

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-EIGHTH DAY

(Saturday, May 29, 2021)

The Senate met at 1:28 p.m. pursuant to adjournment and was called to order by President Pro Tempore Birdwell.

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

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

Senator Nelson offered the invocation as follows:

Heavenly Father, we come to You for guidance in these final days of session. We pray for wisdom. We pray for unity. We pray for Your divine and powerful peace, which passes all understanding. Please guide us and guard as we make decisions that impact every Texan. We ask these things in Your holy and precious name. Amen.

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

The motion prevailed without objection.

(Senator Buckingham in Chair)

SENATE RESOLUTION 541

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Robert Saenz, who is retiring as deputy executive director of the Enforcement Division for the Texas Alcoholic Beverage Commission after more than 27 years of outstanding service with the agency; and

WHEREAS, Robert Saenz joined the Texas Alcoholic Beverage Commission in 1993 as an agent trainee, and he steadily rose through the ranks to become deputy executive director of the Enforcement Division; his career with the agency has included 19 years of experience in supervisory roles, and he has been stationed in areas across the state, including Galveston, Del Rio, Odessa, Houston, and Austin; and

WHEREAS, A graduate of Texas State University with a degree in criminal justice, he served for a time as a patrolman and as a detective with the Del Rio Police Department before joining the Texas Alcoholic Beverage Commission; in the course of his career with the agency, he implemented new methods of operation and led the reorganization of the Special Investigations Unit and the Special Response Teams; his leadership has been an invaluable asset, and he has been instrumental in the Texas Alcoholic Beverage Commission's success as a law enforcement agency; and

WHEREAS, He holds a Master Peace Officer Certificate and has been a licensed Texas Commission on Law Enforcement instructor since 1997; he is also a graduate of the Lyndon B. Johnson School of Public Affairs Governor's Executive Development Program and the Texas Department of Public Safety Command College; and

WHEREAS, An exemplary law enforcement officer, he is respected and admired by his colleagues, and his presence at the Texas Alcoholic Beverage Commission will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, hereby commend Robert Saenz on his exceptional service to the people of Texas as an employee of the Texas Alcoholic Beverage Commission and extend to him best wishes for continued success in all his endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

SR 541 was read and was adopted without objection.

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 73, SB 113, SB 123, SB 149, SB 153, SB 157, SB 160, SB 168, SB 181, SB 198, SB 199, SB 202, SB 224, SB 226, SB 239, SB 286, SB 289, SB 374, SB 474, SB 476, SB 483, SB 507, SB 600, SB 630, SB 709, SB 760, SB 763, SB 804, SB 809, SB 876, SB 877, SB 900, SB 901, SB 904, SB 906, SB 1055, SB 1056, SB 1059, SB 1063, SB 1103, SB 1113, SB 1116, SB 1418, SB 1490, SB 1642, SB 1941, SCR 22, SCR 52, SCR 53, SJR 19.

HB 2 (Signed subject to Art. III, Sec. 49a, Texas Constitution), **HB 1090, HB 1256, HB 1280, HB 1306, HB 1477, HB 1516, HB 1906, HB 1914, HB 2022, HB 3081, HB 3088, HB 3207, HB 3456, HB 3920, HB 4068, HB 4664, HB 4668, HCR 61.**

BIRTHDAY GREETINGS EXTENDED

Senator Campbell was recognized and, on behalf of the Senate, extended birthday greetings to Senator Schwertner.

ACKNOWLEDGMENT

Senator Gutierrez acknowledged the life of federal Judge John H. Wood who was assassinated 41 years ago today.

SENATE BILL 225 WITH HOUSE AMENDMENT

Senator Paxton called **SB 225** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the regulation of certain child-care facilities and family homes.

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

SECTION 1. This Act may be cited as Ellie's Law.

SECTION 2. Section 42.025, Human Resources Code, is amended to read as follows:

Sec. 42.025. SEARCHABLE DATABASE. (a) The commission [department] shall permanently maintain on the commission's [department's] Internet website a searchable database that lists [includes the name, the address, and any identification number, as applicable, of] each group day-care home and family home licensed, registered, or listed under this chapter:

(1) that previously had a license, registration, or listing under this chapter involuntarily suspended or revoked; or

(2) for which the commission refused to renew a license, registration, or listing [under this chapter with a permanent notation indicating the involuntary suspension or revocation and the year in which the suspension or revocation took effect or was final under this chapter].

(b) The database maintained under Subsection (a) must include for each group day-care home and licensed or registered family home:

(1) the name of the facility;

(2) the address of the facility, including the county in which the facility is located;

(3) any identification number associated with the facility;

(4) the name of the sole proprietor or each partner who owns the child-care operation or, if the owