after the date of filing the appearance and before filing any substantive motion in the guardianship proceeding.

SECTION _____. Section 1101.001(b), Estates Code, is amended to read as follows:

(b) The application must be sworn to by the applicant and state:

(1) the proposed ward's name, sex, date of birth, and address;
(2) the name, former name, if any, relationship, and address of the person the applicant seeks to have appointed as guardian;

(3) whether guardianship of the person or estate, or both, is sought;
(3-a) whether alternatives to guardianship and available supports and services to avoid guardianship were considered;

(3-b) whether any alternatives to guardianship and supports and services available to the proposed ward considered are feasible and would avoid the need for a guardianship;

(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election;

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code; and

(C) the right of a proposed ward to make personal decisions regarding residence;

(5) the facts requiring the appointment of a guardian;

- (6) the interest of the applicant in the appointment of a guardian;
- (7) the nature and description of any kind of guardianship existing for the proposed ward in any other state;
- (8) the name and address of any person or institution having the care and custody of the proposed ward;
- (9) the approximate value and a detailed description of the proposed ward's property, including:
 - (A) liquid assets, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled; and
 - (B) non-liquid assets, including real property;
- (10) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;
- (11) for a proposed ward who is a minor, the following information if known by the applicant:
 - (A) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;
 - (B) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and
 - (C) if each of the proposed ward's parents and adult siblings are deceased, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;
- (12) for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:
 - (A) the court involved;
 - (B) the nature of the proceeding; and
 - (C) any final disposition of the proceeding;
- (13) for a proposed ward who is an adult, the following information if known by the applicant:
 - (A) the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;
 - (B) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;
 - (C) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;
 - (D) the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and
 - (E) if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;
- (14) facts showing that the court has venue of the proceeding; and

(15) if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION _____. Section 1101.153(a), Estates Code, is amended to read as follows:

(a) A court order appointing a guardian must:

(1) specify:

(A) [~~(1)~~] the name of the person appointed;

(B) [~~(2)~~] the name of the ward;

(C) [~~(3)~~] whether the guardian is of the person or estate of the ward, or

both;

(D) [~~(4)~~] the amount of any bond required;

(E) [~~(5)~~] if it is a guardianship of the estate of the ward and the court considers an appraisal to be necessary, one, two, or three disinterested persons to appraise the estate and to return the appraisal to the court; and

(F) [~~(6)~~] that the clerk will issue letters of guardianship to the person appointed when the person has qualified according to law; and

(2) if the court waives the guardian's training requirement, contain a finding that the waiver is in accordance with rules adopted by the supreme court under Section 155.203, Government Code.

SECTION _____. Subchapter A, Chapter 1151, Estates Code, is amended by adding Section 1151.005 to read as follows:

Sec. 1151.005. LEGAL PROCEEDINGS IN WHICH WARD IS PARTY OR WITNESS. The guardian of the person or of the estate of a ward may not be excluded from attending a legal proceeding in which the ward is:

(1) a party; or

(2) participating as a witness.

SECTION _____. Section 1251.005, Estates Code, is amended to read as follows:

Sec. 1251.005. CITATION AND NOTICE OF APPLICATION. (a) On the filing of an application for temporary guardianship, the court clerk shall issue:

(1) citation [notice] to be served on:

(A) [~~(1)~~] the proposed ward; and

(B) [~~(2) the proposed ward's appointed attorney; and~~

(2)] the proposed temporary guardian named in the application, if that person is not the applicant; and

(2) notice to be served on the proposed ward's appointed attorney.

(b) The citation or notice issued as provided by Subsection (a) must describe:

(1) the rights of the parties; and

(2) the date, time, place, purpose, and possible consequences of a hearing on the application.

(b-1) The citation issued as provided by Subsection (a) must contain a statement regarding the authority of a person under Section 1051.252 who is interested in the estate or welfare of a proposed ward or, if a guardianship is created, the ward to file

with the county clerk a written request to be notified of all, or any specified, motions, applications, or pleadings filed with respect to the temporary guardianship proceeding by any person or by a person specifically designated in the request.

(c) A copy of the application must be attached to the citation or notice.

SECTION _____. The heading to Section 1251.153, Estates Code, is amended to read as follows:

Sec. 1251.153. DELIVERY OF ESTATE, FILING OF FINAL REPORT, AND[?] DISCHARGE OF TEMPORARY GUARDIAN.

SECTION _____. Section 1251.153, Estates Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) At the expiration of a temporary guardianship of the person, the temporary guardian shall file with the court clerk a final report that:

(1) if the ward is living, describes each reason the temporary guardianship of the person expired, including a statement of facts regarding whether the temporary guardianship expired because:

(A) the ward was found by the court to have full capacity, or sufficient capacity with supports and services, to care for himself or herself;

(B) alternatives to guardianship have been established to meet the needs of the ward; or

(C) a permanent guardian appointed by the court has qualified to serve as the ward's guardian; or

(2) if the ward is deceased, includes the date and place of death, if known, in the form and manner of the report required to be filed by a guardian of the person under Section 1163.103.

(b) On proof of delivery under Subsection (a) and approval by the court of a final report filed with the court clerk under Subsection (a-1), as applicable:

(1) the temporary guardian shall be discharged; and

(2) the sureties on the temporary guardian's bond shall be released as to future liability.

SECTION _____. Section 1253.001, Estates Code, is amended to read as follows:

Sec. 1253.001. APPLICATION TO TRANSFER GUARDIANSHIP TO FOREIGN JURISDICTION. On application of the guardian or on the court's own motion, a [A guardian of the person or estate may apply to the] court that has jurisdiction over the guardianship may [to] transfer the guardianship to a court in a foreign jurisdiction to which the ward has permanently moved.

SECTION _____. Section 25.0006, Government Code, is amended by amending Subsection (a) and adding Subsection (a-5) to read as follows:

(a) Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), ~~and~~ (a-3), and (a-5) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.

(a-5) A bond executed under Subsection (a-1) by the judge elected or appointed to a statutory county court or an insurance policy obtained under Subsection (a-3) shall provide the same coverage to a visiting judge assigned to the court or associate judge appointed to serve the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION _____. Section 25.00231, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding Subsection (e), a bond executed under Subsection (b) by the judge elected or appointed to a statutory probate court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court or to an associate judge appointed by the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION _____. Section 25.0027, Government Code, is amended to read as follows:

Sec. 25.0027. JURIES; PRACTICE AND PROCEDURE. The drawing of jury panels, selection of jurors, and practice in the statutory probate courts must conform to that prescribed by law for county courts, except that practice, procedure, rules of evidence, issuance of process and writs, juries, including the number of jurors provided the parties to a proceeding may agree to try a particular case with fewer than 12 jurors, and all other matters pertaining to the conduct of trials and hearings in the statutory probate courts involving those matters of concurrent jurisdiction with district courts are governed by the laws and rules pertaining to district courts.

SECTION _____. Section 74.141, Government Code, is amended to read as follows:

Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall defend a state district judge, a presiding judge of an administrative region, the presiding judge of the statutory probate courts, a visiting judge assigned to hear a guardianship or probate matter by the presiding judge of the statutory probate courts, or an active, retired, or former judge assigned under this chapter in any action or suit in any court in which the judge is a defendant because of his office or capacity as judge if the judge requests the attorney general's assistance in the defense of the suit.

SECTION _____. Section 81.114, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The state bar shall provide a course of instruction for attorneys who represent any person's interests ~~[parties]~~ in guardianship cases or who serve as part-appointed guardians.

(e) The course of instruction described by this section must be low-cost and available to persons throughout this state, including on the Internet provided through the state bar.

SECTION _____. Section 155.205(b), Government Code, is amended to read as follows:

(b) The commission shall obtain:

(1) fingerprint-based criminal history record information of a proposed guardian ~~[an applicant]~~ if:

- (A) the liquid assets of the estate of a ward exceed \$50,000; or
- (B) the proposed guardian is not a resident of this state; or

(2) name-based criminal history record information of a proposed guardian, including any criminal history record information under the current name and all former names of the proposed guardian, [an applicant] if:

(A) the liquid assets of the estate of a ward are \$50,000 or less; and

(B) the proposed guardian is a resident of this state.

SECTION _____. (a) Section 202.054, Estates Code, as amended by this Act, applies only to a proceeding to declare heirship commenced on or after the effective date of this Act. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(b) Section 452.006(c), Estates Code, as added by this Act, applies only to a temporary administrator appointed on or after the effective date of this Act. A temporary administrator appointed before the effective date of this Act is governed by the law in effect on the date the administrator was appointed, and the former law is continued in effect for that purpose.

(c) Section 503.002, Estates Code, as amended by this Act, applies only to a copy of a testamentary instrument or other document filed for recording on or after the effective date of this Act. A copy of a testamentary instrument or other document filed before the effective date of this Act is governed by the law in effect on the date the instrument or document was filed, and the former law is continued in effect for that purpose.

(d) Sections 1101.001 and 1251.005, Estates Code, as amended by this Act, apply only to an application for the appointment of a guardian or temporary guardian filed on or after the effective date of this Act. An application for the appointment of a guardian or temporary guardian filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(e) Sections 1054.201 and 1101.153, Estates Code, as amended by this Act, and Section 155.205, Government Code, as amended by this Act, apply only to a guardianship proceeding commenced on or after the effective date of this Act. A guardianship proceeding commenced before the effective date of this Act is governed by the law applicable to the proceeding immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(f) Sections 1251.153 and 1253.001, Estates Code, as amended by this Act, apply to a guardianship created before, on, or after the effective date of this Act.

(g) The changes in law made by this Act to Sections 25.0006 and 25.00231, Government Code, apply only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2022. An insurance policy delivered, issued for delivery, or renewed before January 1, 2022, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(h) Section 74.141, Government Code, as amended by this Act, applies to a cause of action filed on or after the effective date of this Act. A cause of action filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) On page 30, line 24, strike "section" and substitute "Act".

Floor Amendment No. 2

Amend **SB 626** (house committee printing) as follows:

(1) On page 21, line 7, strike "1163.101(c)" and substitute "1163.101".

(2) On page 21, lines 7 and 8, between "amended" and "to" insert "by amending Subsections (a) and (c) and adding Subsection (a-1)".

(3) On page 21, between lines 8 and 9, insert the following:

(a) Except as provided by Subsection (a-1), once [~~Once~~] each year for the duration of the guardianship, a guardian of the person shall file with the court a report that contains the information required by this section.

(a-1) Unless the court finds that it is not in the best interest of the ward, a guardian of the person of a ward appointed under Section 1103A.001 is not required to file an annual report under this section.

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

SECTION _____. Section 1054.001, Estates Code, is amended to read as follows:

Sec. 1054.001. APPOINTMENT OF ATTORNEY AD LITEM IN PROCEEDING FOR APPOINTMENT OF GUARDIAN. In a proceeding under this title for the appointment of a guardian and except as provided by Section 1103A.001, the court shall appoint an attorney ad litem to represent the proposed ward's interests.

SECTION _____. Section 1054.151, Estates Code, is amended to read as follows:

Sec. 1054.151. INVESTIGATION OF GUARDIANSHIP APPLICATION. On the filing of an application for guardianship under Section 1101.001 and except as provided by Section 1103A.001, a court investigator shall investigate the circumstances alleged in the application to determine whether a less restrictive alternative to guardianship is appropriate.

SECTION _____. Subtitle D, Title 3, Estates Code, is amended by adding Chapter 1103A to read as follows:

CHAPTER 1103A. PROCEDURE TO APPOINT CAREGIVER PARENT AS INDEPENDENT GUARDIAN OF THE PERSON FOR CERTAIN MINORS REQUIRING GUARDIANSHIPS AS ADULTS

Sec. 1103A.001. PROCEDURE FOR APPOINTMENT OF CAREGIVER PARENT AS INDEPENDENT GUARDIAN OF THE PERSON OF CERTAIN MINORS WITH PROFOUND INTELLECTUAL DISABILITIES. (a) This section applies only to a proceeding for the appointment of a guardian of the person of a proposed ward under Section 1101.001 or 1103.001 in which the:

(1) proposed ward is a minor who:

(A) has a profound intellectual disability, as diagnosed by a physician licensed to practice in this state or as determined, following an examination, by a psychologist licensed in this state or certified by the Health and Human Services Commission to perform the examination, in accordance with rules adopted by the executive commissioner of the commission governing examinations of that kind; and

(B) because of the incapacity described by Paragraph (A) will require a guardianship of the person after the proposed ward is no longer a minor; and

(2) proposed guardian of the person is a parent and primary caregiver of the proposed ward.

(b) Notwithstanding any other law, if the applicant who files an application for appointment as guardian of the person of a proposed ward under Section 1101.001 or 1103.001 is the parent and primary caregiver of the proposed ward, the applicant may present to the court:

(1) an affidavit sworn to by the applicant that states that the applicant is a parent of a proposed ward described by Subsection (a)(1) and:

(A) is and has been the primary caregiver of the proposed ward throughout all or most of his or her childhood;

(B) has never been the subject of an allegation, complaint, or investigation concerning the abuse, neglect, or exploitation of the proposed ward;

(C) seeks to be appointed guardian of the person of the proposed ward;
and

(D) is not disqualified from serving as guardian under Subchapter H, Chapter 1104;

(2) at least one written letter or certificate that meets the requirements of:

(A) Sections 1101.103(a) and (b); or

(B) Section 1101.104, except that the period prescribed by Section 1101.104(2) would apply to the date the application is filed; and

(3) a written request that:

(A) the court make the findings required by Section 1101.101 and appoint the parent as guardian of the person of the proposed ward in accordance with this section without the necessity of an investigation by a court investigator under Section 1054.151; and

(B) after appointment and qualification of the applicant as guardian of the person of the ward, no other action shall be had in the probate court in relation to the guardianship of the person of the ward other than the review required by Section 1201.052(b).

(c) If, following a written request under Subsection (b) and on receipt of an affidavit that complies with Subsection (b)(1) and a letter or certificate that complies with Subsection (b)(2), the court is able to make the findings required by Section 1101.101, the court, notwithstanding Subchapter C, Chapter 1104, shall appoint the parent as guardian of the proposed ward's person without appointing a court investigator or the continued appointment of an attorney ad litem unless:

(1) the parent is disqualified from serving as guardian under Subchapter H, Chapter 1104;

(2) the court has any reason to believe that one or more of the assertions set out in the affidavit are untrue; or

(3) the court finds that the appointment is not in the best interest of the proposed ward.

(d) A guardianship created under this section is considered an independent guardianship of the person of a ward, and a guardian appointed under this section is considered an independent guardian of the person of a ward.

Sec. 1103A.002. SEALING OF CERTAIN RECORDS. (a) The court shall seal a written letter or certificate submitted under Section 1103A.001(b) and any other medical record or document examined by the court for purposes of this section unless the court finds good cause not to seal the document.

(b) The court's records sealed under this section are not open for inspection by any person except:

(1) on further order of the court after notice to the guardian of the person of the ward whose information is sealed and a finding of good cause; or

(2) in connection with a criminal or civil proceeding as otherwise provided by law.

Sec. 1103A.003. PETITION FOR CONVERSION OF GUARDIANSHIP OF THE PERSON TO INDEPENDENT GUARDIANSHIP OF THE PERSON. (a) This section applies only to a guardianship of the person of a ward created before September 1, 2021, if on the date the application for guardianship was filed under Section 1101.001 or 1103.001:

(1) the ward met the description of a proposed ward under Section 1103A.001(a)(1); and

(2) the guardian was the parent and primary caregiver of the ward.

(b) The guardian in a guardianship to which this section applies may petition the court with jurisdiction over the guardianship to authorize that the guardianship of the person be treated on a prospective basis as if the guardianship was created and, if applicable, the guardian of the person appointed, under Section 1103A.001.

SECTION _____. Section 1105.101(c), Estates Code, is amended to read as follows:

(c) The court shall issue letters of guardianship of the person to a person without the requirement of a bond if:

(1) the person is:

(A) a parent of the ward appointed under Section 1103A.001 who is not also appointed as guardian of the estate of the ward; or

(B) named to be appointed guardian in a will made by a surviving parent that is probated by a court in this state, or in a written declaration made by a surviving parent, and the will or declaration directs that the guardian serve without a bond; and

(2) the court finds that the guardian is qualified.

SECTION _____. Section 1106.002, Estates Code, is amended to read as follows:

Sec. 1106.002. EXPIRATION OF LETTERS OF GUARDIANSHIP. (a) Except as provided by Subsection (b), letters [~~Letters~~] of guardianship expire one year and four months after the date the letters are issued, unless renewed.

(b) Unless the court finds that it is not in the best interest of the ward, letters of guardianship issued to a guardian of the person of a ward appointed under Section 1103A.001 do not expire unless the guardian is removed or would otherwise be ineligible to serve as guardian.

SECTION _____. The heading to Subchapter B, Chapter 1201, Estates Code, is amended to read as follows:

SUBCHAPTER B. [~~ANNUAL~~] DETERMINATION TO CONTINUE, MODIFY, OR
TERMINATE GUARDIANSHIP

SECTION _____. Section 1201.052, Estates Code, is amended to read as follows:

Sec. 1201.052. ANNUAL OR OTHER DETERMINATION. (a) To determine whether a guardianship should be continued, modified, or terminated, the court in which the guardianship proceeding is pending:

(1) shall, except as provided by Subsection (b), review annually each guardianship in which the application to create the guardianship was filed after September 1, 1993; and

(2) may review annually any other guardianship.

(b) To determine whether a guardianship of the person of a ward created under Section 1103A.001 should be continued, modified, or terminated, the court in which the guardianship proceeding is pending shall review the guardianship of the person at the discretion of the court but not more frequently than once every five years unless the guardian of the person of the ward is also the guardian of the estate of the ward.

(c) Notwithstanding Subsection (b), on receipt of a claim that the guardianship is no longer in the best interest of the ward, the court may review the matter and take any action the court determines necessary.

The amendments were read.

Senator Zaffirini moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 626** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Huffman, Hinojosa, Hughes, and Campbell.

SENATE BILL 696 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 696** from the President's table for consideration of the House amendments to the bill.

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

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

relating to the imposition, rate, and use of hotel occupancy taxes in certain counties and municipalities; authorizing certain counties to impose a hotel occupancy tax; reducing the maximum rate of the hotel occupancy tax imposed by certain counties.

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

SECTION 1. Section 351.10692, Tax Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) This section applies only to:

(1) a municipality with a population of less than 2,000 located in a county that:

(A) ~~(1)~~ is adjacent to the county in which the State Capitol is located;

and

(B) ~~(2)~~ has a population of:

(i) ~~(A)~~ not more than 25,000; or

(ii) ~~(B)~~ at least 100,000 but not more than 200,000;

(2) a municipality located in a county with a total area of more than 6,000 square miles; and

(3) a municipality located in a county with a total area of more than 3,850 square miles but less than 4,000 square miles.

(c) A municipality that uses revenue from the municipal hotel occupancy tax for a purpose described by Subsection (b):

(1) shall make a good-faith estimate based on reasonable documentation of ~~determine~~ the annual amount of area hotel revenue attributable to dark skies related events and activities [for five years after the date the municipality first uses hotel occupancy tax revenue for a purpose described by Subsection (b)]; and

(2) may not spend municipal hotel occupancy tax revenue for the purposes described by Subsection (b) in an annual [a total] amount that exceeds the amount determined under Subdivision (1).

(e) A municipality that uses municipal hotel occupancy tax revenue under this section may not reduce the percentage of revenue from that tax allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of the revenue from that tax allocated by the municipality for the purpose described by Section 351.101(a)(3) during the 36-month period preceding the date the municipality begins using revenue for a purpose described by this section.

SECTION 2. Section 352.002, Tax Code, is amended by amending Subsection (d) and adding Subsection (bb) to read as follows:

(d) The tax imposed by a county authorized by Subsection (a)(6) [~~(a)(4), (6)~~], (8), (9), (10), (11), (14), (15), (17), (19), (20), (21), (23), or (29) to impose the tax does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel. This subsection does not apply to:

(1) a county authorized by Subsection (a)(6) to impose the tax that:

(A) has a population of less than 40,000 and adjoins the most populous county in this state; or

(B) has a population of more than 200,000 and borders the Neches River; or

(2) a county authorized by Subsection (a)(9) to impose the tax that has a population of more than 9,000.

(bb) The commissioners court of a county with a population of less than 60,000 in which an annual strawberry festival is held in a location that is not the county seat of the county may impose a tax as provided by Subsection (a).

SECTION 3. Section 352.003, Tax Code, is amended by adding Subsections (y) and (z) to read as follows:

(y) The tax rate in a county authorized to impose the tax under Section 352.002(a)(4) may not exceed two percent of the price paid for a room in a hotel.

(z) The tax rate in a county authorized to impose the tax under Section 352.002(bb) may not exceed two percent of the price paid for a room in a hotel.

SECTION 4. Section 352.102, Tax Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) A county that borders the Republic of Mexico and that is further described by Section 352.002(a)(14):

(1) shall use at least one-third of the revenue collected each fiscal year from the tax imposed under this chapter for the purposes authorized by this chapter in unincorporated areas of the county; and

(2) may use revenue from the tax imposed under this chapter in the same manner that a municipality to which Section 351.10692 applies may use revenue from the municipal hotel occupancy tax under that section.

(d) A county that borders the United Mexican States and that is further described by Section 352.002(a)(7) may use revenue from the tax imposed under this chapter in the same manner that a municipality to which Section 351.10692 applies may use revenue from the municipal hotel occupancy tax under that section.

SECTION 5. Subchapter B, Chapter 352, Tax Code, is amended by adding Sections 352.112 and 352.114 to read as follows:

Sec. 352.112. USE OF REVENUE: CERTAIN COUNTIES HOLDING AN ANNUAL STRAWBERRY FESTIVAL. The revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(bb) may be used only for the construction, enlarging, equipping, improvement, maintenance, repairing, and operation of a civic center with an arena used for rodeos, livestock shows, and agricultural expositions to substantially enhance hotel activity and encourage tourism.

Sec. 352.114. USE OF REVENUE: CERTAIN COUNTIES CONTAINING AN INDIAN RESERVATION. (a) In addition to the purposes authorized by this chapter, the revenue from a tax imposed under this chapter by a county authorized to impose the tax under Section 352.002(a)(4) may be used to make repairs and improvements to the county airport or to provide reimbursement for repairs and improvements to the airport.

(b) A county to which this section applies may not use revenue from a tax imposed under this chapter for a purpose described by Subsection (a) in a total amount that would exceed the amount of hotel revenue in the county that is likely to be reasonably attributable to guests traveling through the airport during the 15-year period beginning on the date the county first uses the tax revenue for that purpose.

(c) A county to which this section applies may not use revenue from a tax imposed under this chapter for a purpose described by Subsection (a) after the 10th anniversary of the date the county first uses the revenue for that purpose.

SECTION 6. Section 351.1035, Tax Code, is repealed.

SECTION 7. This Act takes effect September 1, 2021.

Floor Amendment No. 1 on Third Reading

Amend **SB 696** on third reading (house committee printing) as follows:

(1) On page 2, line 21, strike "Subsection (bb)" and substitute "Subsections (bb) and (dd)".

(2) On page 3, between lines 12 and 13, insert the following:

(dd) The commissioners court of a county with a population of not more than 40,000 that borders the Red River and includes a wildlife management area may impose a tax as provided by Subsection (a). A tax imposed under this subsection does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel.

Floor Amendment No. 2 on Third Reading

Amend **SB 696** on third reading (house committee printing) on page 1 as follows:

(1) On line 8, strike "Subsection" and substitute "Subsections (a-1) and".

(2) Between lines 23 and 24, insert the following:

(a-1) Notwithstanding Subsection (a), this section does not apply to:

(1) a municipality that is the county seat of a county that borders:

(A) the United Mexican States;

(B) a county described by Section 352.002(a)(7); and

(C) a county described by Section 352.002(a)(14); or

(2) a municipality that is located in a county described by Section 352.002(a)(14).

Floor Amendment No. 3 on Third Reading

Amend **SB 696** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.111 to read as follows:

Sec. 351.111. ALLOCATION OF REVENUE FOR PUBLIC PARKS BY CERTAIN MUNICIPALITIES. (a) This section applies only to:

(1) a municipality described by Section 351.101(o);

(3) a municipality that is bisected by U.S. Highway 290 and is located in a county that:

(A) is adjacent to the county in which the State Capitol is located; and

(B) has a population of more than 150,000; and

(4) a municipality with a population of less than 3,000 that borders the Pecan Bayou and has a visitors and events center.

(b) Notwithstanding any other provision of this chapter and subject to the requirements of this section, a municipality to which this section applies may use a portion of the revenue derived from the tax imposed under this chapter to promote tourism and the convention and hotel industry by enhancing and improving public parks owned by the municipality. The enhancement or improvement of the public park must be directly related to hotel activity that is attributable to public parks owned by the municipality.

(c) The amount of municipal hotel occupancy tax revenue a municipality may use in a fiscal year for a purpose authorized under this section may not exceed 10 percent of the amount of revenue the municipality collected from that tax during the preceding fiscal year.

(d) The amount of municipal hotel occupancy tax revenue a municipality may use in a fiscal year to enhance and improve an individual public park may not exceed the amount of area hotel revenue in the preceding fiscal year that was directly attributable to tourists who attended events held at that park or otherwise visited that park. Before the municipality uses municipal hotel occupancy tax revenue to enhance or improve a park, the municipality must make a good faith estimate of the annual amount of area hotel revenue directly attributable to tourists who visited that park.

(e) A municipality that uses municipal hotel occupancy tax revenue under this section:

(1) may, notwithstanding the limitation under Subsection (c), reserve not more than 10 percent of the revenue from that tax collected in a fiscal year for use under this section during the succeeding three fiscal years; and

(2) may not reduce the percentage of revenue from that tax allocated for a purpose described by Section 351.101(a)(3) to a percentage that is less than the average percentage of the revenue from that tax allocated by the municipality for the purpose described by Section 351.101(a)(3) during the 36-month period preceding the date the municipality begins using revenue for a purpose described by this section.

The amendments were read.

Senator Zaffirini moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 696** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Zaffirini, Chair; Birdwell, Seliger, Alvarado, and Taylor.

CONFERENCE COMMITTEE ON HOUSE BILL 3282

Senator Nichols called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3282** and moved that the request be granted.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **HB 3282** before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Nichols, Chair; Seliger, West, Hancock, and Hinojosa.

SENATE BILL 281 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 281** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 281** (house committee report) on page 1 as follows:

- (1) On line 12, between "during" and "a", insert "or after".
- (2) Strike lines 22-24, and substitute "trial".

The amendment was read.

Senator Hinojosa moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 281** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Huffman, Whitmire, Nichols, and Birdwell.

SENATE BILL 1315 WITH HOUSE AMENDMENT

Senator Lucio called **SB 1315** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 1315** by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. (a) Section 1.12(d), Tax Code, is amended to read as follows:

(d) For purposes of this section, the appraisal ratio of a homestead to which Section 23.23 applies or of real property to which Section 23.231 applies is the ratio of the property's market value as determined by the appraisal district or appraisal review board, as applicable, to the market value of the property according to law. The appraisal ratio is not calculated according to the appraised value of the property as limited by Section 23.23 or 23.231.

(b) Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.231 to read as follows:

Sec. 23.231. TEMPORARY LIMITATION ON APPRAISED VALUE OF CERTAIN REAL PROPERTY IN SPECIFIED AREAS. (a) In this section:

(1) "Census tract" means the geographic area identified as a "tract" on the 2010 Census TIGER/Line Shapefiles, prepared by the federal Bureau of the Census for the Twenty-third Decennial Census of the United States, enumerated as of April 1, 2010.

(2) "Eligible property" means real property that:

(A) is:

(i) a residence homestead; or

(ii) an undeveloped lot, subject to Subsection (f); and

(B) is located in one of the following census tracts:

(i) Dallas County tract 002701 or 002702; or

(ii) Harris County tract 210900, 211000, 211100, 211200, or

211700.

(3) "Residence homestead" has the meaning assigned by Section 11.13.

(b) The governing body of a municipality, county, or school district may by official action adopt a limitation as prescribed by this section on the appraised value of all eligible property located in the taxing unit adopting the limitation. The governing body of a municipality, county, or school district may not repeal, rescind, or take other action to negate the adoption of the limitation once adopted under this subsection.

(c) Notwithstanding the requirements of Sections 23.23 and 25.18, and regardless of whether the appraisal office has appraised eligible property and determined the market value of the property for the tax year, the appraised value of the property for a tax year to which a limitation under this section applies is, for the taxing unit that adopted the limitation, the lesser of:

(1) the appraised value of the property as otherwise determined by law; or

(2) the appraised value of the property for the tax year preceding the tax year in which the limitation adopted by that taxing unit first applies, as provided by Subsection (e).

(d) When appraising eligible property, the chief appraiser shall:

(1) appraise the property as otherwise determined by law; and

(2) include in the appraisal records:

(A) the appraised value of the property determined under Subdivision

(1); and

(B) the amount determined under Subsection (c)(2) applicable to each taxing unit that has adopted the limitation.

(e) Except as provided by Subsection (f), a limitation once adopted by a governing body under this section applies to each tax year:

(1) beginning with:

(A) the tax year in which the governing body adopts the limitation, if the governing body adopts the limitation on or before April 1; or

(B) the tax year following the tax year in which the governing body adopts the limitation, if the governing body adopts the limitation after April 1; and

(2) ending with the 2037 tax year.

(f) The limitation adopted under this section as applied to a vacant lot expires on the earlier of:

(1) January 1 following the end of the fifth tax year for which the limitation applies, unless:

(A) a single-family residence has been constructed on the property; and

(B) the owner of the residence has qualified the property as the owner's residence homestead; or

(2) January 1 of the tax year in which the vacant lot is:

(A) developed for a purpose other than as a single-family residence; or

(B) developed as a single-family residence but not qualified as the residence homestead of an owner of the property.

(g) This section expires January 1, 2038.

(c) Section 25.19(b), Tax Code, as effective January 1, 2022, is amended to read as follows:

(b) The chief appraiser shall separate real from personal property and include in the notice for each:

(1) a list of the taxing units in which the property is taxable;

(2) the appraised value of the property in the preceding year;

(3) the taxable value of the property in the preceding year for each taxing unit taxing the property;

(4) the appraised value of the property for the current year, the kind and amount of each exemption and partial exemption, if any, approved for the property for the current year and for the preceding year, and, if an exemption or partial exemption that was approved for the preceding year was canceled or reduced for the current year, the amount of the exemption or partial exemption canceled or reduced;

(4-a) a statement of whether the property qualifies for the limitation on appraised value provided by Section 23.231;

(5) in italic typeface, the following statement: "The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials";

(6) a detailed explanation of the time and procedure for protesting the value;

(7) the date and place the appraisal review board will begin hearing protests; and

(8) a brief explanation that the governing body of each taxing unit decides whether or not taxes on the property will increase and the appraisal district only determines the value of the property.

(d) Section 25.19(g), Tax Code, is amended to read as follows:

(g) By April 1 or as soon thereafter as practicable if the property is a single-family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with any other property, the chief appraiser shall deliver a written notice to the owner of each property not included in a notice required to be delivered under Subsection (a), if the property was reappraised in the current tax year, if the ownership of the property changed during the preceding year, or if the property owner or the agent of a property owner

authorized under Section 1.111 makes a written request for the notice. The chief appraiser shall separate real from personal property and include in the notice for each property:

(1) the appraised value of the property in the preceding year;

(2) the appraised value of the property for the current year and the kind of each partial exemption, if any, approved for the current year;

(2-a) a statement of whether the property qualifies for the limitation on appraised value provided by Section 23.231;

(3) a detailed explanation of the time and procedure for protesting the value;

and

(4) the date and place the appraisal review board will begin hearing protests.

(e) Section 41.41(a), Tax Code, is amended to read as follows:

(a) A property owner is entitled to protest before the appraisal review board the following actions:

(1) determination of the appraised value of the owner's property or, in the case of land appraised as provided by Subchapter C, D, E, or H, Chapter 23, determination of its appraised or market value;

(2) unequal appraisal of the owner's property;

(3) inclusion of the owner's property on the appraisal records;

(4) denial to the property owner in whole or in part of a partial exemption;

(4-a) determination that the owner's property does not qualify for the limitation on appraised value provided by Section 23.231;

(5) determination that the owner's land does not qualify for appraisal as provided by Subchapter C, D, E, or H, Chapter 23;

(6) identification of the taxing units in which the owner's property is taxable in the case of the appraisal district's appraisal roll;

(7) determination that the property owner is the owner of property;

(8) a determination that a change in use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred; or

(9) any other action of the chief appraiser, appraisal district, or appraisal review board that applies to and adversely affects the property owner.

(f) Section 42.26(d), Tax Code, is amended to read as follows:

(d) For purposes of this section, the value of the property subject to the suit and the value of a comparable property or sample property that is used for comparison must be the market value determined by the appraisal district when the property is [~~a residence homestead~~] subject to the limitation on appraised value imposed by Section 23.23 or 23.231.

(g) This section of this Act applies only to the appraisal of real property for ad valorem tax purposes for a tax year that begins on or after January 1, 2022.

The amendment was read.

Senator Lucio moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1315** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Lucio, Chair; Bettencourt, Hinojosa, Taylor, and Nichols.

SENATE BILL 1160 WITH HOUSE AMENDMENTS

Senator Taylor called **SB 1160** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

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.

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

SECTION 1. Subtitle K, Title 6, Special District Local Laws Code, is amended by adding Chapter 9502 to read as follows:

CHAPTER 9502. GULF COAST PROTECTION DISTRICT SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9502.0101. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Gulf Coast Protection District.

(4) "Ecosystem restoration report" means the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Final Integrated Feasibility Report—Environmental Impact Statement issued by the Galveston District, Southwestern Division, of the United States Army Corps of Engineers in May 2017.

(5) "Protection and restoration study" means the Coastal Texas Protection and Restoration Feasibility Study Final Integrated Feasibility Report and Environmental Impact Statement to be issued by the Galveston District, Southwestern Division, of the United States Army Corps of Engineers, the draft version of which was issued in October 2020.

Sec. 9502.0102. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 9502.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) The creation of the district is necessary to establish an instrumentality for protecting the coast in Chambers, Galveston, Harris, Jefferson, and Orange Counties in the manner provided by this chapter.

(c) The district is created to serve a public use and benefit.

(d) All land and other property included in the boundaries of the district will benefit from the works and projects accomplished by the district.

Sec. 9502.0104. DISTRICT TERRITORY. (a) The district is composed of the territory in Chambers, Galveston, Harris, Jefferson, and Orange Counties and territory annexed to the district as described by Subsection (b).

(b) The governing body of the district by order shall annex to the district the territory of a county included in the protection and restoration study at the request of the commissioners court of that county.

Sec. 9502.0105. APPLICATION OF SUNSET ACT. (a) The district is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the authority were a state agency scheduled to be abolished September 1, 2033, and every 12th year after that year.

(b) The limited review under this section must assess the district's:

(1) governance;

(2) management;

(3) operating structure; and

(4) compliance with legislative requirements.

(c) The district shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the district shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.

(d) The district may not be required to conduct a management audit under 30 T.A.C. Chapter 292.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9502.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of 11 directors.

(b) The commissioners courts of Chambers County, Galveston County, Harris County, Jefferson County, and Orange County each shall appoint one director.

(c) The governor, with the advice and consent of the senate, shall appoint six directors as follows:

(1) two directors to represent Harris County, in addition to the member appointed by the commissioners court under Subsection (b);

(2) one director to represent a municipality in the district;

(3) one director to represent ports;

(4) one director to represent industry; and

(5) one director to represent environmental concerns.

(d) In making the appointments required by Subsection (c), the governor shall ensure that residents of a single county do not make up a majority of the directors.

(e) The governor shall consult with:

(1) the commissioners court of Harris County in making the appointments required by Subsection (c)(1); and

(2) municipalities in the district in making the appointment required by Subsection (c)(2).

(f) Directors serve staggered four-year terms.

(g) When a director's term expires, the appointing entity shall appoint a successor.

(h) If a director's office becomes vacant by death, resignation, or removal, the appointing entity shall appoint a director to serve for the remainder of the unexpired term.

(i) The board shall elect a presiding officer from among the directors to serve in that position for two years. A director may serve as the presiding officer for not more than two consecutive terms.

(j) Notwithstanding Subsection (f), the governor shall designate from the 11 initial directors 5 directors to serve a first term of two years. This subsection expires September 1, 2025.

Sec. 9502.0202. QUALIFICATION. (a) To qualify for office, a director must be a registered voter who resides in the district.

(b) To qualify for office, a director described by Section 9502.0201(b) or (c)(1) or (2) must be a resident of the county or municipality the person is appointed to represent.

Sec. 9502.0203. CERTAIN CONFLICTS PROHIBITED. (a) An individual is not eligible to serve as a director if, in the preceding 24 months, the individual had an interest in or was employed by or affiliated with a person who has submitted a bid or entered into a contract for a district project.

(b) The board may not employ or appoint an individual described by Subsection (a) to work for the district.

(c) A director may not acquire a direct or indirect interest in a district project.

Sec. 9502.0204. REIMBURSEMENT. A director is not entitled to compensation but is entitled to reimbursement for necessary expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 9502.0205. VOTING. A concurrence of a majority of the directors is required for transacting any business of the district.

Sec. 9502.0206. TEMPORARY EXECUTIVE DIRECTOR. The governor shall appoint a temporary executive director for the district to serve until the initial board members hire an executive director for the district.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9502.0301. GENERAL DISTRICT POWERS. (a) Except as otherwise provided by this section, the district may:

(1) establish, construct, extend, maintain, operate, or improve a coastal barrier or storm surge gate in the manner provided by Chapter 571, Local Government Code, for a county to establish, construct, extend, maintain, or improve a seawall;

(2) exercise the authority granted to counties to conduct any project described by Chapter 571, Local Government Code;

(3) establish, construct, and maintain recreational facilities for public use and environmental mitigation facilities related to a project described by Subdivision (1) or (2);

(4) establish, construct, maintain, or operate a project recommended in the ecosystem restoration report or the protection and restoration study; and

(5) provide interior drainage remediation or improvements to reduce additional flood risk for a project recommended in the ecosystem restoration report where additional flood risk results from the design or construction of a project described by Subdivision (1), (2), or (4).

(b) Sections 571.006, 571.007, 571.008, 571.009, and 571.010, Local Government Code, do not apply to the district.

(c) Before implementing a project described by Subsection (a), the district shall consult with local, state, and federal entities to determine whether an environmental remediation response action is anticipated or located near or at the proposed location of the project.

(d) If implementation of a project described by Subsection (a) disrupts, wholly or partly, an ongoing or planned environmental remediation response action, the district shall:

(1) consult with the responsible party of the environmental remediation response action; and

(2) coordinate implementation of the project in a manner that does not disrupt the environmental remediation response action.

Sec. 9502.0302. TAXES AND BONDS. (a) The district must hold an election in the manner provided by Chapter 49, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(b) The board may impose the tax at a rate not to exceed 5 cents on each \$100 valuation.

(c) The district, without an election, may issue bonds, notes, or other obligations secured by revenue other than ad valorem taxes.

(d) The district may grant an abatement for a tax owed to the district in the manner provided by Chapter 312, Tax Code.

Sec. 9502.0303. REQUIREMENTS FOR CERTAIN PROJECTS. If the district enters into an agreement with another entity to implement a project recommended in the ecosystem restoration report or the protection and restoration study, the district:

(1) shall develop a maintenance and operation plan for the project;

(2) may enter into a partnership with a private entity to fund a local share of the cost of the project; and

(3) may use any available money to provide matching funds to the United States Army Corps of Engineers to implement the project.

Sec. 9502.0304. ACQUISITION AND DISPOSITION OF PROPERTY AND RIGHTS. (a) The district may purchase, lease, acquire by gift, maintain, use, and operate property of any kind appropriate for the exercise of the district's functions, including acquiring property by mutual agreement with a navigation district or a drainage district.

(b) The district may acquire permits, licenses, and rights related to the exercise of the district's functions.

Sec. 9502.0305. COSTS OF RELOCATION OF PROPERTY; EASEMENTS. (a) In the event that the district, in the exercise of the power of eminent domain or power of relocation or any other power, makes necessary the relocation, raising, lowering, rerouting, or change in grade of or alteration in construction of any electric

transmission line or telephone properties, facilities, or pipelines, all necessary relocations, raising, lowering, rerouting, or change in grade or alteration of construction shall be done at the sole expense of the district.

(b) In this section, "sole expense" means the actual cost of the relocation, raising, lowering, rerouting, or change in grade or alteration of construction and providing comparable replacement without enhancing the facilities after deducting from it the net salvage value derived from the old facility.

(c) The district has all necessary or useful rights-of-way and easements along, over, under, and across all public, state, municipal, and county roads, highways, and places for any of its purposes. The district shall restore a used facility to its previous condition as nearly as possible at the sole expense of the district.

(d) The district may acquire, sell, lease, convey, or otherwise dispose of a right-of-way or easement under terms and conditions determined by the district.

Sec. 9502.0306. AGREEMENTS. (a) The district may enter into a cooperative agreement with a political subdivision, a state agency, the United States Army Corps of Engineers, or another federal agency for a purpose related to the study, design, construction, operation, or maintenance of a district project.

(b) The district may enter into an interlocal agreement with a political subdivision for a purpose related to the study, design, construction, operation, or maintenance of a district project to include the acceptance of the assignment of rights or obligations in an existing design agreement or a project partnership agreement between the political subdivision and the United States Army Corps of Engineers.

Sec. 9502.0307. CONTRACTS GENERALLY. (a) The district may enter into contracts and execute instruments that are necessary or convenient to the exercise of the district's powers, rights, duties, and functions. A contract may be for any term, including for the life of any facility or structure in the territory of the district.

(b) The district and another governmental entity may enter into a contract for the operation or maintenance of an authorized project in the same way that a political subdivision may contract with another governmental entity under Chapter 472, Transportation Code, to construct or maintain a road or highway.

(c) The district may enter into a project partnership agreement with the United States Army Corps of Engineers for the study, design, construction, operation, and maintenance of a project recommended in the ecosystem restoration report or the protection and restoration study.

(d) A public agency or political subdivision is authorized to:

(1) enter into a contract with the district;

(2) determine, agree, and pledge that all or any part of its payments under a contract with the district shall be payable from any source, subject only to the authorization by a majority vote of the governing body of such public agency or political subdivision of the contract, pledge, and payments;

(3) use and pledge any available revenues or resources for and to the payment of amounts due under a contract with the district as an additional source of payment or as the sole source of payment and agree with the district to assure the availability of revenue and resources when required; and

(4) fix, charge, and collect impact fees and utility charges, if the public agency or political subdivision is otherwise authorized to impose the fees and charges, and to use and pledge revenue from the fees or charges to make payments to the district required under a contract with the district.

Sec. 9502.0308. REQUIREMENTS FOR CERTAIN CONTRACTS. (a) Chapter 2269, Government Code, applies to the district's public work contracts, as defined by Section 2269.001, Government Code. Section 2269.003(d), Government Code, does not apply to the district.

(b) The district shall comply with Subchapter A, Chapter 2254, Government Code.

Sec. 9502.0309. CONFLICT WITH ORDER OR ACTION OF ANOTHER POLITICAL SUBDIVISION. An order or action of the Harris County Flood Control District, a river authority, a port authority, a navigation district, or a drainage district relating to the operation or maintenance of a district project supersedes an order or action of the district to the extent of any conflict.

Sec. 9502.0310. AUTHORITY TO DEVELOP BARRIER CLOSURE PROCEDURES. If the district implements a project to create a coastal barrier, the district shall develop closure procedures in conjunction with each board of trustees established under Chapter 54, Transportation Code, port authority, navigation district, and drainage district affected by the barrier or closure. For the Texas City Channel, the district shall develop closure procedures with any common carrier terminal railroad providing rail and maritime terminal services to the users of the navigation channel.

Sec. 9502.0311. ANNUAL REPORT REQUIRED. The district shall annually submit a report to the legislature, the Legislative Budget Board, the General Land Office, and the commissioners court of each county in which the district is located. The report must:

(1) describe the district's financial condition and operations during the preceding year;

(2) propose a budget for the following year; and

(3) describe generally the work proposed for the following year.

Sec. 9502.0312. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in any type of property if the interest is necessary or convenient for the exercise of the district's functions. The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(b) The district may not exercise the power of eminent domain to acquire property owned or operated by a port authority, navigation district, drainage district, or common carrier railroad.

SECTION 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 3. (a) Section 9502.0312, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9502, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9502.0312 to read as follows:

Sec. 9502.0312. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 1160** (house committee printing) on page 8, line 18, between "transmission" and "line" by inserting "or distribution".

Floor Amendment No. 4

Amend **CSSB 1160** (house committee printing) on page 7 by striking lines 10 through 13 and substituting the following:

Sec. 9502.0302. TAXES AND BONDS. (a) The district may impose an ad valorem tax or issue bonds payable from ad valorem taxes only if:

(1) a written petition has been filed with the board requesting an election to approve the imposition of the tax signed by at least five percent of the registered voters in each county in the territory of the district; and

(2) the imposition of the tax is approved by the voters of the district voting at the requested election, which must be held in the manner provided by Chapter 49, Water Code.

The amendments were read.

Senator Taylor moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1160** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Taylor, Chair; Bettencourt, Alvarado, Perry, and Miles.

SENATE BILL 1831 WITH HOUSE AMENDMENTS

Senator Taylor called **SB 1831** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1831** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 402.0351, Government Code, is amended to read as follows:

Sec. 402.0351. REQUIRED POSTING OF HUMAN TRAFFICKING SIGNS BY ~~[AT]~~ CERTAIN ENTITIES; CIVIL PENALTY ~~[TRANSPORTATION HUBS]~~.

(a) In this section:

(1) "Cosmetology facility" means a person who holds a license to operate a facility or school under Chapter 1602, Occupations Code.

(2) "Council" means the human trafficking prevention coordinating council established under Section 402.034.

(3) "Hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(4) "Hotel" has the meaning assigned by Section 2155.051, Occupations Code.

(5) "Massage establishment" and "massage school" have the meanings assigned by Section 455.001, Occupations Code.

(6) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

(7) "Tattoo studio" has the meaning assigned by Section 146.001, Health and Safety Code.

(8) "Transportation ~~[-, "transportation]~~ hub" means a bus, bus stop, train, train station, rest area, gas station with adjacent convenience store, or airport.

(a-1) Except as provided by Subsection (a-3), a person who operates any of the following entities shall post at the entity the sign prescribed under Subsection (b), or, if applicable, a similar sign or notice as prescribed by other state law:

(1) an entity permitted or licensed under Chapter 25, 26, 28, 32, 69, or 71, Alcoholic Beverage Code, other than an entity holding a food and beverage certificate;

(2) a cosmetology facility;

(3) a hospital;

(4) a hotel;

(5) a massage establishment;

(6) a massage school;

- (7) a sexually oriented business;
- (8) a tattoo studio;
- (9) a private primary or secondary school; or
- (10) a transportation hub.

(a-2) The Parks and Wildlife Department shall post the sign prescribed under Subsection (b), or a substantially similar sign, in the manner prescribed by Subsection (d) at each state park and other recreational site under the department's jurisdiction.

(a-3) Notwithstanding any other law, a state agency that enforces another state law that requires a person described by Subsection (a-1) to post a sign or notice relating to human trafficking may by rule authorize the person to use the sign prescribed by the attorney general under Subsection (b) in lieu of the sign or notice required by the other law.

(a-4) The Texas Education Agency may by rule authorize a school required to post a warning sign under Section 37.086, Education Code, to use the sign prescribed by the attorney general under Subsection (b) in lieu of the sign or notice required under Section 37.086, Education Code.

(b) The attorney general by rule shall prescribe the design and content of a sign required to be posted under this section. The sign must:

(1) contain information regarding services and assistance available to victims of human trafficking;

(2) ~~[to be displayed at transportation hubs. The sign must]~~ be in ~~[both]~~ English, ~~[and]~~ Spanish, and any other language determined appropriate by the attorney general in consultation with the council; and

(3) include:

(A) a toll-free ~~[(1) the]~~ telephone number and Internet website for accessing human trafficking resources ~~[of the National Human Trafficking Resource Center];~~ and

(B) ~~[(2)]~~ the key indicators that a person is a victim of human trafficking.

(c) The attorney general shall develop the sign that complies with the requirements of Subsection (b) and make the sign available on the attorney general's Internet website to persons ~~[by rule shall prescribe the transportation hubs that are]~~ required to post a sign under this section and to the public ~~[described by Subsection (b)].~~

(d) ~~[A person who operates a transportation hub that is required to post a sign under Subsection (c) shall post a sign described by Subsection (b) at the transportation hub.]~~ The attorney general[:

~~[(1)]~~ by rule shall prescribe the best practices for the manner in which the sign must be displayed ~~[at the transportation hub]~~ and any exceptions to the sign posting requirement. The rules:

(1) must require that at a minimum the sign be posted in:

(A) each public restroom of the entity; or

(B) a conspicuous place that is either:

(i) near the public entrance of the entity; or

(ii) in clear view of the public and employees and near the location

similar notices are customarily posted ~~[under this section];~~ and

(2) may require that the sign be a certain size and that the notice be displayed in a certain font and type size [~~shall enforce this section~~].

(e) In adopting the rules under this section [~~Subsection (b)~~], the attorney general shall consult with the council [~~Texas Department of Transportation~~].

(f) If the attorney general becomes aware that a person is in violation or may be in violation of a law enforced by another state agency that requires the posting of a sign or notice relating to human trafficking, the attorney general may notify the appropriate state agency of the violation or potential violation.

(g) The attorney general shall issue a warning to a person described by Subsection (a-1) for a first violation of a rule adopted under this section. After receiving a warning for the first violation, a person who violates a rule adopted under this section is subject to a civil penalty in the amount of \$200 for each subsequent violation. Each day a violation continues is a separate violation.

SECTION _____. The attorney general shall:

(1) in consultation with the human trafficking prevention coordinating council, adopt rules necessary to implement Section 402.0351, Government Code, as amended by this Act, including rules prescribing the content and design of the sign required by that section; and

(2) make the sign available on the attorney general's Internet website as required by Section 402.0351(c), Government Code, as amended by this Act.

Floor Amendment No. 2

Amend **SB 1831** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) This section shall be known as the Julia Wells Act.

(b) Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.1021 to read as follows:

Sec. 1001.1021. HUMAN TRAFFICKING PREVENTION INFORMATION.

(a) The commission by rule shall require that information relating to human trafficking prevention be included in the curriculum of any driver education course or driving safety course.

(b) In developing rules under this section, the commission shall consult with the human trafficking prevention coordinating council established under Section 402.034, Government Code.

(c) Not later than May 1, 2022, the Texas Commission of Licensing and Regulation shall adopt the rules required by Section 1001.1021, Education Code, as added by this section.

(d) Each driver education course or driving safety course held on or after September 1, 2022, must include in the course curriculum the information required by Section 1001.1021, Education Code, as added by this section.

Floor Amendment No. 1 on Third Reading

Amend **SB 1831** on third reading in the SECTION of the bill amending Section 402.0351(b), Government Code, as added by Floor Amendment No. 1 by Parker (bar code no. 871459), in Subdivision (3) as follows:

(1) In Paragraph (A), between "resources" and the stricken language, insert the following:

⋮

(B) the contact information for reporting suspicious activity to the Department of Public Safety

(2) Re-letter subsequent paragraphs of the subdivision and cross-references to the paragraphs accordingly.

The amendments were read.

Senator Taylor moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1831** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Taylor, Chair; Huffman, Nelson, Alvarado, and Whitmire.

SENATE BILL 288 WITH HOUSE AMENDMENTS

Senator Seliger called **SB 288** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 288** (house committee report) as follows:

(1) Strike page 1, line 5, through page 2, line 15.

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

SECTION _____. Section 824.601, Government Code, is amended by amending Subsection (b) and adding Subsection (b-3) to read as follows:

(b) Except as provided by Subsection (b-1) or Section 824.602 and subject to Subsection (b-2) and, if applicable, Subsection (b-3), a retiree is not entitled to service or disability retirement benefit payments, as applicable, for any month in which the retiree is employed in any position by a Texas public educational institution.

(b-3) A retiree under Section 824.202 is subject to Subsection (b) only if the retirement system first issues the following notices to the retiree:

(1) with respect to the first occurrence of the retiree's employment that does not qualify for an exception under Section 824.602, the system issued a written warning notifying the retiree of that fact; and

(2) in a month following the month in which the system issued the warning described by Subdivision (1) and with respect to a subsequent occurrence of the retiree's continued employment that does not qualify for an exception under Section 824.602, the system issued a written notice:

(A) warning the retiree of the fact described by this subdivision; and

(B) requiring the retiree to pay to the system, in a form and manner prescribed by the system, an amount, as elected by the retiree, that equals the total sum the retiree:

(i) earned for all employment by Texas public educational institutions for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision; or

(ii) received in retirement benefit payments for each month occurring after the issuance of the warning under Subdivision (1) for which the retiree did not qualify for an exception under Section 824.602 and before the month the system issued the written notice described by this subdivision.

SECTION _____. Subchapter G, Chapter 824, Government Code, is amended by adding Section 824.6021 to read as follows:

Sec. 824.6021. TEMPORARY EXCEPTION TO MITIGATE LEARNING LOSS ATTRIBUTABLE TO COVID-19 PANDEMIC. (a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution, other than an institution of higher education, in a position performing duties related to the mitigation of student learning loss attributable to the coronavirus disease (COVID-19) pandemic, if the position:

(1) is in addition to the normal staffing level at the Texas public educational institution;

(2) is funded wholly or partly by federal funds provided under federal law enacted for the purpose of providing relief related to the coronavirus disease (COVID-19) pandemic, including the Coronavirus Aid, Relief, and Economic Security (CARES) Act (15 U.S.C. Section 9001 et seq.), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or American Rescue Plan Act of 2021 (Pub. L. No. 117-2); and

(3) ends on or before December 31, 2024.

(b) The exception provided by this section:

(1) is in addition to the exceptions otherwise provided by Sections 824.601 and 824.602; and

(2) does not apply to disability retirees.

(c) This section expires February 1, 2025.

SECTION _____. Section 825.308, Government Code, is amended to read as follows:

Sec. 825.308. STATE CONTRIBUTION ACCOUNT. The retirement system shall deposit in the state contribution account:

(1) all state contributions to the retirement system required by Section 825.404;

(2) amounts from the interest account as provided by Section 825.313(b)(2);
 (3) retirement annuities waived or forfeited in accordance with Section 824.601 or 824.004;

(3-a) retiree earnings described by Section 824.601(b-3)(2)(B)(i) that have been paid to the system;

(4) fees collected under Section 825.403(h);

(5) fees and interest for reinstatement of service credit or establishment of membership service credit as provided by Section 823.501;

(6) the portion of a deposit required by Section 823.302 to establish military service credit that represents a fee; and

(7) employer contributions required under Section 825.4092.

SECTION _____. Section 825.4092, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other provision of this section, the amounts required to be paid under Subsections (b) and (c) are not required to be paid by a reporting employer for a retiree who retired from the retirement system on or after September 1, 2005, and is employed in a position described by Section 824.6021(a). This subsection expires February 1, 2025.

SECTION _____. Section 825.4092, Government Code, as amended by this Act, applies beginning with the 2021-2022 school year.

Floor Amendment No. 2

Amend Amendment No. 1 by Wu to **SB 288** (871629) on page 2, line 25, by striking "or partly".

Floor Amendment No. 3

Amend **SB 288** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 824.602(a), Government Code, is amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the retiree's effective date of retirement; ~~[or]~~

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree; or

(5) in a position on as much as a full-time basis that is necessary, as determined by the board of trustees, for implementing a special education program under Subchapter A, Chapter 29, Education Code.

SECTION _____. Section 825.4092(e), Government Code, is amended to read as follows:

(e) The amounts required to be paid under Subsections (b) and (c) are not required to be paid by a reporting employer for a retiree who retired from the retirement system:

(1) before September 1, 2005; or

(2) on or after September 1, 2005, if:

(A) the reporting employer is located in an area subject to:

(i) a disaster declared by the president of the United States;

(ii) a state of disaster declared by the governor under Chapter 418;

or

(iii) a local state of disaster declared by the presiding officer of the governing body of a political subdivision under Chapter 418;

(B) the amounts to be paid are attributable to a payroll period that occurs in any of the following school years:

(i) a school year during which a disaster described by Paragraph (A) is declared, beginning with the payroll period that occurs after the date the disaster is declared; and

(ii) the two school years following a school year described by Subparagraph (i); and

(C) the retiree is employed in a position necessary, as determined by the board of trustees, for implementing a special education program under Subchapter A, Chapter 29, Education Code.

SECTION _____. (a) Subject to Subsection (b) of this section, the changes in law made by this Act to Sections 824.602 and 825.4092, Government Code, apply to a retiree of the Teacher Retirement System of Texas regardless of whether the person retired from employment before, on, or after the effective date of this Act.

(b) Section 824.602, Government Code, as amended by this Act, applies only to a benefit payment made by the Teacher Retirement System of Texas that becomes payable on or after the effective date of this Act.

SECTION _____. Section 825.4092, Government Code, as amended by this Act, applies beginning with the 2021-2022 school year.

The amendments were read.

Senator Seliger moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 288** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Seliger, Chair; Lucio, Nichols, Perry, and Taylor.

SENATE BILL 703 WITH HOUSE AMENDMENTS

Senator Buckingham called **SB 703** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 703** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 122.201(a), Agriculture Code, is amended to read as follows:

(a) A license holder shall harvest the plants from a plot not later than the 30th [~~20th~~] day after the date a preharvest sample is collected under Section 122.154 unless field conditions delay harvesting or the department authorizes the license holder to delay harvesting. This subsection does not prohibit the license holder from harvesting the plants immediately after the preharvest sample is collected.

Floor Amendment No. 4

Amend **SB 703** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. The heading to Title 3, Agriculture Code, is amended to read as follows:

TITLE 3. TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE:
AGRICULTURAL RESEARCH AND PROMOTION

SECTION _____. Title 3, Agriculture Code, is amended by adding Chapter 40 to read as follows:

CHAPTER 40. ADMINISTRATION OF TITLE

Sec. 40.001. DEFINITIONS. Notwithstanding Section 1.003, in this title:

(1) "Commissioner" means the executive director of the economic development office.

(2) "Department" means the economic development office.

(3) "Economic development office" means the Texas Economic Development and Tourism Office within the office of the governor.

Sec. 40.002. ADMINISTRATION BY TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE. Notwithstanding any other law:

(1) the economic development office shall administer this title;

(2) the executive director of the economic development office has the powers and duties assigned by this title to the commissioner of agriculture; and

(3) the economic development office has the powers and duties assigned by this title to the Department of Agriculture.

SECTION _____. (a) In this section, "economic development office" means the Texas Economic Development and Tourism Office within the office of the governor.

(b) The economic development office assumes all of the obligations, property, rights, powers, and duties of the Department of Agriculture under Title 3, Agriculture Code, as they exist immediately before the effective date of this Act. All unexpended and unobligated funds under the management of the Department of Agriculture allocated for the purpose of Title 3, Agriculture Code, are transferred to the general revenue fund for the purpose of the economic development office administering Title 3, Agriculture Code.

(c) The Department of Agriculture and the economic development office shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Department of Agriculture under Title 3, Agriculture Code, to the economic development office is completed not later than September 1, 2022.

(d) All rules of the Department of Agriculture under Title 3, Agriculture Code, are continued in effect as rules of the economic development office until superseded by a rule of the economic development office.

Floor Amendment No. 5

Amend Amendment No. 4 by Goldman to **SB 703** by striking the text of the amendment and substituting the following:

Amend **SB 703** (house committee report) as follows:

Not later than December 31, 2022, the Texas Department of Agriculture, in consultation with the standing Sunset Advisory Commission, shall study and report its findings on the purpose and objectives of the GO TEXAN program, and prepare a report with any findings and recommendations to improve efficiency, fairness, accountability, effectiveness, stakeholder engagement, and public information as outlined by the Sunset Staff Report with Commission Decisions, as reported to the 87th Legislature. This report shall make recommendations to the program's processes, eliminate inefficiencies, including any necessary statutory or legislative changes specific to the oversight and regulation of the GO TEXAN program. In conducting the study, the department, in partnership with the Sunset Commission, may consult with any interested organizations, associations, and stakeholders. The department shall submit the report to each standing Sunset Commission member, including the Sunset Advisory Commission, speaker of the house, lieutenant governor, and the Office of the Governor.

The amendments were read.

Senator Buckingham moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 703** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Powell, Paxton, Perry, and Campbell.

SENATE BILL 713 WITH HOUSE AMENDMENTS

Senator Buckingham called **SB 713** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 713** (house committee report) as follows:

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

SECTION 2. _____. TEXAS STATE AFFORDABLE HOUSING CORPORATION. Section 2306.5521, Government Code, is amended to read as follows:

Section 2306.5521. SUNSET PROVISION. The Texas State Affordable Housing Corporation is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the corporation is abolished and this subchapter expires September 1, 2025 [~~2023~~].

(2) Strike Section 3.02 of the bill (page 3, line 26, through page 4, line 5) and renumber SECTIONS of ARTICLE 3 accordingly.

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

SECTION 6. _____. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION. Section 403.0054, Health and Safety Code, is repealed.

Floor Amendment No. 2

Amend Amendment No. 1 by Cyrier to **SB 713** by striking item (3) of the amendment (page 1, lines 14-19).

Floor Amendment No. 3

Amend **SB 713** (house committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to ARTICLE 8 of the bill and renumber SECTIONS of ARTICLE 8 accordingly:

SECTION 8. _____. CREATION OF SUBCHAPTERS. Chapter 325, Government Code, is amended by designating Sections 325.001 through 325.025 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. SUNSET ADVISORY COMMISSION AND SUNSET REVIEW
PROCESS

SECTION 8. _____. PROCEDURES AFTER ABOLISHMENT. Section 325.017, Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) Except as provided by Subsections (a), (e), and (f), all legal interests of a state agency abolished in an odd-numbered year are transferred to the comptroller on the date the state agency is terminated under Subsection (a).

(h) On the date a state agency that is abolished in an odd-numbered year is terminated under Subsection (a), the chief executive officer of this state is responsible for administering any law previously administered by the abolished state agency and a reference in any law to the abolished state agency means the chief executive officer of this state.

SECTION 8. ____ . ACROSS-THE-BOARD PROVISIONS. Chapter 325, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. GENERAL PROVISIONS FOR STATE AGENCIES

Sec. 325.051. APPLICABILITY; CONFLICTS. (a) Except as provided by Subsection (b), this subchapter applies to a state agency in the executive branch of state government that is subject to review by the commission under this chapter.

(b) This subchapter does not apply to:

(1) an advisory committee as defined by Section 2110.001;
(2) a river authority listed in Section 325.025;
(3) an entity subject to a one-time review by the commission;
(4) a division or program of a state agency that is reviewed independently of the state agency as a whole;

(5) a state agency that does not have a policymaking body but is governed by a single elected or appointed officer;

(6) an office of inspector general, ombudsman, or counsel; or

(7) the following state agencies:

(A) the Cancer Prevention and Research Institute of Texas;

(B) the Texas Economic Development and Tourism Office;

(C) the Electric Reliability Council of Texas;

(D) the state employee charitable campaign policy committee;

(E) the Texas Health Services Authority;

(F) the State Preservation Board;

(G) the Office of State-Federal Relations;

(H) the Texas Windstorm Insurance Association;

(I) the Texas Low-Level Radioactive Waste Disposal Compact Commission;

(J) the School Land Board;

(K) the Veterans' Land Board; or

(L) the Railroad Commission of Texas.

(c) To the extent of any conflict between this subchapter and any law relating to a state agency subject to review by the commission under this chapter, the other law prevails.

Sec. 325.052. PUBLIC MEMBERSHIP ON STATE AGENCY POLICYMAKING BODY. (a) A person may not be a public member of the policymaking body of a state agency if the person or the person's spouse:

(1) is registered, certified, or licensed by a regulatory agency in a field regulated by the state agency;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the state agency;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the state agency; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the state agency other than compensation or reimbursement authorized by law for the state agency's policymaking body membership, attendance, or expenses.

(b) In addition to the restrictions provided by Subsection (a), a person may not be a public member of the policymaking body of a state agency that regulates a health care occupation if the person or the person's spouse is registered, certified, or licensed by a regulatory agency in the field of health care.

Sec. 325.053. PROVISIONS RELATING TO CONFLICTS OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the policymaking body of a state agency and may not be an employee of the state agency employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in a field regulated by the state agency; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in a field regulated by the state agency.

(c) A person may not be a member of a state agency's policymaking body or act as the general counsel to the state agency's policymaking body or the state agency if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the state agency.

(d) In addition to the restrictions provided by Subsection (b), a person may not be a member of the policymaking body of a state agency that regulates a health care occupation and may not be an employee of the state agency as described by Subsection (b) if the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care.

Sec. 325.054. GOVERNOR DESIGNATES PRESIDING OFFICER. If the governor appoints all members of a state agency's policymaking body, the governor shall designate a member of the policymaking body as the presiding officer of the policymaking body to serve in that capacity at the pleasure of the governor.

Sec. 325.055. GROUNDS FOR REMOVAL OF MEMBERS FROM POLICYMAKING BODIES. (a) It is a ground for removal from a state agency's policymaking body that a member:

(1) does not have at the time of taking office the qualifications required by law to be a member of the policymaking body;

(2) does not maintain during service on the policymaking body the qualifications required by law to be a member of the policymaking body;

(3) is ineligible for membership on the policymaking body under law, including provisions relating to public membership, conflicts of interest, and lobbying;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled meetings of the policymaking body that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the policymaking body.

(b) The validity of an action of a state agency's policymaking body is not affected by the fact that it is taken when a ground for removal of a member of the policymaking body exists.

(c) If the executive head of a state agency has knowledge that a potential ground for removal exists, the executive head shall notify the presiding officer of the state agency's policymaking body of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive head shall notify the next highest ranking officer of the policymaking body, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 325.056. TRAINING FOR MEMBERS OF POLICYMAKING BODIES.

(a) A person who is appointed to and qualifies for office as a member of the policymaking body of a state agency may not vote, deliberate, or be counted as a member in attendance at a meeting of the policymaking body until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing the state agency's operations;

(2) the programs, functions, rules, and budget of the state agency;

(3) the scope of and limitations on the rulemaking authority of the policymaking body;

(4) the results of the most recent formal audit of the state agency;

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of a state agency policymaking body in performing their duties; and

(6) any applicable ethics policies adopted by the state agency or the Texas Ethics Commission.

(c) A person appointed to the state agency's policymaking body is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive head of the state agency shall create a training manual that includes the information required by Subsection (b). The executive head shall distribute a copy of the training manual annually to each member of the policymaking

body. Each member of the policymaking body shall sign and submit to the executive head a statement acknowledging that the member received and reviewed the training manual.

Sec. 325.057. POLICIES TO SEPARATE POLICYMAKING AND STAFF FUNCTIONS. The policymaking body of a state agency shall develop and implement policies that clearly separate the policymaking responsibilities of the policymaking body and the management responsibilities of the executive head and the staff of the state agency.

Sec. 325.058. PUBLIC TESTIMONY AT MEETINGS OF POLICYMAKING BODIES. The policymaking body of a state agency shall develop and implement policies that provide the public with a reasonable opportunity to appear before the policymaking body and to speak on any issue under the jurisdiction of the state agency.

Sec. 325.059. COMPLAINT INFORMATION REQUIREMENTS. (a) A state agency shall maintain a system to promptly and efficiently act on complaints filed with the state agency. The state agency shall maintain information about parties to and the subject matter of the complaint and a summary of the results of the review or investigation of the complaint and the disposition of the complaint.

(b) The state agency shall make information available describing its procedures for complaint investigation and resolution.

(c) The state agency shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize the investigation, including an undercover investigation.

(2) Add the following appropriately numbered ARTICLES to the bill and renumber ARTICLES of the bill accordingly:

ARTICLE _____. REPEALER

SECTION _____. REPEALED STATUTES. (a) The following provisions of the Agriculture Code are repealed:

- (1) Section 161.021(d);
- (2) Section 161.023;
- (3) Section 161.024;
- (4) Section 161.029;
- (5) Section 161.030;
- (6) Section 161.033;
- (7) Section 161.034(b);
- (8) Section 201.0142;
- (9) Section 201.019(i); and
- (10) Section 201.020(b).

(b) The following provisions of the Alcoholic Beverage Code are repealed:

- (1) Section 5.022;
- (2) Section 5.04;
- (3) Section 5.051;
- (4) Section 5.07(c); and
- (5) Sections 5.54(a), (a-1), and (b).

(c) The following provisions of the Education Code are repealed:

- (1) Section 7.110;

- (2) Section 54.609;
 - (3) Section 54.610;
 - (4) Section 54.613(b);
 - (5) Sections 54.617(c), (d), and (e);
 - (6) Section 61.0222;
 - (7) Section 61.0223;
 - (8) Section 61.0224;
 - (9) Section 61.028(i); and
 - (10) Section 61.031.
- (d) The following provisions of the Finance Code are repealed:
- (1) Section 11.102(d);
 - (2) Section 11.107(a);
 - (3) Sections 12.107(a), (b), and (c);
 - (4) Section 12.108;
 - (5) Section 13.011;
 - (6) Section 14.056;
 - (7) Section 14.062;
 - (8) Section 15.2041;
 - (9) Section 15.210;
 - (10) Section 15.4021(a);
 - (11) Section 15.4023; and
 - (12) Sections 15.409(b), (c), and (d).
- (e) The following provisions of the Government Code are repealed:
- (1) Section 411.003(f);
 - (2) Section 411.0031;
 - (3) Section 411.0035;
 - (4) Section 411.0036;
 - (5) Section 411.0042;
 - (6) Section 411.0195;
 - (7) Section 419.005;
 - (8) Section 419.006;
 - (9) Section 419.007(d);
 - (10) Section 419.0071;
 - (11) Section 419.009(c);
 - (12) Section 419.011;
 - (13) Section 420A.003(a);
 - (14) Section 420A.006;
 - (15) Section 434.005;
 - (16) Section 434.006(a);
 - (17) Section 434.0061;
 - (18) Section 434.0076;
 - (19) Section 434.0091;
 - (20) Section 434.0151;
 - (21) Sections 441.001(e), (f), (h), (i), (j), (k), (m), and (p);
 - (22) Section 441.0011;
 - (23) Section 441.002(j);

- (24) Section 441.018;
- (25) Section 442.0021;
- (26) Section 442.0023;
- (27) Section 442.004(l);
- (28) Section 442.009;
- (29) Section 444.006;
- (30) Section 444.007(b);
- (31) Section 444.008(b);
- (32) Section 444.012;
- (33) Section 444.014;
- (34) Sections 467.024(c) and (d);
- (35) Section 467.0255;
- (36) Section 467.026;
- (37) Section 467.029;
- (38) Section 467.037;
- (39) Section 467.110;
- (40) Sections 467.111(a), (b), and (c);
- (41) Sections 492.003(b), (c), and (d);
- (42) Section 492.007;
- (43) Section 492.013(e);
- (44) Section 501.134;
- (45) Section 501.135;
- (46) Section 501.138;
- (47) Section 501.140;
- (48) Section 501.143;
- (49) Section 501.151;
- (50) Section 501.152;
- (51) Sections 508.035(a) and (b);
- (52) Sections 511.004(h), (i), and (j);
- (53) Section 511.0041;
- (54) Section 511.005(a);
- (55) Section 511.006(c);
- (56) Section 511.008(e);
- (57) Section 571.0232;
- (58) Section 571.0271;
- (59) Section 571.030;
- (60) Section 571.072(a);
- (61) Section 571.1351;
- (62) Section 801.1061;
- (63) Section 801.1062;
- (64) Section 801.110;
- (65) Section 801.111(c);
- (66) Section 801.206(b);
- (67) Section 801.207;
- (68) Section 815.009;
- (69) Sections 815.111(b) and (e);

- (70) Section 815.508;
 - (71) Section 825.010;
 - (72) Sections 825.113(b) and (e);
 - (73) Section 825.201;
 - (74) Section 825.511;
 - (75) Section 865.0035;
 - (76) Section 865.005;
 - (77) Section 865.006(c);
 - (78) Section 865.021;
 - (79) Section 1232.054;
 - (80) Section 1232.055;
 - (81) Section 1232.057;
 - (82) Section 1232.062;
 - (83) Section 1232.070;
 - (84) Section 2054.025;
 - (85) Section 2054.028;
 - (86) Section 2054.029(c);
 - (87) Section 2054.035(a);
 - (88) Section 2054.036;
 - (89) Section 2152.056;
 - (90) Section 2152.0581;
 - (91) Sections 2152.060(b), (c), and (d);
 - (92) Section 2152.061(b);
 - (93) Section 2152.105;
 - (94) Section 2306.027(c);
 - (95) Section 2306.030(a);
 - (96) Section 2306.051;
 - (97) Sections 2306.066(a), (b), (c), and (d);
 - (98) Section 2306.554(b);
 - (99) Section 2306.5542;
 - (100) Section 2306.5543;
 - (101) Section 2306.5547;
 - (102) Section 2306.5555;
 - (103) Section 2306.568;
 - (104) Section 2308.101(c);
 - (105) Section 2308.107;
 - (106) Section 4002.053, as effective January 1, 2022;
 - (107) Section 4002.055, as effective January 1, 2022;
 - (108) Section 4002.056, as effective January 1, 2022;
 - (109) Section 4002.103, as effective January 1, 2022; and
 - (110) Section 4002.202, as effective January 1, 2022.
- (f) The following provisions of the Health and Safety Code are repealed:
- (1) Section 771.0316;
 - (2) Section 771.037;
 - (3) Section 771.038;
 - (4) Section 771.039; and

- (5) Section 771.051(d).
- (g) The following provisions of the Human Resources Code are repealed:
 - (1) Sections 112.016(a) and (b);
 - (2) Section 112.0201;
 - (3) Section 202.001(c);
 - (4) Section 202.004;
 - (5) Section 202.006;
 - (6) Section 202.008(d); and
 - (7) Section 203.001(b).
- (h) The following provisions of the Labor Code are repealed:
 - (1) Section 301.023;
 - (2) Section 301.061(a);
 - (3) Section 412.011(i);
 - (4) Sections 412.021(d) and (h);
 - (5) Section 412.022;
 - (6) Section 412.024; and
 - (7) Section 412.034.
- (i) The following provisions of the Natural Resources Code are repealed:
 - (1) Sections 153.041(e) and (f); and
 - (2) Section 153.043.
- (j) The following provisions of the Occupations Code are repealed:
 - (1) Section 51.0535;
 - (2) Section 51.054;
 - (3) Section 51.056(a);
 - (4) Section 51.057;
 - (5) Section 51.105;
 - (6) Section 51.253(a);
 - (7) Section 152.006;
 - (8) Section 152.056;
 - (9) Section 154.005(a);
 - (10) Section 201.052(b);
 - (11) Section 201.053;
 - (12) Section 201.056;
 - (13) Section 201.101;
 - (14) Section 201.202(a);
 - (15) Section 201.204;
 - (16) Section 252.003;
 - (17) Section 252.007;
 - (18) Section 253.004;
 - (19) Section 255.004;
 - (20) Section 255.008(a);
 - (21) Section 301.053;
 - (22) Section 301.055;
 - (23) Section 301.105(a);
 - (24) Sections 301.203(a), (b), and (c);
 - (25) Section 301.205(a);

- (26) Section 351.052(b);
- (27) Section 351.055(a);
- (28) Section 351.056;
- (29) Section 351.105;
- (30) Section 351.202(a);
- (31) Section 351.203(c);
- (32) Section 351.204;
- (33) Section 452.056;
- (34) Section 452.102;
- (35) Section 452.203(a);
- (36) Section 453.056;
- (37) Section 453.058(a);
- (38) Section 453.153;
- (39) Section 453.155(a);
- (40) Section 454.055;
- (41) Section 454.057(a);
- (42) Section 454.152;
- (43) Section 454.154(a);
- (44) Section 507.102;
- (45) Section 507.203;
- (46) Section 507.207;
- (47) Section 551.003(42);
- (48) Section 552.003;
- (49) Section 552.004;
- (50) Section 552.008;
- (51) Section 553.005;
- (52) Section 553.007;
- (53) Section 555.009(a);
- (54) Section 651.0511;
- (55) Section 651.052(a);
- (56) Section 651.053;
- (57) Section 651.104;
- (58) Sections 651.202(d) and (e);
- (59) Section 651.203;
- (60) Section 651.204(a);
- (61) Section 801.053;
- (62) Section 801.056;
- (63) Section 801.104;
- (64) Section 801.202(a);
- (65) Section 801.204;
- (66) Section 901.052;
- (67) Section 901.053;
- (68) Section 901.055(a);
- (69) Section 901.056;
- (70) Section 901.102;
- (71) Section 901.203;

- (72) Section 901.204(a);
- (73) Section 1001.102(a);
- (74) Section 1001.103;
- (75) Section 1001.106;
- (76) Section 1001.112;
- (77) Section 1001.153;
- (78) Section 1001.253;
- (79) Section 1001.255;
- (80) Section 1002.052(b);
- (81) Section 1002.053;
- (82) Section 1002.057(a);
- (83) Section 1002.103;
- (84) Section 1002.203;
- (85) Section 1002.205;
- (86) Section 1051.102;
- (87) Section 1051.103;
- (88) Section 1051.105;
- (89) Section 1051.107(a);
- (90) Section 1051.112;
- (91) Section 1051.153;
- (92) Section 1051.253;
- (93) Section 1051.254(a);
- (94) Section 1101.052;
- (95) Section 1101.053;
- (96) Section 1101.057;
- (97) Section 1101.102;
- (98) Section 1101.203;
- (99) Section 1101.206(a);
- (100) Section 1103.057;
- (101) Section 1103.105;
- (102) Section 1103.161;
- (103) Section 1103.163;
- (104) Section 1301.156;
- (105) Section 1301.157(a);
- (106) Section 1301.208;
- (107) Section 1301.3015;
- (108) Sections 1301.303(b), (c), and (d);
- (109) Section 1701.053;
- (110) Section 1701.055(a);
- (111) Section 1701.056;
- (112) Section 1701.059;
- (113) Section 1701.103;
- (114) Section 1701.203;
- (115) Section 1701.204(a);
- (116) Section 2022.005;
- (117) Section 2022.006;

- (118) Section 2022.014(a);
 - (119) Section 2022.056; and
 - (120) Sections 2022.102(b), (c), and (d).
- (k) The following provisions of the Parks and Wildlife Code are repealed:
- (1) Section 11.002;
 - (2) Section 11.0125;
 - (3) Section 11.0126; and
 - (4) Section 11.0151(b).
- (l) The following provisions of the Transportation Code are repealed:
- (1) Section 201.051(d);
 - (2) Section 201.053(a);
 - (3) Section 201.057;
 - (4) Section 201.059;
 - (5) Section 201.102;
 - (6) Sections 201.801(a), (b), and (c);
 - (7) Section 201.802(a);
 - (8) Section 1001.027;
 - (9) Section 1003.0055; and
 - (10) Section 1004.002.
- (m) The following provisions of the Utilities Code are repealed:
- (1) Section 12.052;
 - (2) Section 12.054;
 - (3) Section 12.102; and
 - (4) Section 12.202(a).
- (n) The following provisions of the Water Code are repealed:
- (1) Section 5.0535;
 - (2) Section 5.054;
 - (3) Section 5.058(a);
 - (4) Section 5.059;
 - (5) Section 5.060;
 - (6) Section 5.112;
 - (7) Section 5.113;
 - (8) Section 5.173;
 - (9) Section 5.176;
 - (10) Sections 6.054(a), (b), and (c);
 - (11) Section 6.059;
 - (12) Section 6.062;
 - (13) Section 6.105;
 - (14) Section 6.111;
 - (15) Section 6.154; and
 - (16) Section 6.155.

ARTICLE ____ . TRANSITION

SECTION ____ . ____ . CONFLICT WITH OTHER LAWS. The repeal of a statute by this Act controls over an amendment, revision, or reenactment of the statute by another Act of the 87th Legislature, Regular Session, 2021, regardless of relative dates of enactment and the amendment, revision, or reenactment of the repealed statute has no effect.

SECTION ____ . ____ . NONSUBSTANTIVE REVIEW. The Texas Legislative Council shall review the provisions of law affected by this Act and as part of the state's continuing statutory revision program under Chapter 323, Government Code, prepare a nonsubstantive revision of the headings of any provision of law affected by this Act as necessary to ensure that the heading accurately describes the content of the provision of law.

Floor Amendment No. 1 on Third Reading

Amend **SB 713** on third reading by striking Section 325.017(h), Government Code, as added on second reading by Amendment No. 3 by Cyrier (bar code no. E870295) and substituting the following:

(h) On the date a state agency that is abolished in an odd-numbered year is terminated under Subsection (a), the governor may designate another state agency to administer any law previously administered by the abolished state agency that remains in effect and a reference in any law to the abolished state agency means the designated state agency. The governor is not required to designate the same state agency under this subsection that is designated under Subsection (f).

The amendments were read.

Senator Buckingham moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 713** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Buckingham, Chair; Lucio, Schwertner, Hall, and Campbell.

SENATE BILL 383 WITH HOUSE AMENDMENT

Senator Powell called **SB 383** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 383** (house committee report) as follows:

(1) On page 1, line 9, between "facility" and "shall", insert "that advertises that the facility provides memory care services".

(2) On page 2, line 22, immediately following "facility", insert "that advertises that the facility provides memory care services".

The amendment was read.

Senator Powell moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 383** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Powell, Chair; Blanco, Campbell, Perry, and Seliger.

SENATE BILL 1138 WITH HOUSE AMENDMENTS

Senator Hughes called **SB 1138** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1138** (house committee printing) as follows:

(1) On page 3, line 25, strike "and".

(2) Between page 3, line 27, and page 4, line 1, insert the following:

(K) the number and percentage of residents of this state, including a statement disaggregating the number and percentage of residents who are under 18 years of age, who:

(i) are experiencing poverty or food insecurity; and

(ii) may have avoided poverty or food insecurity as a result of the programs; and

(L) the extent to which greater investment in the programs may decrease the number of residents of this state who are experiencing poverty or food insecurity, including a statement disaggregating those residents who are under 18 years of age;

Floor Amendment No. 3

Amend **SB 1138** (house committee printing) as follows:

(1) On page 2, strike lines 11 and 12 and substitute the following:

(2) improving outcomes for recipients under the programs, including:

(A) early childhood outcomes for child recipients or children of recipients;

(B) health outcomes for recipients; and

(C) reduction in food insecurity for recipients; and

(2) On page 3, line 25, strike "and".

(3) Strike page 3, line 27 through page 4, line 3 and substitute the following:

application for benefits and approval under each program; and

(K) the amount of unspent money available under the Temporary Assistance for Needy Families program that the legislature could appropriate for use under the program by eligible persons in this state and recommendations for the use of that money for the purposes of:

(i) reducing poverty and food insecurity among program recipients;

(ii) making quality and affordable childcare accessible to low-income citizens of this state; and

(iii) improving program recipients' health outcomes;

(2) a cost-benefit analysis that compares the costs of providing each program with the program's effectiveness at:

(A) transitioning recipients to self-sufficiency;

(B) achieving positive early childhood outcomes for child recipients or children of recipients;

(C) improving the health outcomes of recipients; and

(D) reducing food insecurity among recipients; and

The amendments were read.

Senator Hughes moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1138** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Blanco, Kolkhorst, Perry, and Lucio.

SENATE BILL 1356 WITH HOUSE AMENDMENT

Senator Hughes called **SB 1356** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1356** (house committee printing) on page 3, between lines 8 and 9, by inserting the following appropriately lettered subsection and relettering subsequent subsections accordingly:

() This section does not create a cause of action or liability or an obligation or duty that provides a basis for a cause of action or liability against a nonprofit teacher organization approved by the commissioner for the purpose of participating in the tutoring program for any action taken by a member of the organization participating in the program as a tutor.

The amendment was read.

Senator Hughes moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1356** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Lucio, Powell, Taylor, and Perry.

SENATE BILL 1588 WITH HOUSE AMENDMENTS

Senator Hughes called **SB 1588** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1588** (house committee report) as follows:

(1) On page 2, strike lines 15 through 22 and substitute the following:

Sec. 207.006. ONLINE SUBDIVISION INFORMATION REQUIRED. (a) This section applies only to:

(1) the property owners' association of a subdivision composed of at least 40 lots; or

(2) a property owners' association that has contracted with a management company.

(b) A property owners' association to which this section applies shall make the current version of the association's dedicatory instruments relating to the association or subdivision and filed in the county deed records available on an Internet [a] website:

(1) maintained by [if] the association [has,] or a management company on behalf of the association; and

(2) available to association members [maintains, a publicly accessible website].

(2) On page 3, line 18, immediately after the underlined semicolon, strike "and".

(3) On page 3, line 19, strike "(8)" and substitute the following:

(8) the amount and description of a fee or fees charged by or on behalf of the association relating to a property transfer in the subdivision; and

(9)

(4) Between page 6, line 27, and page 7, line 1, insert the following:

(i) The board may affirm, modify, or reverse, in whole or in part, any decision of the architectural review authority as consistent with the subdivision's declaration.

(5) On page 11, lines 6 and 7, strike "delinquent payment history" and substitute "the delinquent payment history of".

(6) On page 11, between lines 15 and 16, insert the following:

(c) A property owners' association may not charge a fee to an individual property owner for the reporting under Subsection (b) of the delinquent payment history of assessments, fines, and fees of property owners within the association's jurisdiction to a credit reporting service.

Floor Amendment No. 2

Amend the C. Turner amendment to **SB 1588** by Hughes as follows:

On page 1, line 7, strike "40" and replace with "60"

Floor Amendment No. 3

Amend **SB 1588** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 209.0052, Property Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the other applicable requirements of this section, an association that proposes to contract for services that will cost more than \$50,000 shall solicit bids or proposals using a bid process established by the association.

SECTION _____. Section 209.0052(c), Property Code, as added by this Act, applies only to a contract for services proposed by a property owners' association on or after the effective date of this Act.

Floor Amendment No. 4

Amend **SB 1588** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 202.006, Property Code, is amended by adding Subsection (c) to read as follows:

(c) A property owners' association may not collect a regular assessment, as defined by Section 209.002, if the dedicatory instrument authorizing the collection of the regular assessment is not filed as required by Subsection (a).

Floor Amendment No. 5

Amend **SB 1588** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 202, Property Code, is amended by adding Section 202.023 to read as follows:

Sec. 202.023. SECURITY MEASURES. (a) This section does not apply to a master mixed-use property owners' association subject to Chapter 215.

(b) Except as provided by Subsection (c), a property owners' association may not adopt or enforce a restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence.

(c) This section does not prohibit a property owners' association from regulating the type of fencing that a property owner may install.

Floor Amendment No. 6

Amend **SB 1588** (house committee printing) as follows:

On page 1, line 5, insert the following and renumber subsequent sections accordingly:

SECTION 1. Sections 202.018(a) and (b), Property Code, are amended to read as follows:

(a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a provision in a dedicatory instrument, including a restrictive covenant, that prohibits a property owner or resident from displaying or affixing on the [entry to the] owner's or resident's property or dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a provision in a dedicatory instrument, including a restrictive covenant, that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the [entry to the] owner's or residents's property or dwelling that:

- (1) threatens the public health or safety;
- (2) violates a law other than a law prohibiting the display of religious

speech;

(3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;

(4) is installed on property:

(A) owned or maintained by the property owners' association; or

(B) owned in common by members of the property owners' association;

(5) violates any applicable building line, right-of-way, setback, or easement;

or

(6) is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture [in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or

(5) individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches].

SECTION 2. On page 13, line 19, between "(1)" and "Sections", insert the following and renumber the remaining subsections accordingly:

(1) Sections 202.018(c) and (d);

Floor Amendment No. 7

Amend **SB 1588** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 202, Property Code, is amended by adding Section 202.022 to read as follows:

Sec. 202.022. SWIMMING POOL ENCLOSURES. (a) In this section, "swimming pool enclosure" means a fence that:

(1) surrounds a water feature, including a swimming pool or spa;

(2) consists of transparent mesh or clear panels set in metal frames;

(3) is not more than six feet in height; and

(4) is designed to not be climbable.

(b) A property owners' association:

(1) may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing on the property owner's property a swimming pool enclosure that conforms to applicable state or local safety requirements; and

(2) may adopt and enforce a provision in a dedicatory instrument establishing limitations related to the appearance of a swimming pool enclosure, including limitations establishing permissible colors for a swimming pool enclosure, provided that the provision does not prohibit a swimming pool enclosure that is black in color and consists of transparent mesh set in metal frames.

Floor Amendment No. 1 on Third Reading

Amend **SB 1588** on third reading as follows:

(1) Strike Section 202.023(a), Property Code, as added on second reading by Floor Amendment No. 5 by Bonnen, and substitute the following:

(a) This section does not apply to:

(1) a condominium as defined by Section 81.002 or 82.003; or

(2) a master mixed-use property owners' association subject to Chapter 215.

(2) In Section 209.004(a)(8), Property Code, as added on second reading by Floor Amendment No. 1 by C. Turner, strike "or on behalf of".

(3) Strike the SECTION of the bill repealing provisions of the Property Code, and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Section 1105.003(f), Occupations Code, is repealed.

(b) The following provisions of the Property Code are repealed:

(1) Sections 202.018(c) and (d);

(2) Section 209.007(b); and

(3) Sections 209.016(a) and (c).

(4) Strike the SECTION of the bill providing the effective date of the Act and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2021.

(b) Section 209.004(b-1), Property Code, as added by this Act, takes effect December 1, 2021.

(c) The repeal by this Act of Section 1105.003(f), Occupations Code, takes effect September 1, 2023.

(5) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 2 on Third Reading

Amend **SB 1588** on third reading in amended Section 207.004(b)(1)(B), Property Code, by striking "actual damages [~~not more than \$500~~]" and substituting "not more than \$5,000 [~~\$500~~]".

Floor Amendment No. 3 on Third Reading

Amend **SB 1588** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 209, Property Code, is amended by adding Section 209.017 to read as follows:

Sec. 209.017. JUSTICE COURT JURISDICTION. An owner of property in a subdivision may bring an action for a violation of this chapter against the property owners' association of the subdivision in the justice court of a precinct in which all or part of the subdivision is located.

SECTION _____. Section 209.017, Property Code, as added by this Act, applies only to an action brought on or after September 1, 2021.

The amendments were read.

Senator Hughes moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1588** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Whitmire, Paxton, Hancock, and Nichols.

SENATE BILL 2154 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 2154** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 2

Amend **SB 2154** (house committee printing) on page 1 as follows:

(1) On line 5, strike "Section 12.051(a), Utilities Code, is amended" and substitute "Sections 12.051(a) and (b), Utilities Code, are amended".

(2) Between lines 9 and 10, insert the following:

(b) An appointment to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee. The appointments shall be made to reflect the diverse geographic regions and population groups of this state. At least one commissioner must be a registered voter who resides in a rural county with a population of less than 150,000.

Floor Amendment No. 3

Amend **SB 2154** (house committee printing) as follows:

(1) On page 1, line 11, strike "Subsection (a-1)" and substitute "Subsections (a-1) and (a-2)".

(2) On page 2, between lines 2 and 3, insert the following:

(a-2) At least one commissioner must be well informed and qualified in the field of public interest advocacy and have a background in representing the interests of customers of utilities.

Floor Amendment No. 4

Amend **SB 2154** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill as follows:

SECTION _____. Subchapter B, Chapter 12, Utilities Code, is amended by adding Section 12.060 to read as follows:

Sec. 12.060. FORMER COMMISSIONER: LOBBYING RESTRICTED. A former member of the commission may not, before the second anniversary of the date the member ceases to be a member of the commission, engage in an activity that requires registration under Chapter 305, Government Code.

The amendments were read.

Senator Schwertner moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 2154** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; Hughes, Creighton, Johnson, and Huffman.

SENATE BILL 601 WITH HOUSE AMENDMENTS

Senator Perry called **SB 601** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the creation and activities of the Texas Produced Water Consortium.

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

SECTION 1. Chapter 109, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TEXAS PRODUCED WATER CONSORTIUM

Sec. 109.201. DEFINITIONS. In this subchapter:

(1) "Agency advisory council" means the agency advisory council created under Section 109.202.

(2) "Consortium" means the Texas Produced Water Consortium.

(3) "Fluid oil and gas waste" has the meaning assigned by Section 122.001, Natural Resources Code.

(4) "Host university" means Texas Tech University.

(5) "Private entity" means an individual, corporation, or nonprofit corporation.

(6) "Stakeholder advisory council" means the stakeholder advisory council created under Section 109.202.

(7) "Technical and economic steering committee" means the technical and economic steering committee created under Section 109.202.

Sec. 109.202. TEXAS PRODUCED WATER CONSORTIUM. The Texas Produced Water Consortium is a consortium consisting of the host university, the agency advisory council, the stakeholder advisory council, the technical and economic steering committee, and private entities. The consortium is created to bring together information resources to study the economics of and technology related to, and the environmental and public health considerations for, beneficial uses of fluid oil and gas waste.

Sec. 109.203. ADMINISTRATION. (a) The agency advisory council is composed of representatives of the:

(1) Department of Agriculture;

(2) General Land Office;

(3) Parks and Wildlife Department;

(4) Railroad Commission of Texas;

(5) State Energy Conservation Office;

(6) Texas Commission on Environmental Quality;

(7) Texas Economic Development and Tourism Office within the office of the governor; and

(8) Texas Water Development Board.

(b) Each entity described by Subsection (a) shall select a representative to serve on the agency advisory council.

(c) The agency advisory council shall meet as often as necessary to ensure the consortium meets the requirements of this subchapter.

(d) The agency advisory council shall advise the consortium on matters related to the subject matter expertise of the agencies represented, including matters related to the regulation and permitting of and treatment standards for fluid oil and gas waste. Treatment standards may include a fit for purpose requirement and regulations necessary for the protection of public health and the environment.

(e) The stakeholder advisory council is composed of representatives of:

(1) the oil and gas industry;

(2) agricultural water users;

(3) industrial water users;

(4) environmental interests;

(5) fluid oil and gas waste recycling operators;

(6) public water utilities;

- (7) landowners or owners of groundwater rights;
- (8) commercial water recyclers and midstream water companies; and
- (9) other appropriate interests or industries.

(f) The host university shall appoint members to the stakeholder advisory council from members of the consortium. If no member of the consortium represents an interest or industry described by Subsection (e), the host university may appoint a person to represent the interest or industry from outside the consortium.

(g) The stakeholder advisory council shall advise the consortium on matters related to research, investigation, and contract development.

(h) The technical and economic steering committee is composed of members appointed by the host university to provide technical, economic, and scientific expertise. The technical and economic steering committee shall determine the feasibility of proposals for research or investigation by the consortium and decide which proposals the consortium will accept for research or investigation.

Sec. 109.204. DUTIES. (a) The consortium shall study the economic, environmental, and public health considerations of beneficial uses of fluid oil and gas waste and technology needed for those uses. After October 1, 2022:

(1) the research and investigation goals of the consortium shall be directed by the members of the consortium; and

(2) the host university may disband the consortium if the host university determines that the consortium does not have sufficient membership.

(a-1) This subsection expires October 1, 2022. Not later than September 1, 2022, the consortium shall produce a report that includes:

(1) suggested changes to laws and administrative rules to better enable beneficial uses of fluid oil and gas waste, including specific changes designed to find and define beneficial uses for fluid oil and gas waste outside of the oil and gas industry;

(2) suggested guidance for establishing fluid oil and gas waste permitting and testing standards;

(3) a technologically and economically feasible pilot project for state participation in a facility designed and operated to recycle fluid oil and gas waste; and

(4) an economic model for using fluid oil and gas waste in a way that is economical and efficient and that protects public health and the environment.

(b) The host university shall:

(1) provide staff and other resources necessary for the consortium to meet the requirements of this subchapter;

(2) consult with the New Mexico Produced Water Research Consortium and that consortium's Government Advisory Board on research, data, and any other matter related to the consortium; and

(3) solicit participation from:

(A) the oil and gas industry;

(B) agricultural water users;

(C) industrial water users;

(D) environmental interests;

(E) fluid oil and gas waste recycling operators;

(F) commercial water recyclers and midstream water companies;

- (G) landowners;
- (H) owners of groundwater rights;
- (I) public water utilities; and
- (J) river authorities subject to Section 325.025, Government Code.

(c) The host university shall coordinate with other members of the state university system and state agencies to provide resources necessary for the consortium to meet the requirements of this subchapter.

Sec. 109.205. FUNDING. (a) The agency advisory council and the host university shall collaborate to create a fee structure that establishes membership costs at various levels for private entities that may contribute money to the consortium for research and investigation. Membership costs may include contributions of equipment or other resources in lieu of money.

(b) Money paid by private entities as membership costs may be used only for research and investigation conducted by the consortium.

(c) Except for state money appropriated to the host university for use in meeting the requirements of Section 109.204(a-1) and resources provided by the host university and other state university system entities or state agencies, the consortium may not receive state money.

(d) The consortium may accept gifts and grants of money, equipment, or other resources necessary to accomplish its duties under this subchapter.

Sec. 109.206. ACCESS TO DATA. (a) In exchange for membership in the consortium, a private entity may receive access to data produced as a result of investigation by the consortium in an amount proportionate to the entity's level of membership.

(b) A private entity's access to the consortium's investigation data must be governed by a membership contract between the host university and the entity that describes the data to be released to the private entity.

(c) The consortium shall make information about the work of the consortium available to the public on an Internet website maintained by the host university. Information made available under this subsection may not be privileged, proprietary, or confidential.

SECTION 2. (a) Not later than October 1, 2021, each state agency described by Section 109.203(a), Education Code, as added by this Act, shall select a representative to serve on the agency advisory council of the Texas Produced Water Consortium, as required by Section 109.203(b), Education Code, as added by this Act.

(b) Not later than September 1, 2022, the Texas Produced Water Consortium shall deliver the report required by Section 109.204(a-1), Education Code, as added by this Act.

(c) Not later than September 1, 2022, the Texas Produced Water Consortium shall create a pilot project required by Section 109.204(a-1)(3), Education Code, as added by this Act.

SECTION 3. The Texas Produced Water Consortium, as created by Subchapter E, Chapter 109, Education Code, as added by this Act, is required to implement a provision of this Act only if the legislature appropriates money specifically for that

purpose. If the legislature does not appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1 on Third Reading

Amend **SB 601** (on third reading) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 8843.056(c), Special District Local Laws Code, is amended to read as follows:

(c) At the first election after the single-member districts are revised, a new director shall be elected from each district. The directors shall draw lots to determine which two directors serve two-year ~~[one year]~~ terms and which three directors serve four-year ~~[two year]~~ terms.

SECTION _____. Section 8843.152(b), Special District Local Laws Code, is amended to read as follows:

(b) For each new water service connection made after September 1, 2021, the ~~[The]~~ district may assess ~~[levy and collect]~~ a water utility service connection fee only in accordance with the following schedule:

<u>Meter Size</u>	<u>Maximum Fee</u>
<u>5/8"</u>	<u>\$1,000</u>
<u>3/4"</u>	<u>\$1,000</u>
<u>1"</u>	<u>\$1,250</u>
<u>1.5"</u>	<u>\$2,500</u>
<u>2"</u>	<u>\$4,000</u>
<u>3"</u>	<u>\$8,000</u>
<u>4" or larger</u>	<u>\$12,500</u>

~~[not to exceed \$1,000 for each new water service connection made after September 1, 2013.]~~

SECTION _____. Section 8843.055, Special District Local Laws Code, is repealed.

The amendments were read.

Senator Perry moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 601** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Taylor, Springer, Kolkhorst, and Gutierrez.

SENATE BILL 572 WITH HOUSE AMENDMENTS

Senator Springer called **SB 572** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency.

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

SECTION 1. The purpose of Chapter 260C, Health and Safety Code, as added by this Act, is to protect the religious liberty of each patient or resident of a health care facility and to protect health care facilities from costly lawsuits and administrative complaints based on religious discrimination by allowing patients and residents to receive in-person visitation with a religious counselor, provided that the health care facilities ensure compliance with health and safety requirements.

SECTION 2. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260C to read as follows:

CHAPTER 260C. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR

Sec. 260C.001. DEFINITIONS. In this chapter:

(1) "Health care facility" means:

(A) a home and community support services agency licensed under Chapter 142;

(B) a hospital licensed under Chapter 241;

(C) a nursing facility licensed under Chapter 242;

(D) a continuing care facility regulated under Chapter 246;

(E) an assisted living facility licensed under Chapter 247; or

(F) a special care facility licensed under Chapter 248.

(2) "Public health emergency" means:

(A) a state of disaster or local disaster declared under Chapter 418, Government Code; or

(B) a public health disaster as defined by Section 81.003.

(3) "Religious counselor" means an individual acting substantially in a pastoral or religious capacity to provide spiritual counsel to other individuals.

Sec. 260C.002. IN-PERSON VISITATION WITH RELIGIOUS COUNSELOR.

(a) A health care facility may not prohibit a resident or patient of the facility from receiving in-person visitation with a religious counselor on the patient's or resident's request during a public health emergency.

(b) Notwithstanding Subsection (a), the executive commissioner by rule shall develop guidelines to assist health care facilities in establishing in-person religious counselor visitation policies and procedures. The guidelines must:

(1) establish minimum health and safety requirements for in-person visitation with religious counselors;

(2) allow health care facilities to adopt reasonable time, place, and manner restrictions on in-person visitation with religious counselors to:

(A) mitigate the spread of a communicable disease; and

(B) address the patient's or resident's medical condition; and

(3) provide special consideration to patients and residents who are receiving end-of-life care.

(c) A health care facility may prohibit in-person visitation with a religious counselor during a public health emergency if federal law or a federal agency requires the health care facility to prohibit in-person visitation during that period.

SECTION 3. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission by rule shall establish the guidelines required by Section 260C.002, Health and Safety Code, as added by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 572** (house committee printing) as follows:

(1) On page 3, line 4, strike "and".

(2) On page 3, line 6, between "care" and the underlined period, insert the following:

; and

(4) allow health care facilities to condition in-person visitation with religious counselors on the counselor's compliance with guidelines, policies, and procedures established under this subsection

Floor Amendment No. 2

Amend **CSSB 572** (house committee report) on page 2 by striking lines 17 and 18 and substituting:

religious counselor during a public health emergency on the request of:

(1) the patient or resident; or

(2) if the patient or resident is incapacitated, the patient's or resident's legally authorized representative, including a family member of the patient or resident.

The amendments were read.

Senator Springer moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 572** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Springer, Chair; Bettencourt, Lucio, Buckingham, and Campbell.

SENATE BILL 1308 WITH HOUSE AMENDMENTS

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

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to a study on the impacts of using certain motor vehicle technologies.

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

SECTION 1. STUDY. (a) In this section:

(1) "Automated driving system" has the meaning assigned by Section 545.451, Transportation Code.

(2) "Connected driving system" means hardware and software that, when installed on a motor vehicle and engaged, allow the vehicle to electronically communicate with other vehicles and transportation infrastructure.

(b) The Texas Department of Transportation and the Department of Public Safety of the State of Texas, in consultation with the Texas A&M Transportation Institute and the appropriate federal agencies, shall jointly conduct a study on:

(1) the potential benefits of using automated driving systems, connected driving systems, and other emerging technologies to alleviate motor vehicle traffic congestion at ports of entry between this state and the United Mexican States; and

(2) the overall impact of using automated driving systems, connected driving systems, and other emerging technologies on the transportation industry workforce and the broader Texas economy, including the effects on driver and public safety.

(c) Not later than January 1, 2023, the Texas Department of Transportation and the Department of Public Safety of the State of Texas shall jointly submit to the governor, the lieutenant governor, and the legislature a report on the results of the study conducted under this section.

SECTION 2. EXPIRATION DATE. This Act expires September 1, 2023.

SECTION 3. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 1308** (house committee printing) on page 1 as follows:

(1) On line 18, between "technologies" and "to", insert ", including license plates equipped with integrated circuit functionality,".

(2) On line 22, between "technologies" and "on", insert ", including license plates equipped with integrated circuit functionality,".

The amendments were read.

Senator Blanco moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 1308** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate: Senators Blanco, Chair; Nichols, Alvarado, Hinojosa, and Kolkhorst.

(President in Chair)

SENATE BILL 1263 WITH HOUSE AMENDMENT

Senator Birdwell called **SB 1263** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to funding for the Texas emissions reduction plan.

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

SECTION 1. Section 501.138, Transportation Code, is amended by amending Subsections (b-1), (b-2), and (b-3) and adding Subsection (b-4) to read as follows:

(b-1) Except as provided by Subsection (b-4), fees [Fees] collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas [Mobility Fund, except that \$5 of each fee imposed under Subsection (a)(1) and deposited on or after September 1, 2008, and before September 1, 2015, shall be deposited to the credit of the Texas] emissions reduction plan fund.

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas emissions reduction plan fund [Mobility Fund] under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation shall remit to the comptroller for deposit to the credit of the Texas Mobility Fund [emissions reduction plan fund] an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas emissions reduction plan fund [Mobility Fund] under Subsection (b-1) in the preceding month. The Texas Department of Transportation shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas

Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

(b-3) This subsection and Subsections (b-1) and ~~[Subsection]~~ (b-2) expire on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

(b-4) Fees collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas Mobility Fund if the fees are collected on or after the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

SECTION 2. The change in law made by this Act to Section 501.138, Transportation Code, applies only to a fee collected on or after the effective date of this Act. A fee collected before the effective date of this Act is governed by the law in effect when the fee was collected, and the former law is continued in effect for that purpose.

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

The amendment was read.

Senator Birdwell moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 1263** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Hancock, Nichols, Hinojosa, and Lucio.

GUEST PRESENTED

Senator Miles was recognized and introduced to the Senate Tearson McBride, who wants to be a Senator one day.

The Senate welcomed its guest.

CONCLUSION OF MORNING CALL

The President at 12:10 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE HOUSE BILL 72 ON SECOND READING

On motion of Senator Miles and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 72** at this time on its second reading:

CSHB 72, Relating to the power of certain counties to enact certain park use rules; changing a criminal 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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 72 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 72** 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 3712 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3712** at this time on its second reading:

CSHB 3712, Relating to the training of and policies for peace officers.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3712 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3712** 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 988 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 988** at this time on its second reading:

CSHB 988, Relating to ad valorem taxation; creating a criminal offense.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 988 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 988** 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 1869 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSHB 1869** at this time on its second reading:

CSHB 1869, Relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.

The motion prevailed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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, Whitmire, Zaffirini.

Present-not voting: West.

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 10, Present-not voting 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 4344 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 4344** at this time on its second reading:

CSHB 4344, Relating to a complaint filed with the State Commission on Judicial Conduct.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4344 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 4344** 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 4555 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4555** at this time on its second reading:

CSHB 4555, Relating to an application for a place on a ballot filed by a person convicted of a felony and to the general requirements of an application for a place on a ballot; decreasing a criminal 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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4555 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 **CSHB 4555** be placed on its third reading and final passage.

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

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

(Senator Hughes in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1869 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1869** be placed on its third reading and final passage:

CSHB 1869, Relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.

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

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

Nays: Alvarado, Johnson, Menéndez, Powell, Whitmire.

Present-not voting: West.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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, Whitmire, Zaffirini.

Present-not voting: West.

HOUSE BILL 2022 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2022** at this time on its second reading:

HB 2022, Relating to enrollment of certain retirees in the Texas Public School Employees Group Insurance Program.

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 2022 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 **HB 2022** 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 3203 ON SECOND READING

On motion of Senator Blanco, on behalf of Senator Hughes, and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3203** at this time on its second reading:

CSHB 3203, Relating to the standard possession order and alternative possession times in a suit affecting the parent-child relationship.

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

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

COMMITTEE SUBSTITUTE

HOUSE BILL 3203 ON THIRD READING

Senator Blanco, on behalf of 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 3203** 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 3088 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3088** at this time on its second reading:

HB 3088, Relating to the administration of certain mental health grant programs established by the Health and Human Services Commission.

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 3088 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3088** 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 1164 ON SECOND READING

On motion of Senator Buckingham and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1164** at this time on its second reading:

CSHB 1164, Relating to patient safety practices regarding placenta accreta spectrum disorder.

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

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

Nays: Creighton.

COMMITTEE SUBSTITUTE

HOUSE BILL 1164 ON THIRD READING

Senator Buckingham moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1164** 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 4668 ON SECOND READING

On motion of Senator Gutierrez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4668** at this time on its second reading:

HB 4668, Relating to the creation of the Medina County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 4668 ON THIRD READING

Senator Gutierrez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4668** 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 4103 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4103** at this time on its second reading:

CSHB 4103, Relating to the use of certain tax revenue by certain municipalities and to the entitlement of certain municipalities to certain tax revenue related to a hotel and convention center project.

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, Hall, Springer.

COMMITTEE SUBSTITUTE**HOUSE BILL 4103 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4103** 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, Buckingham, Campbell, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Creighton, Hall, Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 721 ON SECOND READING**

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 721** at this time on its second reading:

CSHB 721, Relating to the release to mandatory supervision of certain inmates confined in a county jail.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 721 ON THIRD READING**

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 721** 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 4472 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4472** at this time on its second reading:

CSHB 4472, Relating to the Texas emissions reduction plan.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4472 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4472** 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 2211 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 2211** at this time on its second reading:

CSHB 2211, Relating to in-person visitation with hospital patients during certain periods of disaster.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 2211 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 2211** 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 1090 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1090** at this time on its second reading:

HB 1090, Relating to the appraisal for ad valorem tax purposes of real property that was erroneously omitted from an appraisal roll in a previous year.

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 1090 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1090** 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.

STATEMENT OF LEGISLATIVE INTENT

Senator Nichols submitted the following statement of legislative intent for **HB 1090**:

"it is the intent of the author that HB 1090 shall not reduce or otherwise affect the number of years subject to correction for property found to have escaped taxation for reasons other than being omitted property, even if the relevant statutory provisions invoke the correction methodology of Texas Tax Code Sec. 25.21. This includes property subject to the following sections of the Texas Tax Code. Property erroneously allowed a homestead exemption or another exemption for which annual application is not required (Sec. 11.43(i))."

NICHOLS

**COMMITTEE SUBSTITUTE
HOUSE BILL 3597 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3597** at this time on its second reading:

CSHB 3597, Relating to policies, procedures, and measures for school safety in public schools.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3597 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3597** 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 3207 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3207** at this time on its second reading:

HB 3207, Relating to preventing the loss of benefits by certain retirees of the Teacher Retirement System of Texas who resume service during a declared disaster.

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 3207 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3207** 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 2607 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2607** at this time on its second reading:

CSHB 2607, Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care and the subsidized child care program.

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, Hall, Hughes, Schwertner, Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2607 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2607** 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 26, Nays 5.

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

Nays: Buckingham, Hall, Hughes, Schwertner, Springer.

HOUSE BILL 1906 ON SECOND READING

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1906** at this time on its second reading:

HB 1906, Relating to grants awarded to reimburse counties for the cost of monitoring defendants and victims in criminal cases involving family violence.

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

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

Nays: Hall.

HOUSE BILL 1906 ON THIRD READING

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1906** 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: Hall.

**HOUSE CONCURRENT RESOLUTION 61
ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **HCR 61** at this time on its second reading:

HCR 61, Designating the Texas star mushroom as the official State Mushroom of Texas.

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

RECESS

On motion of Senator Whitmire, the Senate at 1:30 p.m. recessed until 2:30 p.m. today.

AFTER RECESS

The Senate met at 3:18 p.m. and was called to order by President Pro Tempore Birdwell.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3752 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3752** at this time on its second reading:

CSHB 3752, Relating to the offering of health benefit coverage by subsidiaries of the Texas Mutual Insurance Company.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3752 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3752** 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 4664 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4664** at this time on its second reading:

HB 4664, Relating to authorizing the sale of certain real property by the State of Texas to the Trinity River Authority of Texas.

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 4664 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4664** 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 2025 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 2025** at this time on its second reading:

CSHB 2025, Relating to certain statutes and governmental actions that relate to the federal census.

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

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

COMMITTEE SUBSTITUTE

HOUSE BILL 2025 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 2025** 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.

**VOTE RECONSIDERED ON
COMMITTEE SUBSTITUTE
HOUSE BILL 2667**

On motion of Senator Perry and by unanimous consent, the vote by which **CSHB 2667** was finally passed was reconsidered:

CSHB 2667, Relating to universal service fund assistance to high cost rural areas and the uniform charge that funds the universal service fund.

Question: Shall **CSHB 2667** be finally passed?

On motion of Senator Taylor and by unanimous consent, the remarks by Senators Taylor and Perry regarding **CSHB 2667** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Taylor: Well, thank you, Mr. President, and thank you, Chairman Perry, for allowing me this opportunity to do this. Senator Perry, to help establish and life saving clarity and intent, is it true that your bill does not affect current law as it relates to the PUC's authority to establish a connections-based fee or deferent fee structure?

Senator Perry: That is accurate. Actually in testimony, PUC confirmed that they currently believe they have that right. The bill changes nothing in current statute regarding connection-based fees.

Senator Taylor: Alright. And part of this bill helps to clarify what a high cost rural area is. I appreciate your efforts to tailor the program but think we need to continue in this direction without adding more to the revenue side of the current TUSF problem. Should the PUC and the Legislature work over the interim on programmatic reforms and the expenditure side of the TUSF fund?

Senator Perry: Well, I think that we've worked on the expenditure sides in the past, for years. We've never really focused on the revenue side. The reform was needed for TUSF because the technology had changed the assessment base, so one change in TUSF bill reform was it actually included VoIP as possible assessment base, spreading that base across the loop. We're always open to looking at where the distributions are going and making sure those entities or those exchanges, if you will, not just the company, but within the company, there are exchanges that would meet high cost provider that may not meet the other changes inside that network, so we're always interested in making sure that it's the high cost providers that are getting the fund distribution underneath the TUSF fund.

Senator Taylor: Thank you, Senator.

Senator Perry: No problem. Thank you.

Question: Shall **CSHB 2667** be finally passed?

CSHB 2667 was again finally passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3938 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3938** at this time on its second reading:

CSHB 3938, Relating to the establishment of the industry-based certification advisory council and the transfer of certain duties to that advisory council.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 3938 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 **CSHB 3938** 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 295 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 295** at this time on its second reading:

CSHB 295, Relating to the provision of funding for indigent defense services.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 295 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 295** 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 1818 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 1818** at this time on its second reading:

CSHB 1818, Relating to the source of dogs and cats sold by pet stores; providing a civil penalty.

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

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

Nays: Birdwell, Creighton, Hall, Nichols, Springer.

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

COMMITTEE SUBSTITUTE HOUSE BILL 1818 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1818** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Creighton, Hall, Nichols, Springer.

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

HOUSE BILL 3081 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 3081** at this time on its second reading:

HB 3081, Relating to the issuance of digital tags for the taking of certain animals.

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 3081 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 3081** 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

Tuesday, May 25, 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 PASSED THE FOLLOWING MEASURES:

- SB 4** Buckingham Sponsor: Burrows
Relating to provisions in agreements between governmental entities and professional sports teams requiring the United States national anthem to be played at team events.
- SB 109** West Sponsor: Meyer
Relating to the criminal offense of fraudulent securing of document execution.
- SB 335** Johnson Sponsor: Wu
Relating to the taking of a specimen to test for intoxication and retention and preservation of toxicological evidence of certain intoxication offenses.
- SB 678** Alvarado Sponsor: Button
Relating to the creation of the small business disaster recovery loan program.
- SB 797** Hughes Sponsor: Oliverson
Relating to the display of the national motto in public schools and institutions of higher education.
- SB 1111** Bettencourt Sponsor: Paul
Relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.
- SB 1387** Creighton Sponsor: Clardy
Relating to a requirement that a voting system used in an election in this state be manufactured, stored, and held in the United States by a company headquartered in the United States.
- SB 1427** Bettencourt Sponsor: Shine
Relating to the applicability of the temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.
- SB 1582** Hughes Sponsor: White
Relating to examinations for applicants for or holders of licenses or registrations to perform certain activities pertaining to compressed natural gas or liquefied natural gas.
- SB 1764** Bettencourt Sponsor: Shine
Relating to the payment of delinquent ad valorem taxes on property subject to a tax sale.

SB 1780 Creighton Sponsor: Burrows
Relating to the protection of public health in this state, including through the establishment of the Texas Epidemic Public Health Institute at The University of Texas Health Science Center at Houston.

SB 2158 Campbell Sponsor: Frank
Relating to requiring the Texas Education Agency to provide identification kits to school districts and open-enrollment charter schools for distribution to the parent or legal custodian of certain students.

SCR 29 Miles Sponsor: White
Expressing commitment to eliminating racially offensive place names and urging the U.S. Board on Geographic Names to approve requests to change racially offensive names of geographic features.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 25, 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 15 Nichols Sponsor: King, Phil
Relating to the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense.
(Committee Substitute/Amended)

SB 23 Huffman Sponsor: Oliverson
Relating to an election to approve a reduction or reallocation of funding or resources for certain county law enforcement agencies.
(Committee Substitute/Amended)

SB 30 West Sponsor: Leach
Relating to the removal of certain discriminatory provisions from a recorded conveyance instrument or document.
(Committee Substitute/Amended)

SB 64 Nelson Sponsor: White
Relating to a peer support network for certain law enforcement personnel.
(Amended)

SB 112 West Sponsor: Sherman, Sr.

Relating to the procedures for the installation and use of tracking equipment and for access to certain communications and location information by law enforcement and the admissibility of certain evidence obtained through those procedures.

(Committee Substitute)

SB 165

Blanco

Sponsor: Fierro

Relating to an exception to dropped course limitations at public institutions of higher education for courses dropped during a disaster that results in a bar or limit on in-person course attendance.

(Amended)

SB 331

Johnson

Sponsor: Button

Relating to eligibility to serve as an interpreter in an election.

(Committee Substitute)

SB 398

Menéndez

Sponsor: Deshotel

Relating to distributed renewable generation resources.

(Amended)

SB 424

Hinojosa

Sponsor: Hunter

Relating to state agency enforcement of laws regulating small businesses.

(Amended)

SB 477

Nelson

Sponsor: Meyer

Relating to the administration and collection of sales and use taxes and certain fees applicable to sales involving marketplace providers.

(Committee Substitute)

SB 790

Zaffirini

Sponsor: Howard

Relating to county authority to balance bill for county air ambulance services.

(Amended)

SB 794

Campbell

Sponsor: Meyer

Relating to eligibility for the exemption from ad valorem taxation of the residence homestead of a totally disabled veteran.

(Amended)

SB 1047

Seliger

Sponsor: Smithee

Relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.

(Amended)

SB 1421

Bettencourt

Sponsor: Thierry

Relating to the correction of an ad valorem tax appraisal roll and related appraisal records.

(Amended)

SB 1531

West

Sponsor: Turner, Chris

Relating to formula funding for excess undergraduate credit hours at public institutions of higher education and to the tuition rate that may be charged for those credit hours.

(Amended)

SB 1580 Hancock Sponsor: Paddie
Relating to the use of securitization by electric cooperatives to address certain weather-related extraordinary costs and expenses.
(Amended)

SB 1668 Hughes Sponsor: Raney
Relating to certification and examination requirements for persons engaged in liquefied petroleum gas activities.
(Committee Substitute)

SB 1816 Seliger Sponsor: Thompson, Ed
Relating to certain temporary vehicle permits and tags.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(Senator Taylor in Chair)

HOUSE BILL 1256 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1256** at this time on its second reading:

HB 1256, Relating to the allocation of certain revenue from mixed beverage gross receipts and sales taxes.

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

HOUSE BILL 1256 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 **HB 1256** 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 246 ON SECOND READING

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 246** at this time on its second reading:

CSHB 246, Relating to the prosecution of the criminal offense of improper relationship between educator and student.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 246 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 246** be placed on its third reading and final passage.

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

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

(Senator Campbell in Chair)

HOUSE BILL 1987 ON SECOND READING

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1987** at this time on its second reading:

HB 1987, Relating to eligibility requirements to hold a political party office.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1987** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 161.005(a-1), Election Code (page 1, lines 34-37), and substitute the following:

(a-1) For purposes of this section, the following are officers of a political party:

(1) a precinct chair;

(2) a county chair; and

(3) a member, other than a chair or vice chair, of a state executive committee of a political party.

(2) Strike SECTION 2 of the bill, adding transition language (page 1, lines 42-44), and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **HB 1987** 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 1987 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 1987 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1987** 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 4628 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4628** at this time on its second reading:

CSHB 4628, Relating to the creation of the Veale Ranch Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4628 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 **CSHB 4628** 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 769 ON SECOND READING**

Senator Taylor moved to suspend the regular order of business to take up for consideration **CSHB 769** at this time on its second reading:

CSHB 769, Relating to the administration of the Texas Windstorm Insurance Association.

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

Yeas: Alvarado, Bettencourt, Blanco, Buckingham, Campbell, Creighton, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Eckhardt, Gutierrez, Hancock, Hughes, Powell, Schwertner, Seliger, Springer.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 769** (senate committee printing) in SECTION 1 of the bill, in added Section 2210.3512, Insurance Code (page 1, lines 24-25), by striking "filing if there is a vacancy on the board" and substituting the following:
increase if:

(1) there is a vacancy on the board; and

(2) the vacancy has existed for at least 60 days at the time the vote is to be taken

The amendment to **CSHB 769** 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 769 as amended was passed to third reading by the following vote: Yeas 22, Nays 9.

Yeas: Alvarado, Bettencourt, Blanco, Buckingham, Campbell, Creighton, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Eckhardt, Gutierrez, Hancock, Hughes, Powell, Schwertner, Seliger, Springer.

COMMITTEE SUBSTITUTE HOUSE BILL 769 ON THIRD READING

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 769** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Eckhardt, Gutierrez, Schwertner, Seliger, Springer.

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

Yeas: Alvarado, Bettencourt, Blanco, Buckingham, Campbell, Creighton, Hall, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Taylor, West, Whitmire, Zaffirini.

Nays: Birdwell, Eckhardt, Gutierrez, Hancock, Hughes, Powell, Schwertner, Seliger, Springer.

COMMITTEE SUBSTITUTE HOUSE BILL 3807 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3807** at this time on its second reading:

CSHB 3807, Relating to the use of lifeguards and informational signs to improve safety on public beaches.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3807** (senate committee report) in SECTION 2 of the bill, in added Section 61.065(c), Natural Resources Code (page 1, line 32), between "provide" and the underlined colon, by inserting ", or ensure that a park board created by the municipality under Chapter 306, Local Government Code, provides".

The amendment to **CSHB 3807** 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 3807 as amended was passed to third reading by a viva voce vote.

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

Nays: Hall, Hughes, Paxton, Schwertner, Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3807 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 **CSHB 3807** 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 26, Nays 5.

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

Nays: Hall, Hughes, Paxton, Schwertner, Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2911 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2911** at this time on its second reading:

CSHB 2911, Relating to next generation 9-1-1 service and the establishment of a next generation 9-1-1 service fund.

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 2911 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2911** 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 4068 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 4068** at this time on its second reading:

HB 4068, Relating to the eligibility of certain public retirement systems for police and fire fighters to participate in the Texas Municipal Retirement System.

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

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

Nays: Schwertner.

HOUSE BILL 4068 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 4068** 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: Schwertner.

HOUSE BILL 1914 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 1914** at this time on its second reading:

HB 1914, Relating to the civil liability of a children's isolation unit in a hospital.

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

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hall, Johnson, Lucio, Menéndez, Powell, West, Whitmire.

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

HOUSE BILL 1914 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1914** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Blanco, Johnson, Menéndez, Powell, Whitmire.

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

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hall, Johnson, Lucio, Menéndez, Powell, West, Whitmire.

HOUSE BILL 558 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **HB 558** at this time on its second reading:

HB 558, Relating to the taking of a blood specimen on arrest for certain intoxication offenses.

The motion prevailed.

Senators Buckingham, Kolkhorst, Nichols, and Perry asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 558** (senate committee printing) in SECTION 1 of the bill, by striking added Section 724.012(e)(2), Transportation Code (page 2, lines 15 and 16), and substituting the following:

(2) has articulable grounds for requiring the taking of the specimen without obtaining a warrant, in accordance with constitutional requirements.

The amendment to **HB 558** 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 558 as amended was passed to third reading by the following vote: Yeas 27, Nays 4.

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

Nays: Buckingham, Kolkhorst, Nichols, Perry.

HOUSE BILL 558 ON THIRD READING

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 558** be placed on its third reading and final passage.

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

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

Nays: Buckingham, Kolkhorst, Nichols, Perry.

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

(President in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 1681 ON SECOND READING

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1681** at this time on its second reading:

CSHB 1681, Relating to the construction of certain assisted living facilities located within a floodplain in certain counties and to a seller's disclosure of the location of certain real property within a floodplain.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1681** (senate committee printing) by striking SECTION 2 of the bill, adding Section 5.020, Property Code (page 1, line 43, through page 2, line 17), and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 1681** 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 1681 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: Hughes, Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1681 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1681** 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, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Hughes, Springer.

HOUSE BILL 1929 ON SECOND READING

Senator Buckingham moved to suspend the regular order of business to take up for consideration **HB 1929** at this time on its second reading:

HB 1929, Relating to the breach of development agreement contracts governing land in the extraterritorial jurisdiction of certain municipalities.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, 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 1929** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 212, Local Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. DEVELOPMENT AGREEMENTS AND RELEASE OF
EXTRATERRITORIAL JURISDICTION FOR CERTAIN AREAS

Sec. 212.201. DEVELOPMENT AGREEMENT BY PETITION. (a) A petition under this section may be filed only for an area of a municipality with a population of more than 790,000:

(1) that:

(A) is located in a subdivision that was developed with public infrastructure outside the boundaries of the municipality; and

(B) was subject to a change in the provider of fire suppression and emergency medical services after annexation for full purposes that led to a degradation in the quality and level of those services, as determined by the petitioners; or

(2) that:

(A) is subject to a municipal determination by ordinance or resolution that the municipality cannot or has not in the past regularly and routinely provided full municipal services to the area; and

(B) was exempt from municipal taxation until full municipal services were provided, regardless of whether the ordinance or resolution is repealed or purported to be repealed.

(b) A person owning land wholly or partly located in an area described by Subsection (a) may file a petition requesting the municipality to:

(1) disannex the area from the municipality and include the area in the municipality's extraterritorial jurisdiction; and

(2) enter into a development agreement under Subchapter G for the area.

(c) The petition filed under Subsection (b) must:

(1) include the signatures of owners of at least 51 percent of the land in the area described by the petition;

(2) include a determination by the petitioners that:

(A) the municipal services provided by the municipality are not regular and routine; and

(B) the appropriate relief to the petitioners is to:

(i) be disannexed and included in the municipality's extraterritorial jurisdiction; and

(ii) be subject to a development agreement under Subchapter G; and

(3) if the land is located in a subdivision, request disannexation of all land in the subdivision that is located in the municipality.

(d) The municipality shall disannex from the municipality and include in the municipality's extraterritorial jurisdiction the area described by a petition filed under Subsection (b) not later than the 30th day after the date the municipality receives the petition.

(e) The municipality shall enter into a development agreement under Subchapter G with the petitioners filing a petition under Subsection (b). A development agreement under this section may only contain terms described by Section 212.172(b)(1). If the municipality does not enter into a mutually acceptable development agreement with the petitioners not later than the 90th day after the date the municipality receives the petition, the petitioners may record an affidavit in the deed records of the county in which the petitioners' land is located. If the affidavit is recorded in accordance with this subsection, the municipality:

(1) may not annex land for which an affidavit is recorded; and

(2) is not required to enter into a development agreement with the petitioners.

(f) This section expires September 1, 2023.

Sec. 212.202. RELEASE INSTEAD OF DEVELOPMENT AGREEMENT. (a) Instead of entering into a development agreement under this chapter, an owner of land disannexed under Section 212.201 may file a written petition with the municipality that disannexed the land for the land to be released from the municipality's extraterritorial jurisdiction if the land is at least five acres and contains not more than five residents.

(b) A petition requesting release under this section must:

(1) be signed by the owners of a majority in value of the land described by the petition, as indicated by the ad valorem tax records of the central appraisal district for the county in which the land is located; and

(2) include a determination that release from the municipality's extraterritorial jurisdiction is necessary or convenient to promote the development of public infrastructure instead of a development agreement.

(c) The municipality shall release from the municipality's extraterritorial jurisdiction the land described by a petition filed under Subsection (a) not later than the 30th day after the date the municipality receives the petition.

(d) This section does not apply to land:

(1) subject to a strategic partnership agreement under Section 43.0751; or

(2) that is located in an industrial district under Section 42.044.

Sec. 212.203. SUIT TO COMPEL; WAIVER OF GOVERNMENTAL IMMUNITY. (a) If a municipality fails to disannex or release land from the municipality's extraterritorial jurisdiction as required by this subchapter, the person filing the petition requesting the disannexation or release may bring an action against the municipality to compel the disannexation or release of the land. If the person prevails, the person may recover attorney's fees and court costs resulting from bringing the action.

(b) Governmental immunity to suit and from liability of the municipality is waived to the extent of liability created by this subchapter.

The amendment to **HB 1929** 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 1929 as amended was passed to third reading by the following vote: Yeas 21, Nays 10.

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

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

HOUSE BILL 1929 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 1929** be placed on its third reading and final passage.

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

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

Nays: Blanco, Gutierrez, Johnson, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

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

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

RECESS

On motion of Senator Whitmire, the Senate at 7:22 p.m. recessed until 8:30 p.m. today.

AFTER RECESS

The Senate met at 8:52 p.m. and was called to order by the President.

COMMITTEE SUBSTITUTE HOUSE BILL 1535 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1535** at this time on its second reading:

CSHB 1535, Relating to the medical use of low-THC cannabis by patients with certain medical conditions and the establishment of compassionate-use institutional review boards to evaluate and approve proposed research programs to study the medical use of low-THC cannabis in the treatment of certain patients.

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 1535 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1535** 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 3 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 3** at this time on its second reading:

CSHB 3, Relating to the authority of the legislature, governor, and certain political subdivisions with respect to disasters, including pandemic disasters, and emergencies.

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 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: Eckhardt.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3** 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)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 25, 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 63 Nelson Sponsor: Meyer
Relating to the system for appraising property for ad valorem tax purposes.
(Committee Substitute/Amended)

SB 69 Miles Sponsor: White

Relating to prohibiting peace officers from using neck restraints during a search or arrest.

(Amended)

SB 204 Schwertner Sponsor: Huberty

Relating to the operation of a public school transportation system.

(Amended)

SB 475 Nelson Sponsor: Capriglione

Relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; authorizing fees.

(Committee Substitute)

SB 766 Huffman Sponsor: Leach

Relating to sexually oriented businesses, including a requirement to participate in the federal electronic verification of employment authorization program, or E-verify, and restricting the age of persons employed by or allowed on the premises; creating criminal offenses.

(Amended)

SB 800 Nelson Sponsor: Paddie

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

(Committee Substitute/Amended)

SB 828 Hughes Sponsor: Paddie

Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

(Amended)

SB 916 Seliger Sponsor: Meyer

Relating to certain information regarding appraisal district noncompliance and property values in the Texas Department of Licensing and Regulation records of a professional property tax appraiser serving as chief appraiser for the district.

(Committee Substitute)

SB 1088 Creighton Sponsor: Shine

Relating to the applicability of provisions entitling certain lessees to receive a copy of a notice of appraised value delivered to a property owner by the chief appraiser of an appraisal district.

(Amended)

SB 1094 Creighton Sponsor: Frullo

Relating to the payment of certain education expenses using the state's programs for paying, prepaying, or saving toward the costs of attending an institution of higher education.

(Committee Substitute)

SB 2038 Menéndez Sponsor: Dean

Relating to prices and fees charged by certain freestanding emergency medical care facilities during a declared state of disaster; providing administrative penalties.

(Committee Substitute)

Relating to the procedure for donating juror reimbursements.

SB 1341 Springer Sponsor: Shaheen
Relating to eligibility for certain benefits provided under public assistance programs.

SB 1602 Taylor Sponsor: Thompson, Ed
Relating to nonrenewal of certain property and casualty insurance policies for the insured's failure to cooperate in a claim investigation, settlement, or defense.

SB 1697 Paxton Sponsor: King, Ken
Relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 1931 ON SECOND READING**

On motion of Senator Bettencourt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1931** at this time on its second reading:

CSHB 1931, Relating to certain public facilities used to provide affordable housing.

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

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

Nays: Hall, Hughes.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1931 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1931** 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, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Hall, Hughes.

HOUSE BILL 3456 ON SECOND READING

On motion of Senator Eckhardt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3456** at this time on its second reading:

HB 3456, Relating to inclusion of funds received by certain educational institutions or programs in foundation school program funds for purposes of certain budget reductions.

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 3456 ON THIRD READING

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3456** 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 3578 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3578** at this time on its second reading:

HB 3578, Relating to the payment methods for cigarette and tobacco products permit fees.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3578** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Subtitle G, Title 2, Health and Safety Code, is amended by adding Chapter 147 to read as follows:

CHAPTER 147. E-CIGARETTE RETAILER PERMITS**SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 147.0001. DEFINITIONS. In this chapter:

(1) "Commercial business location" means the entire premises occupied by a permit applicant or a person required to hold a permit under this chapter.

(2) "E-cigarette" has the meaning assigned by Section 161.081.

(3) "E-cigarette retailer" means a person who engages in the business of selling e-cigarettes to consumers, including a person who sells e-cigarettes to consumers through a marketplace.

(4) "Marketplace" has the meaning assigned by Section 151.0242, Tax Code.

(5) "Permit holder" means a person who obtains a permit under Section 147.0052.

(6) "Place of business" means:

(A) a commercial business location where e-cigarettes are sold;

(B) a commercial business location where e-cigarettes are kept for sale or consumption or otherwise stored; or

(C) a vehicle from which e-cigarettes are sold.

Sec. 147.0002. INAPPLICABILITY TO CERTAIN PRODUCTS. This chapter does not apply to a product described by Section 161.0815.

Sec. 147.0003. HEARINGS. Unless otherwise provided by this chapter, the comptroller shall conduct all hearings required by this chapter in accordance with Chapter 2001, Government Code. The comptroller may designate one or more representatives to conduct the hearings and may prescribe the rules of procedure governing the hearings.

Sec. 147.0004. RULES. The comptroller may adopt rules to implement this chapter, including rules exempting a person who sells e-cigarettes to consumers through a marketplace from the requirements of this chapter.

SUBCHAPTER B. PERMITS

Sec. 147.0051. E-CIGARETTE RETAILER PERMIT REQUIRED. (a) A person may not engage in business as an e-cigarette retailer in this state unless the person has been issued a permit from the comptroller.

(b) An e-cigarette retailer shall obtain a permit for each place of business owned or operated by the e-cigarette retailer. The comptroller may not issue a permit for a place of business that is a residence or a unit in a public storage facility.

(c) The comptroller shall prescribe the form and content of an application for a permit and provide the form on request.

(d) The applicant shall accurately complete all information required by the application and provide the comptroller with additional information the comptroller considers necessary.

(e) Each applicant that applies for a permit to sell e-cigarettes from a vehicle must provide the make, model, vehicle identification number, registration number, and any other information concerning the vehicle the comptroller requires.

(f) All financial information provided under this section is confidential and not subject to Chapter 552, Government Code.

(g) Permits for engaging in business as an e-cigarette retailer are governed exclusively by the provisions of this code.

Sec. 147.0052. ISSUANCE OF PERMIT. (a) The comptroller shall issue a permit to an applicant if the comptroller:

(1) has received an application and fee;

(2) does not reject the application and deny the permit under Section 147.0053; and

(3) determines that issuing the permit will not jeopardize the administration and enforcement of this chapter.

(b) The permit shall be issued for a designated place of business, except as provided by Section 147.0056.

(c) The permits are nonassignable.

(d) The permit must indicate the type of permit and authorize the sale of e-cigarettes in this state. The permit must show that it is revocable and shall be forfeited or suspended if the conditions of issuance, provisions of this chapter, or rules of the comptroller are violated.

Sec. 147.0053. DENIAL OF PERMIT. The comptroller may reject an application and deny a permit if the comptroller finds, after notice and opportunity for hearing, any of the following:

(1) the premises where business will be conducted are not adequate to protect the e-cigarettes; or

(2) the applicant or managing employee, or if the applicant is a corporation, an officer, director, manager, or any stockholder who holds directly or through family or partner relationship 10 percent or more of the corporation's stock, or, if the applicant is a partnership, a partner or manager:

(A) has failed to disclose any information required by Sections 147.0051(d) and (e); or

(B) has previously violated provisions of this chapter.

Sec. 147.0054. PERMIT PERIOD; FEES. (a) A permit required by this chapter expires on the last day of May of each even-numbered year.

(b) An application for a permit required by this chapter must be accompanied by a fee of:

(1) one-half of the amount of the fee for a retailer's permit required by Section 154.111(b), Tax Code, if at the time of application the applicant holds a valid retailer's permit under Section 154.101, 154.102, or 155.041, Tax Code, for the same place of business; or

(2) the amount of the fee for a retailer's permit required by Section 154.111(b), Tax Code.

(c) For a new permit required by Section 147.0051, the comptroller shall prorate the fee according to the number of months remaining during the period that the permit is to be in effect.

(d) A person who does not obtain a renewal permit in a timely manner must pay a late fee of \$50 in addition to the application fee for the permit.

(e) If on the date of issuance a permit will expire within three months, the comptroller may collect the prorated permit fee or the fee for the current period and, with the consent of the permit holder, may collect the fee for the next permit period and issue a permit or permits for both periods, as applicable.

(f) A person issued a permit for a place of business that permanently closes before the permit expiration date is not entitled to a refund of the permit fee.

Sec. 147.0055. PAYMENT FOR PERMITS. (a) An applicant for a permit required by Section 147.0051 shall send the required fee with the application.

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

(c) The comptroller may not issue a permit in exchange for a check until after the comptroller receives full payment on the check.

Sec. 147.0056. DISPLAY OF PERMIT. (a) A permit holder shall keep the permit on public display at the place of business for which the permit was issued.

(b) A permit holder who has a permit assigned to a vehicle shall post the permit in a conspicuous place on the vehicle.

Sec. 147.0057. REVENUE. Revenue from the sale of e-cigarette retailer's permits shall be deposited as provided by Section 161.0903 and may be appropriated only as provided by that section.

SUBCHAPTER C. PERMIT SUSPENSION AND REVOCATION

Sec. 147.0101. FINAL SUSPENSION OR REVOCATION OF PERMIT. (a) The comptroller may revoke or suspend a permit holder's permit if the comptroller finds, after notice and hearing as provided by this section, that the permit holder violated this chapter or a rule adopted under this chapter.

(b) If the comptroller intends to suspend or revoke a permit, the comptroller shall provide the permit holder with written notice that includes a statement:

(1) of the reason for the intended revocation or suspension;

(2) that the permit holder is entitled to a hearing by the comptroller on the proposed suspension or revocation; and

(3) of the date, time, and place of the hearing.

(c) The comptroller shall deliver the written notice by personal service or by mail to the permit holder's mailing address as it appears in the comptroller's records. Service by mail is complete when the notice is deposited with the United States Postal Service.

(d) The comptroller shall give the permit holder notice before the 10th day before the final hearing.

(e) A permit holder may appeal the comptroller's decision to a district court in Travis County not later than the 30th day after the date the comptroller's decision becomes final.

(f) A person whose permit is suspended or revoked may not sell, offer for sale, or distribute e-cigarettes from the place of business to which the permit applied until a new permit is granted or the suspension is removed.

Sec. 147.0102. SUMMARY SUSPENSION OF PERMIT. (a) The comptroller may suspend a permit holder's permit without notice or a hearing for the permit holder's failure to comply with this chapter or a rule adopted under this chapter if the permit holder's continued operation constitutes an immediate and substantial threat.

(b) If the comptroller summarily suspends a permit holder's permit, proceedings for a preliminary hearing before the comptroller or the comptroller's representative must be initiated simultaneously with the summary suspension. The preliminary hearing shall be set for a date not later than the 10th day after the date of the summary suspension, unless the parties agree to a later date.

(c) At the preliminary hearing, the permit holder must show cause why the permit should not remain suspended pending a final hearing on suspension or revocation.

(d) Chapter 2001, Government Code, does not apply to a summary suspension under this section.

(e) To initiate a proceeding to suspend summarily a permit holder's permit, the comptroller shall serve notice on the permit holder informing the permit holder of the right to a preliminary hearing before the comptroller or the comptroller's representative and of the time and place of the preliminary hearing. The notice must be personally served on the permit holder or an officer, employee, or agent of the permit holder or sent by certified or registered mail, return receipt requested, to the permit holder's mailing address as it appears in the comptroller's records. The notice must state the alleged violations that constitute the grounds for summary suspension. The suspension is effective at the time the notice is served. If notice is served in person, the permit holder shall immediately surrender the permit to the comptroller. If notice is served by mail, the permit holder shall immediately return the permit to the comptroller.

(f) Section 147.0101, governing hearings for final suspension or revocation of a permit under this chapter, governs a final administrative hearing.

SUBCHAPTER D. PENALTIES

Sec. 147.0151. PENALTIES. (a) A person violates this chapter if the person:

(1) engages in the business of an e-cigarette retailer without a permit; or

(2) is a person who is subject to a provision of this chapter or a rule adopted by the comptroller under this chapter and who violates the provision or rule.

(b) A person who violates this section shall pay to the state a penalty of not more than \$2,000 for each violation.

(c) Each day on which a violation occurs is a separate violation.

(d) The attorney general shall bring suit to recover penalties under this section.

(e) A suit under this section may be brought in Travis County or another county having jurisdiction.

Sec. 147.0152. FAILURE TO HAVE PERMIT; OFFENSE. (a) A person commits an offense if the person acts as an e-cigarette retailer and:

(1) receives or possesses e-cigarettes without having a permit;

(2) receives or possesses e-cigarettes without having a permit posted where it can be easily seen by the public; or

(3) sells e-cigarettes without having a permit.

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

SECTION ____ . Sections 161.081(1-a), (2), and (4), Health and Safety Code, are amended to read as follows:

(1-a) (A) "E-cigarette" means:

(i) an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or

(ii) a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this subdivision.

(B) The term "e-cigarette" does not include a prescription medical device unrelated to the cessation of smoking.

(C) The term "e-cigarette" includes:

(i) ~~[(A)]~~ a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and

(ii) ~~[(B)]~~ a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

(2) "Permit holder" has the meaning assigned by Section 147.0001 of this code or Section 154.001 or 155.001, Tax Code, as applicable.

(4) "Retailer" means a person who engages in the practice of selling cigarettes, e-cigarettes, or tobacco products to consumers and includes the owner of a coin-operated cigarette, e-cigarette, or tobacco product vending machine. The term includes a retailer as ~~[that term is]~~ defined by Section 154.001 or 155.001, Tax Code, and an e-cigarette retailer as defined by Section 147.0001 of this code, as applicable.

SECTION ____ . Section 161.083(d), Health and Safety Code, is amended to read as follows:

(d) Notwithstanding any other provision of law, a violation of this section is not a violation of this subchapter for purposes of Section 161.0901 ~~[154.1142 or 155.0592, Tax Code]~~.

SECTION ____ . Subchapter H, Chapter 161, Health and Safety Code, is amended by adding Sections 161.0901 and 161.0903 to read as follows:

Sec. 161.0901. DISCIPLINARY ACTION AGAINST CIGARETTE, E-CIGARETTE, AND TOBACCO PRODUCT RETAILERS. (a) A retailer is subject to disciplinary action as provided by this section if an agent or employee of the retailer commits an offense under this subchapter.

(b) If the comptroller finds, after notice and an opportunity for a hearing as provided by Chapter 2001, Government Code, that a permit holder has violated this subchapter at a place of business for which a permit is issued, the comptroller may suspend the permit for that place of business and administratively assess a fine as follows:

(1) for the first violation of this subchapter during the 24-month period preceding the violation at that place of business, the comptroller may require the permit holder to pay a fine in an amount not to exceed \$1,000;

(2) for the second violation of this subchapter during the 24-month period preceding the most recent violation at that place of business, the comptroller may require the permit holder to pay a fine in an amount not to exceed \$2,000; and

(3) for the third violation of this subchapter during the 24-month period preceding the most recent violation at that place of business, the comptroller may:

(A) require the permit holder to pay a fine in an amount not to exceed \$3,000; and

(B) suspend the permit for that place of business for not more than five days.

(c) Except as provided by Subsection (e), for the fourth or a subsequent violation of this subchapter during the 24-month period preceding the most recent violation at that place of business, the comptroller shall revoke the permit issued under Chapter 147 of this code or Chapter 154 or 155, Tax Code, as applicable. If the

permit holder does not hold a permit under Chapter 147 of this code or Chapter 154 or 155, Tax Code, the comptroller shall revoke the permit issued under Section 151.201, Tax Code.

(d) A permit holder whose permit has been revoked under this section may not apply for a permit for the same place of business before the expiration of six months after the effective date of the revocation.

(e) For purposes of this section, the comptroller may suspend a permit for a place of business but may not revoke the permit under Subsection (c) if the comptroller finds that:

(1) the permit holder has not violated this subchapter more than seven times at the place of business in the 48-month period preceding the violation in question;

(2) the permit holder requires its employees to attend a comptroller-approved seller training program;

(3) the employees have actually attended a comptroller-approved seller training program; and

(4) the permit holder has not directly or indirectly encouraged the employees to violate the law.

(f) The comptroller may adopt rules to implement this section.

Sec. 161.0903. USE OF CERTAIN REVENUE. Revenue from fees collected under Section 161.123 and from the sale of permits under Chapter 147 of this code, retailer permits under Chapter 154, Tax Code, and retailer permits under Chapter 155, Tax Code, shall be deposited in the general revenue fund and may be appropriated only as provided by this section. The revenue shall be appropriated, in order of priority, to:

(1) the comptroller for the purpose of administering retailer permitting under Chapter 147 of this code and Chapters 154 and 155, Tax Code;

(2) the comptroller for the purpose of administering and enforcing this subchapter and Subchapters K and N;

(3) the department for the purpose of administering programs under Sections 161.253 and 161.301; and

(4) the appropriate entity for the purpose of administering that entity's responsibilities under Section 161.302.

SECTION ____ . Section 161.123(b), Health and Safety Code, is amended to read as follows:

(b) The comptroller shall collect the fee [~~and deposit the money~~] as provided in this section.

SECTION ____ . Section 111.00455(b), Tax Code, is amended to read as follows:

(b) The following are not contested cases under Subsection (a) and Section 2003.101, Government Code:

(1) a show cause hearing or any hearing not related to the collection, receipt, administration, or enforcement of the amount of a tax or fee imposed, or the penalty or interest associated with that amount, except for a hearing under Section 151.157(f), 151.1575(c), or 151.712(g) of this code or Section 161.0901, Health and Safety Code [~~, 154.1142, or 155.0592~~];

(2) a property value study hearing under Subchapter M, Chapter 403, Government Code;

- (3) a hearing in which the issue relates to:
- (A) Chapters 72-75, Property Code;
 - (B) forfeiture of a right to do business;
 - (C) a certificate of authority;
 - (D) articles of incorporation;
 - (E) a penalty imposed under Section 151.703(d);
 - (F) the refusal or failure to settle under Section 111.101; or
 - (G) a request for or revocation of an exemption from taxation; and
- (4) any other hearing not related to the collection, receipt, administration, or enforcement of the amount of a tax or fee imposed, or the penalty or interest associated with that amount.

SECTION ____. Section 154.001, Tax Code, is amended by amending Subdivisions (9), (14), and (19) and adding Subdivisions (11-a) and (11-b) to read as follows:

- (9) "First sale" means, except as otherwise provided by this chapter:
- (A) the first transfer of possession in connection with a purchase, sale, or any exchange for value of cigarettes in or into this state, which:
 - (i) includes the sale of cigarettes by:
 - (a) a distributor in or outside this state to a distributor, wholesaler, or retailer in this state; and
 - (b) a manufacturer in this state who transfers the cigarettes in this state; and
 - (ii) does not include:
 - (a) the sale of cigarettes by a manufacturer outside this state to a distributor in this state; [~~or~~]
 - (b) the transfer of cigarettes from a manufacturer outside this state to a bonded agent in this state;
 - (c) the sale of cigarettes by a manufacturer, bonded agent, distributor, or importer to an interstate warehouse in this state; or
 - (d) the transfer of cigarettes by an interstate warehouse in an interstate warehouse transaction;
 - (B) the first use or consumption of cigarettes in this state; or
 - (C) the loss of cigarettes in this state whether through negligence, theft, or other unaccountable loss.
- (11-a) "Interstate warehouse" means a person in this state who receives unstamped cigarettes from a manufacturer, bonded agent, distributor, or importer and stores the cigarettes exclusively for an interstate warehouse transaction.
- (11-b) "Interstate warehouse transaction" means the sale or delivery of cigarettes from an interstate warehouse to a person located in another state who is licensed or permitted by the other state to affix that state's cigarette stamps or otherwise pay the state's excise tax on cigarettes as required.
- (14) "Permit holder" means a bonded agent, interstate warehouse, distributor, wholesaler, manufacturer, importer, export warehouse, or retailer who obtains a permit under Section 154.101.

(19) "Wholesaler" means a person, including a manufacturer's representative, who sells or distributes cigarettes in this state for resale but who is not a distributor or interstate warehouse.

SECTION _____. Section 154.041, Tax Code, is amended by adding Subsection (f) to read as follows:

(f) No stamp is required on the transfer of possession of cigarettes described by Section 154.001(9)(A)(ii)(d).

SECTION _____. Section 154.101, Tax Code, is amended by amending Subsections (a), (b), and (h) and adding Subsection (k) to read as follows:

(a) A person may not engage in business as a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer unless the person has applied for and received the applicable permit from the comptroller.

(b) Each distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer shall obtain a permit for each place of business owned or operated by the distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer. The comptroller may not issue a permit for a place of business that is a residence or a unit in a public storage facility.

(h) Permits for engaging in business as a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer shall be governed exclusively by the provisions of this code.

(k) A person may not hold a distributor's permit issued by this state and an interstate warehouse's permit for the same location.

SECTION _____. Section 154.1015, Tax Code, is amended by amending Subsections (c), (d), (e), and (f) and adding Subsection (j) to read as follows:

(c) A manufacturer outside this state who is not a permitted distributor may sell cigarettes only to a permitted distributor or permitted interstate warehouse.

(d) A permitted distributor may sell cigarettes only to a permitted distributor, wholesaler, or retailer. A permitted distributor who manufactures or produces cigarettes in this state may sell those cigarettes to a permitted interstate warehouse.

(e) A permitted importer may sell cigarettes only to a permitted interstate warehouse, distributor, wholesaler, or retailer.

(f) A permitted wholesaler may sell cigarettes only to a permitted interstate warehouse, distributor, wholesaler, or retailer.

(j) A permitted interstate warehouse may sell cigarettes only in an interstate warehouse transaction. An interstate warehouse may not make an intrastate sale of cigarettes without written authorization by the comptroller.

SECTION _____. Section 154.102(a), Tax Code, is amended to read as follows:

(a) The comptroller may issue a combination permit for cigarettes and tobacco products to a person who is a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, importer, or retailer as defined by this chapter and Chapter 155 for both cigarettes and tobacco products. An interstate warehouse may not hold a combination permit as a retailer of cigarettes or tobacco products.

SECTION _____. Sections 154.110(a) and (d), Tax Code, are amended to read as follows:

(a) The comptroller shall issue a permit to a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer if the comptroller:

- (1) has received an application and fee, if required;
- (2) believes that the applicant has complied with Section 154.101; and
- (3) determines that issuing the permit will not jeopardize the administration and enforcement of this chapter.

(d) The permit must indicate the type of permit that it is and authorize the sale of cigarettes in this state, except as provided by Section 154.1015(j). The permit must show that it is revocable and shall be forfeited or suspended if the conditions of issuance, provisions of this chapter, or rules of the comptroller are violated.

SECTION ____. Section 154.111(b), Tax Code, is amended to read as follows:

(b) An application for a permit required by this chapter must be accompanied by a fee of:

- (1) \$300 for a bonded agent's permit;
- (1-a) \$300 for an interstate warehouse's permit;
- (2) \$300 for a distributor's permit;
- (3) \$200 for a wholesaler's permit;
- (4) \$15 for each permit for a vehicle if the applicant is also applying for a permit as a bonded agent, distributor, or wholesaler or has received a current permit from the comptroller under Sections 154.101 and 154.110; and
- (5) \$180 for a retailer's permit.

SECTION ____. Sections 154.121(a) and (b), Tax Code, are amended to read as follows:

(a) Except as provided by Subsection (b), revenue from the sale of permits to distributors, wholesalers, ~~and~~ bonded agents, and interstate warehouses is allocated in the same manner as other revenue allocated by Subchapter J.

(b) Revenue from the sale of retailer's permits shall be deposited as provided by Section 161.0903, Health and Safety Code, [to the general revenue fund] and may be appropriated only as provided by that [this] section. ~~[The money may be appropriated first to the comptroller for administration of licensing of retailers under this chapter or Chapter 155.]~~

SECTION ____. Section 154.152(c), Tax Code, is amended to read as follows:

(c) A person may not transport or cause to be transported from this state cigarettes for sale in another state without first affixing to the cigarettes the stamp required by the state in which the cigarettes are to be sold or paying any other excise tax on the cigarettes imposed by the state in which the cigarettes are to be sold. This subsection does not apply to the distribution, sale, or transportation of cigarettes sold by an interstate warehouse in an interstate warehouse transaction.

SECTION ____. Section 154.201, Tax Code, is amended to read as follows:

Sec. 154.201. RECORD OF PURCHASE OR RECEIPT. Each distributor, wholesaler, bonded agent, interstate warehouse, and export warehouse shall keep records at each place of business of all cigarettes purchased or received, including records of those cigarettes for which no tax is due under federal law. Each retailer

shall keep records at a single commercial business location, which the retailer shall designate as its principal place of business in this state, of all cigarettes purchased and received. These records must include:

- (1) the name and address of the shipper or carrier and the mode of transportation;
- (2) all shipping records or copies of records, including invoices, bills of lading, waybills, freight bills, and express receipts;
- (3) the date and the name of the place of origin of the cigarette shipment;
- (4) the date and the name of the place of arrival of the cigarette shipment;
- (5) a statement of the number, kind, and price paid for cigarettes, including cigarettes in stamped and unstamped packages;
- (6) the name, address, permit number, and tax identification number of the seller;
- (7) in the case of a distributor, copies of the customs certificates required by 19 U.S.C. Section 1681a(c), as amended, for all cigarettes imported into the United States to which the distributor has affixed a tax stamp; and
- (8) any other information required by rules of the comptroller.

SECTION _____. Section 154.203, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Each interstate warehouse, distributor, and wholesaler shall keep at each place of business in this state records of each sale, distribution, exchange, or use of cigarettes whether taxed under this chapter or not. Each interstate warehouse, distributor, and wholesaler shall prepare and retain an original invoice for each transaction involving cigarettes. Each interstate warehouse, distributor, or wholesaler shall keep any supporting documentation, including bills of lading, showing shipment and receipt used in preparing the invoices at the place of business of the interstate warehouse, distributor, or wholesaler. The interstate warehouse, distributor, or wholesaler shall prepare and deliver a duplicate invoice to the purchaser.

(c) On request by the comptroller, an interstate warehouse shall provide to the comptroller copies of periodic cigarette reports filed with each state into which the interstate warehouse sells cigarettes and copies of each report required under 15 U.S.C. Section 376.

SECTION _____. Section 154.501(a), Tax Code, is amended to read as follows:

- (a) A person violates this chapter if the person:
- (1) is a distributor, wholesaler, manufacturer, export warehouse, importer, bonded agent, interstate warehouse, manufacturer's representative, or retailer and fails to keep records required by this chapter;
 - (2) engages in the business of a bonded agent, interstate warehouse, distributor, wholesaler, manufacturer, export warehouse, importer, or retailer without a valid permit;
 - (3) is a distributor, wholesaler, manufacturer, export warehouse, importer, bonded agent, interstate warehouse, or retailer and fails to make a report or makes a false or incomplete report or application required by this chapter to the comptroller; or
 - (4) is a person affected by this chapter and fails or refuses to abide by or violates a provision of this chapter or a rule adopted by the comptroller under this chapter.

SECTION ____ . Section 154.503(a), Tax Code, is amended to read as follows:

(a) Except as provided by Sections 154.026(b), 154.041(f), and 154.042, a person commits an offense if the person possesses unstamped cigarettes in quantities less than 10,000.

SECTION ____ . Section 154.509, Tax Code, is amended to read as follows:

Sec. 154.509. PERMITS. A person commits an offense if the person acting:

(1) as a distributor, interstate warehouse, wholesaler, or retailer, receives or possesses cigarettes without having a valid permit;

(2) as a distributor, interstate warehouse, wholesaler, or retailer, receives or possesses cigarettes without having a permit posted where it can be easily seen by the public;

(3) as a distributor, interstate warehouse, or wholesaler, does not deliver an invoice to the purchaser as required by Section 154.203;

(4) as a distributor, interstate warehouse, wholesaler, or retailer, sells cigarettes without having a valid permit; or

(5) as a bonded agent, interstate warehouse, or export warehouse, stores, distributes, or delivers cigarettes in unstamped packages without having a valid permit, except as provided by Section 154.041(f).

SECTION ____ . Section 154.511, Tax Code, is amended to read as follows:

Sec. 154.511. TRANSPORTATION OF CIGARETTES. A person, other than a common carrier, commits an offense if the person:

(1) knowingly transports cigarettes without a stamp affixed to each individual package, except as provided by Section 154.024(a) or 154.152(c);

(2) wilfully refuses to stop a motor vehicle operated to transport cigarettes after a request to stop from an authorized person; or

(3) while transporting cigarettes refuses to permit a complete inspection of the cargo by an authorized person.

SECTION ____ . Section 154.515(a), Tax Code, is amended to read as follows:

(a) Except as provided by Sections 154.026(b), 154.041(f), and 154.042, a person commits an offense if the person possesses unstamped cigarettes in quantities of 10,000 or more.

SECTION ____ . Section 155.001, Tax Code, is amended by amending Subdivisions (8), (12), and (16) and adding Subdivisions (9-a) and (9-b) to read as follows:

(8) "First sale" means, except as otherwise provided by this chapter:

(A) the first transfer of possession in connection with a purchase, sale, or any exchange for value of tobacco products in or into this state, which:

(i) includes the sale of tobacco products by:

(a) a distributor in or outside this state to a distributor, wholesaler, or retailer in this state; and

(b) a manufacturer in this state who transfers the tobacco products in this state; and

(ii) does not include:

(a) the sale of tobacco products by a manufacturer outside this state to a distributor in this state; [~~or~~]

(b) the transfer of tobacco products from a manufacturer outside this state to a bonded agent in this state; or

(c) the sale of tobacco products by a manufacturer, bonded agent, distributor, or importer to an interstate warehouse in this state;

(B) the first use or consumption of tobacco products in this state; or

(C) the loss of tobacco products in this state whether through negligence, theft, or other unaccountable loss.

(9-a) "Interstate warehouse" means a person in this state who receives untaxed tobacco products from a manufacturer, bonded agent, distributor, or importer and stores the tobacco products exclusively for an interstate warehouse transaction.

(9-b) "Interstate warehouse transaction" means the sale or delivery of tobacco products from an interstate warehouse to a person located in another state who is licensed or permitted by the other state to pay the state's excise tax on tobacco products as required.

(12) "Permit holder" means a bonded agent, interstate warehouse, distributor, wholesaler, manufacturer, importer, export warehouse, or retailer who obtains a permit under Section 155.041.

(16) "Wholesaler" means a person, including a manufacturer's representative, who sells or distributes tobacco products in this state for resale but who is not a distributor or interstate warehouse.

SECTION _____. Section 155.041, Tax Code, is amended by amending Subsections (a), (b), and (h) and adding Subsection (i) to read as follows:

(a) A person may not engage in business as a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer unless the person has applied for and received the applicable permit from the comptroller.

(b) Each distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer shall obtain a permit for each place of business owned or operated by the distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer.

(h) Permits for engaging in business as a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, export warehouse, importer, or retailer shall be governed exclusively by the provisions of this code.

(i) A person may not hold a distributor's permit issued by this state and an interstate warehouse's permit for the same location.

SECTION _____. Section 155.0415, Tax Code, is amended by amending Subsections (c), (d), (e), and (f) and adding Subsection (j) to read as follows:

(c) A manufacturer outside this state who is not a permitted distributor may sell tobacco products only to a permitted distributor or a permitted interstate warehouse.

(d) A permitted distributor may sell tobacco products only to a permitted distributor, wholesaler, or retailer. A permitted distributor who manufactures or produces tobacco products in this state may sell those tobacco products to a permitted interstate warehouse.

(e) A permitted importer may sell tobacco products only to a permitted interstate warehouse, distributor, wholesaler, or retailer.

(f) A permitted wholesaler may sell tobacco products only to a permitted interstate warehouse, distributor, wholesaler, or retailer.

(j) A permitted interstate warehouse may sell tobacco products only in an interstate warehouse transaction. An interstate warehouse may not make an intrastate sale of tobacco products without written authorization by the comptroller.

SECTION ____ . Sections 155.048(a) and (d), Tax Code, are amended to read as follows:

(a) The comptroller shall issue a permit to a distributor, wholesaler, bonded agent, interstate warehouse, manufacturer, importer, or retailer if the comptroller:

(1) has received an application and fee, if required;

(2) does not reject the application and deny the permit under Section 155.0481; and

(3) determines that issuing the permit will not jeopardize the administration and enforcement of this chapter.

(d) The permit must indicate the type of permit that it is and authorize the sale of tobacco products in this state, except as provided by Section 155.0415(j). The permit must show that it is revocable and shall be forfeited or suspended if the conditions of issuance, provisions of this chapter, or rules of the comptroller are violated.

SECTION ____ . Section 155.049(b), Tax Code, is amended to read as follows:

(b) An application for a permit required by this chapter must be accompanied by a fee of:

(1) \$300 for a bonded agent's permit;

(1-a) \$300 for an interstate warehouse's permit;

(2) \$300 for a distributor's permit;

(3) \$200 for a wholesaler's permit;

(4) \$15 for each permit for a vehicle if the applicant is also applying for a permit as a bonded agent, distributor, or wholesaler or has received a current permit from the comptroller under Sections 155.041 and 155.048; and

(5) \$180 for a retailer's permit.

SECTION ____ . Sections 155.058(a) and (b), Tax Code, are amended to read as follows:

(a) Except as provided by Subsection (b), revenue from the sale of permits to distributors, wholesalers, ~~and~~ bonded agents, and interstate warehouses is allocated in the same manner that other revenue is allocated by Subchapter H.

(b) Revenue from the sale of retailer's permits shall be deposited as provided by Section 161.0903, Health and Safety Code, [to the general revenue fund] and may be appropriated only as provided by that [this] section. ~~[The money may be appropriated first to the comptroller for administration of licensing of retailers under this chapter or Chapter 154.]~~

SECTION ____ . Section 155.101, Tax Code, is amended to read as follows:

Sec. 155.101. RECORD OF PURCHASE OR RECEIPT. Each distributor, wholesaler, bonded agent, interstate warehouse, and export warehouse shall keep records at each place of business of all tobacco products purchased or received. Each retailer shall keep records at a single commercial business location, which the retailer shall designate as its principal place of business in the state, of all tobacco products

purchased and received. These records must include [~~the following, except that Subdivision (7) applies to distributors only and Subdivision (8) applies only to the purchase or receipt of tobacco products other than cigars~~]:

- (1) the name and address of the shipper or carrier and the mode of transportation;
- (2) all shipping records or copies of records, including invoices, bills of lading, waybills, freight bills, and express receipts;
- (3) the date and the name of the place of origin of the tobacco product shipment;
- (4) the date and the name of the place of arrival of the tobacco product shipment;
- (5) a statement of the number, kind, and price paid for the tobacco products;
- (6) the name, address, permit number, and tax identification number of the seller;
- (7) in the case of a distributor, the manufacturer's list price for the tobacco products;
- (8) for tobacco products other than cigars, the net weight as listed by the manufacturer for each unit; and
- (9) any other information required by rules of the comptroller.

SECTION ____ . Section 155.102, Tax Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) Each interstate warehouse, distributor, and wholesaler shall keep at each place of business in this state records of each sale, distribution, exchange, or use of tobacco products whether taxed under this chapter or not. Each interstate warehouse, distributor, and wholesaler shall prepare and retain an original invoice for each transaction involving tobacco products. Each interstate warehouse, distributor, or wholesaler shall keep any supporting documentation, including bills of lading, showing shipment and receipt used in preparing the invoices at the place of business of the interstate warehouse, distributor, or wholesaler. The interstate warehouse, distributor, or wholesaler shall prepare and deliver a duplicate invoice to the purchaser.

(b) The records for each sale, distribution, exchange, or use of tobacco products must show:

- (1) the purchaser's name and address, permit number, or tax identification number;
- (2) the method of delivery and the name of the common carrier or other person delivering the tobacco products;
- (3) the date, amount, and type of tobacco products sold, distributed, exchanged, or used;
- (4) the price received for the tobacco products;
- (5) the number and kind of tobacco products on which the tax has been paid; and
- (6) for sales from a manufacturer to a distributor or interstate warehouse, the manufacturer's list price for the tobacco products.

(d) On request by the comptroller, an interstate warehouse shall provide to the comptroller copies of periodic tobacco product reports filed with each state into which the interstate warehouse sells tobacco products and copies of each report required under 15 U.S.C. Section 376.

SECTION ____. Section 155.201(a), Tax Code, is amended to read as follows:

(a) A person violates this chapter if the person:

(1) is a distributor, wholesaler, manufacturer, export warehouse, importer, bonded agent, interstate warehouse, manufacturer's representative, or retailer and fails to keep records required by this chapter;

(2) engages in the business of a bonded agent, interstate warehouse, distributor, wholesaler, manufacturer, export warehouse, importer, or retailer without a valid permit;

(3) is a distributor, wholesaler, manufacturer, export warehouse, importer, bonded agent, interstate warehouse, or retailer and fails to make a report required by this chapter to the comptroller or makes a false or incomplete report or application required by this chapter to the comptroller; or

(4) is a person affected by this chapter and fails or refuses to abide by or violates a provision of this chapter or a rule adopted by the comptroller under this chapter.

SECTION ____. Section 155.207, Tax Code, is amended to read as follows:

Sec. 155.207. PERMITS. A person commits an offense if the person acting:

(1) as a distributor, interstate warehouse, wholesaler, or retailer, receives or possesses tobacco products without having a valid permit;

(2) as a distributor, interstate warehouse, wholesaler, or retailer, receives or possesses tobacco products without having a permit posted where it can be easily seen by the public;

(3) as a distributor, interstate warehouse, or wholesaler, does not deliver an invoice to the purchaser as required by Section 155.102;

(4) as a distributor, interstate warehouse, wholesaler, or retailer, sells tobacco products without having a valid permit; or

(5) as a bonded agent, interstate warehouse, or export warehouse, stores, distributes, or delivers tobacco products on which the tax has not been paid without having a valid permit.

SECTION ____. (a) Section 161.124, Health and Safety Code, is repealed.

(b) The following provisions of the Tax Code are repealed:

(1) Section 154.1142;

(2) Section 154.1143;

(3) Sections 154.121(c), (d), and (e);

(4) Sections 155.058(c), (d), and (e);

(5) Section 155.0592; and

(6) Section 155.0593.

SECTION ____. Section 161.0901, Health and Safety Code, as added by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION _____. (a) Notwithstanding Sections 147.0051, 147.0151, and 147.0152, Health and Safety Code, as added by this Act, a person is not required to hold a permit under Section 147.0051 to engage in business as a retailer of e-cigarettes in this state until January 1, 2022.

(b) The comptroller of public accounts shall prescribe the form and content of an application for a permit under Section 147.0051, Health and Safety Code, as added by this Act, and begin accepting applications for the permit not later than October 1, 2021.

The amendment to **HB 3578** 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 3578 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 3578 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3578** 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 1477 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1477** at this time on its second reading:

HB 1477, Relating to performance and payment bonds for public work contracts on public property leased to a nongovernmental entity.

The bill was read second time and was passed to third reading without objection.

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

HOUSE BILL 1477 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1477** 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 4110 ON SECOND READING**

On motion of Senator Alvarado and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4110** at this time on its second reading:

CSHB 4110, Relating to the regulation of metal recycling; increasing a criminal 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 except as follows:

Nays: Creighton, Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4110 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4110** 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, Buckingham, Campbell, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Taylor, West, Whitmire, Zaffirini.

Nays: Creighton, Springer.

HOUSE BILL 1280 ON THIRD READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 1280** at this time on its third reading and final passage:

HB 1280, Relating to prohibition of abortion; providing a civil penalty; creating a criminal offense.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

(President Pro Tempore Birdwell in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2168 ON SECOND READING**

On motion of Senator Powell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 2168** at this time on its second reading:

CSHB 2168, Relating to the repeal of a criminal offense for certain charitable raffle ticket sales by professional sports team charitable foundations.

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

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

Nays: Campbell, Hall, Hughes, Perry.

**COMMITTEE SUBSTITUTE
HOUSE BILL 2168 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 **CSHB 2168** 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 27, Nays 4.

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

Nays: Campbell, Hall, Hughes, Perry.

**COMMITTEE SUBSTITUTE
HOUSE BILL 79 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 79** at this time on its second reading:

CSHB 79, Relating to associate judges for guardianship proceedings and protective services proceedings in certain 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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 79 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 79** 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 492 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 492** at this time on its second reading:

CSHB 492, Relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 492** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Article 15.251(c), Code of Criminal Procedure (page 1, line 44), between "if" and "the complaint", insert the following:

⋮

(1)

(2) In SECTION 1 of the bill, in added Article 15.251(c), Code of Criminal Procedure (page 1, line 48), between "designee" and the underlined period, insert the following:

⋮
; and

(2) the warrant requires that each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer

(3) In SECTION 2 of the bill, in added Article 18.025(c), Code of Criminal Procedure (page 2, line 12), between "if" and "the affidavit", insert the following:

⋮

(1)

(4) In SECTION 2 of the bill, in added Article 18.025(c), Code of Criminal Procedure (page 2, line 16), between "designee" and the underlined period, insert the following:

⋮
; and

(2) the warrant requires that each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer

The amendment to **CSHB 492** 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 492 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: Springer.

**COMMITTEE SUBSTITUTE
HOUSE BILL 492 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 492** 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 1516 ON SECOND READING

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 1516** at this time on its second reading:

HB 1516, Relating to efficiency audits of the Temporary Assistance for Needy Families program and the state temporary assistance and support services program.

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

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

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

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

HOUSE BILL 1516 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 1516** be placed on its third reading and final passage.

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

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

Nays: Gutierrez, Johnson, Menéndez, Miles, Powell, West.

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

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

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

HOUSE BILL 3452 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 3452** at this time on its second reading:

HB 3452, Relating to granting limited state law enforcement authority to certain federal special agents.

The bill was read second time.

Senator Buckingham offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3452** (senate committee report) in SECTION 1 of the bill, in amended Article 2.122(a), Code of Criminal Procedure, by striking Subdivisions 16 and 17 (page 1, lines 55 through 59) and substituting the following:

(16) Special Agents of the Criminal Investigation Command of the United States Army;

(17) Special Agents of the Office of Special Investigations of the United States Air Force; and

(18) a police officer with the Office of Security and Law Enforcement of the United States Department of Veterans Affairs.

The amendment to **HB 3452** 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 3452 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 3452 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 3452** 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 1306 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 1306** at this time on its second reading:

HB 1306, Relating to increasing the criminal penalty for assault or aggravated assault of a process server.

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 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: Eckhardt.

HOUSE BILL 1306 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1306** 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 3920 ON THIRD READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 3920** at this time on its third reading and final passage:

HB 3920, Relating to an application to vote early by mail on the grounds of disability or confinement for childbirth.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

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

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 2283 ON THIRD READING

Senator Hughes, on behalf of Senator Creighton, moved to suspend the regular order of business to take up for consideration **CSHB 2283** at this time on its third reading and final passage:

CSHB 2283, Relating to the prohibition of certain contributions and donations for the administration of elections.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

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

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 999 ON SECOND READING**

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 999** at this time on its second reading:

CSHB 999, Relating to the use of individual graduation committees for certain high school students.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 999** (senate committee printing) in SECTION 1 of the bill, in added Section 28.0258(a-1), Education Code (page 1, lines 32 through 35), by striking "The commissioner may by rule apply this section to students in grade 12 during the 2021-2022 school year in the same manner under this subsection, if the commissioner determines the application of this section to those students is appropriate."

The amendment to **CSHB 999** 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 999 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: Buckingham.

**COMMITTEE SUBSTITUTE
HOUSE BILL 999 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 999** 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: Buckingham.

HOUSE BILL 3157 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 3157** at this time on its second reading:

HB 3157, Relating to the criminal offenses of violation of civil rights of and improper sexual activity with persons in custody; increasing a criminal 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 except as follows:

Nays: Creighton, Springer.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)
(Motion In Writing)**

Senator Schwertner submitted the following Motion In Writing:

Mr. President,

I move to suspend Senate Rule 5.14 to allow suspension of the regular business tomorrow on any bills that were on the Intent Calendar for today.

SCHWERTNER

The Motion In Writing was read and prevailed without objection.

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senators West and Miles regarding George Floyd were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator West: Mr. President and Members, know we had a lot of work to do today, but I'd be remiss if I didn't stand here today in remembrance of George Floyd. I know how many of you feel about George Floyd, and that's okay. Fact is, is that I think we have to just kind of think about what's happened over this past year, one year today, killed by a police officer in Minnesota. I stand for a Texas native son, George Floyd, on this very day in 2020, passing of eight minutes and forty-six seconds, lost his life. That number and those images are etched in our minds, our children's minds, forever. You know as I woke today, I uttered a prayer for his family, every Member of this body, our family. As relates to his family, many of whom have been gathered in Minnesota today for most of the week to commemorate his life on his one-year anniversary. I'm reminded of words about why no bill name of George Floyd, because of his past. Each and every one of us is without sin, let them cast the first stone. Yes, he had some troubling moments in his life, but I think all would agree did not deserve to die the way he died. You know, as a father, I ache for his daughter, been fatherless now for some 365 days. My, no our, heavenly Father frankly stands in the gap. Thought for his fiancée who will never realize growing old with him. Those close grieve yet I and many in this room, this Capitol, this state, our nation, and world have

been unable to breathe during and after Mr. Floyd's death. Guilty verdict, this cannot be called a victory; it should not be called a victory on the day it was rendered nor today's one-year anniversary because George Floyd is dead. Dead. You mark one year since the 46-year-old Houston native's life was ended over a store operator's call to police claiming he passed a fake \$20 bill. Let that sink in. Claiming that he passed a fake \$20 bill. What have we learned over this past year? Country any closer to solving these issues? Our streets when millions of people across the world protested his death, yes, there was some vandalism, which all of us condone, I mean condemn, excuse me, have occurred. We're living in a country that's more polarized than ever, where we leave generations' problems that we should, our generation, generations in this Chamber should be solving. And a minor-aged witness' cell phone recorded a grossly nine minutes and twenty-nine seconds that sparked outrage, that frankly, spread worldwide. You know, think about Floyd, Floyd's death, Michael Ramos, and others. Ask yourself, Breonna Taylor, where a mistake, where a mistake was made. Atatiana Jefferson in Fort Worth where a mistake was made is ironically that most of the mistakes that have been made by police officers been associated with the death of minorities. Let me put a plug in it for a minute. I think George Floyd would want me to do this. I'm not saying that our law enforcement, most of them are bad because that's not the case. If I pick up a telephone and I have a problem, I want to call a police officer. But, Members, we need more transparency. I can tell you, Senator Whitmire can tell you also, I passed the first dash camera bill here in Texas. I was called by law enforcement everything except a child of God. I'll say that again. And you know what I mean and, frankly, I was trying to pass the bill for them. I was called, Senator Bettencourt, everything except a child of God, which I am. Members, George Floyd's death has changed the world. Not afraid to speak his name, I'll add it to measures that will continue to be filed, dated, and eventually passed that will right wrongs. I'm just hoping that you can find it in your heart and probably all of us will come back to do some soul searching during the interim regarding what's going on in this world, in Texas. Recognizing that a native son found as the poster child, if you will. Want to put a face on it? Someone that was murdered by a police officer that abused his power. Had not that young child videotaped that may be a different story all together. And in closing, it would be different if this was just an isolated case. Last week, on television, Mr. President, a young man by the name of Ronald Greene in Louisiana died. You know, after a police chase. Crashed his car, truck, or vehicle I should say, into a tree. And this is media reports now, I understand the media may not get it all right, but in a media report he crashed his vehicle into a tree. Mind you, this was over two years ago, it took over two years for the videotape to be released. In the police report, Senator Huffman, a government document, it's reported that the officer said that he died as a result of crashing into the tree. It's government document. Here in Texas if you falsify a government document, it's a felony. But in this instance, once they got the body camera footage after two and a half years showed that he was tasered in the car several times, pulled out of the car, face down, handcuffed, tasered, screaming that he's afraid. Legs were shackled, he was drug by a police officer face down. Let that sink in. Officer took his, took the chains and just started dragging him. And still the police report said he died as a result of his vehicle crashing into the tree. Why do I make that, tell you about that? I know that all of you would agree that it's

despicable, that all of the facts come out and verify that. George Floyd, a native son of Texas died, was killed, and I'm hoping that we, as a generation of leaders in this state, won't pass these issues on to another generation of Texans, that we take the responsibility. Yes, Senator Hughes, we don't want one race to think they're superior over another. That's just part of the job that the State Board of Education should be doing. The other part is trying to help us find ways in order to make sure that racism, ugly face of racism, is no longer welcomed or tolerated, more importantly, in this state. On behalf of the George Floyd family, I just want to stop just a few minutes, Mr. President, to ask that we adjourn in honor of George Floyd.

President: Thank you, Senator West. Excuse me. Senator Miles.

Senator Miles: Thank you, Mr. President and Members. I, too, want to rise this evening before we close in recognition of the one year death of Brother Floyd. See Brother Floyd was a Houston and Third Ward native just like me. George Floyd and I both attended the same high school, Jack Yates senior high. George Floyd is a father, he was a son, and he was a brother. So Members, in the long list of deaths of African Americans at the hands of the police, his death hit me pretty hard. Pretty damn hard. We went to the same high school, we grew up in the same neighborhood, we knew the same people, and I know his family. I've been to many memorials in remembrance of George Floyd in the past year. There's now a street memorial in front of our high school in honor of George Floyd. I sponsored many events and gatherings and rallies for George Floyd. At all these events I've said the same thing, he shook the world, Royce. And his death must not be in vain. Mr. President and Members, I'm glad we made some steps this session, and I want to thank all of you for the steps that we have taken. My House Bill passed with Senate Bills 68, 69 today, in honor of George Floyd today, which bans choke holds and gives a duty to intervene to police officers who witness misconduct. And again, I want to thank you for a unanimous vote coming out of this Chamber. I want to thank you on behalf of the Floyd family and for our community, for a unanimous vote coming out of the 87th legislative session, out of this Senate body. But more needs to be done. I look forward to building on the progress that we made this session in tackling the many parts of the George Floyd Act that we did not pass this session. But I'd be remiss if I didn't mention that I've been passing criminal justice reform acts since 2011, Senator West, Chairman, Madam Chair, ever since the beating of a young man named Chad Holley in Houston, Texas. Some of you may remember that name, Bettencourt, but I find it awfully strange that none of those bills since 2011 ever got heard until the cameras and the spotlight was shined on George Floyd. Many of you fell in love with the young man, Mr. McBride, that was here today. He warmed everybody's heart, but I want us all to know if we don't take matters into our own hands, if we're not honest with ourselves about police brutality and how society views Black men, that young man could be the next George Floyd. Thank you once again, Members, for unanimous vote in the spirit of George Floyd and his family.

ORDERED NOT PRINTED

The Conference Committee Report on **SB 1** was ordered not printed in the *Senate Journal*.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1**

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
May 25, 2021

Honorable Dan Patrick
President of the Senate
Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NELSON	BONNEN
HUFFMAN	CAPRIGLIONE
KOLKHORST	M. GONZÁLEZ
NICHOLS	WALLE
TAYLOR	WILSON
On the part of the Senate	On the part of the House

The Conference Committee Report on **SB 1** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3282**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas
May 25, 2021

Honorable Dan Patrick
President of the Senate
Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3282** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NICHOLS	CANALES
WEST	ASHBY
SELIGER	HARRIS
HINOJOSA	MARTINEZ
HANCOCK	E. THOMPSON
On the part of the Senate	On the part of the House

The Conference Committee Report on **HB 3282** was filed with the Secretary of the Senate.

CO-SPONSOR OF HOUSE BILL 10

On motion of Senator Schwertner, Senator Hinojosa will be shown as Co-sponsor of **HB 10**.

CO-SPONSOR OF HOUSE BILL 15

On motion of Senator Kolkhorst, Senator Hinojosa will be shown as Co-sponsor of **HB 15**.

CO-SPONSORS OF HOUSE BILL 290

On motion of Senator Kolkhorst, Senators Blanco, Eckhardt, Hinojosa, and Zaffirini will be shown as Co-sponsors of **HB 290**.

CO-SPONSOR OF HOUSE BILL 295

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-sponsor of **HB 295**.

CO-SPONSOR OF HOUSE BILL 332

On motion of Senator Lucio, Senator Blanco will be shown as Co-sponsor of **HB 332**.

CO-SPONSORS OF HOUSE BILL 492

On motion of Senator West, Senators Blanco, Hinojosa, Miles, and Powell will be shown as Co-sponsors of **HB 492**.

CO-SPONSOR OF HOUSE BILL 548

On motion of Senator Blanco, Senator Eckhardt will be shown as Co-sponsor of **HB 548**.

CO-SPONSOR OF HOUSE BILL 707

On motion of Senator Blanco, Senator Hinojosa will be shown as Co-sponsor of **HB 707**.

CO-SPONSORS OF HOUSE BILL 769

On motion of Senator Taylor, Senators Hinojosa and Kolkhorst will be shown as Co-sponsors of **HB 769**.

CO-SPONSOR OF HOUSE BILL 988

On motion of Senator Hancock, Senator Bettencourt will be shown as Co-sponsor of **HB 988**.

CO-SPONSOR OF HOUSE BILL 1068

On motion of Senator Lucio, Senator Blanco will be shown as Co-sponsor of **HB 1068**.

CO-SPONSOR OF HOUSE BILL 1164

On motion of Senator Buckingham, Senator Miles will be shown as Co-sponsor of **HB 1164**.

CO-SPONSOR OF HOUSE BILL 1252

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

CO-SPONSOR OF HOUSE BILL 1256

On motion of Senator Huffman, Senator Zaffirini will be shown as Co-sponsor of **HB 1256**.

CO-SPONSORS OF HOUSE BILL 1535

On motion of Senator Schwertner, Senators Alvarado, Blanco, Buckingham, Campbell, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Nelson, Seliger, and Whitmire will be shown as Co-sponsors of **HB 1535**.

CO-SPONSOR OF HOUSE BILL 1540

On motion of Senator Huffman, Senator Taylor will be shown as Co-sponsor of **HB 1540**.

CO-SPONSOR OF HOUSE BILL 1818

On motion of Senator Menéndez, Senator Bettencourt will be shown as Co-sponsor of **HB 1818**.

CO-SPONSOR OF HOUSE BILL 2022

On motion of Senator Huffman, Senator Hinojosa will be shown as Co-sponsor of **HB 2022**.

CO-SPONSOR OF HOUSE BILL 2073

On motion of Senator Springer, Senator Blanco will be shown as Co-sponsor of **HB 2073**.

CO-SPONSORS OF HOUSE BILL 2211

On motion of Senator Perry, Senators Kolkhorst and West will be shown as Co-sponsors of **HB 2211**.

CO-SPONSOR OF HOUSE BILL 2256

On motion of Senator Creighton, Senator Zaffirini will be shown as Co-sponsor of **HB 2256**.

CO-SPONSOR OF HOUSE BILL 2287

On motion of Senator Powell, Senator Hinojosa will be shown as Co-sponsor of **HB 2287**.

CO-SPONSOR OF HOUSE BILL 2706

On motion of Senator Nelson, Senator Blanco will be shown as Co-sponsor of **HB 2706**.

CO-SPONSOR OF HOUSE BILL 2792

On motion of Senator Alvarado, Senator Eckhardt will be shown as Co-sponsor of **HB 2792**.

CO-SPONSORS OF HOUSE BILL 2911

On motion of Senator Hancock, Senators Hinojosa and Zaffirini will be shown as Co-sponsors of **HB 2911**.

CO-SPONSOR OF HOUSE BILL 3081

On motion of Senator Springer, Senator Hughes will be shown as Co-sponsor of **HB 3081**.

CO-SPONSOR OF HOUSE BILL 3207

On motion of Senator Menéndez, Senator Hinojosa will be shown as Co-sponsor of **HB 3207**.

CO-SPONSOR OF HOUSE BILL 3287

On motion of Senator Hughes, Senator Campbell will be shown as Co-sponsor of **HB 3287**.

CO-SPONSOR OF HOUSE BILL 3456

On motion of Senator Eckhardt, Senator Lucio will be shown as Co-sponsor of **HB 3456**.

CO-SPONSOR OF HOUSE BILL 3578

On motion of Senator Johnson, Senator Lucio will be shown as Co-sponsor of **HB 3578**.

CO-SPONSOR OF HOUSE BILL 3665

On motion of Senator Blanco, Senator Eckhardt will be shown as Co-sponsor of **HB 3665**.

CO-SPONSOR OF HOUSE BILL 3712

On motion of Senator West, Senator Hinojosa will be shown as Co-sponsor of **HB 3712**.

CO-SPONSOR OF HOUSE BILL 3938

On motion of Senator Powell, Senator Blanco will be shown as Co-sponsor of **HB 3938**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 471 by Hughes, In memory of Lawana Jo McGuyer.

SR 472 by Kolkhorst, In memory of John William "Bill" Hartman.

SR 482 by Hughes, In memory of Gaynael Ray Grigsby.

Congratulatory Resolutions

SR 470 by Birdwell, Recognizing Mason Lewis for winning a girls' golf individual state championship.

SR 474 by Blanco, Recognizing the Paso del Norte Trail for being selected as a Conservation Wrangler.

SR 475 by Blanco, Recognizing the 10th anniversary of the Gayle Greve Hunt School of Nursing.

SR 476 by Blanco, Recognizing Project Amistad on the occasion of its 45th anniversary.

SR 477 by Blanco, Recognizing the 10th anniversary of the relocation of the U.S. Army 1st Armored Division to Fort Bliss.

SR 478 by Blanco, Recognizing Tracy J. Yellen for her efforts during the COVID-19 pandemic.

SR 479 by Blanco, Recognizing El Paso women veterans on the occasion of Women Veterans Day.

SR 480 by Hughes, Recognizing the *Longview News-Journal* on the occasion of its 150th anniversary.

SR 481 by Hughes, Recognizing Stanley's Famous Pit Bar-B-Q for being designated as a Tyler Historic Landmark.

SR 483 by Hughes, Recognizing the Goodman-LeGrand House and Museum on the occasion of its 162nd anniversary.

SR 484 by Hughes, Recognizing the Tyler Rose Garden.

SR 485 by Hughes, Recognizing the 11th birthdays of elephants Mac and Emanti, of the Caldwell Zoo.

SR 486 by Hughes, Recognizing Sarah Fields on her appointment as sheriff of Panola County.

SR 488 by Paxton, Recognizing Jeffrey and Carlene St. John on their 30th wedding anniversary.

RECESS

On motion of Senator Whitmire, the Senate at 10:58 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 25, 2021

JURISPRUDENCE — **CSHB 3774**

EDUCATION — **CSHB 2519, CSHB 2954**

BILLS AND RESOLUTIONS ENROLLEDMay 24, 2021

SB 48, SB 50, SB 56, SB 59, SB 89, SB 179, SB 186, SB 220, SB 244, SB 263, SB 271, SB 291, SB 296, SB 338, SB 387, SB 480, SB 481, SB 560, SB 672, SB 764, SB 776, SB 782, SB 798, SB 818, SB 873, SB 918, SB 993, SB 1136, SB 1165, SB 1168, SB 1177, SB 1257, SB 1258, SB 1269, SB 1270, SB 1359, SB 1444, SB 1524, SB 1585, SB 1655, SB 1801, SB 1814, SB 1815, SB 1907, SB 1942, SB 1955, SB 2008, SB 2046, SB 2062, SB 2099, SB 2183, SCR 3, SCR 12, SCR 51, SJR 35, SR 466

SENT TO SECRETARY OF STATEMay 25, 2021**SJR 35**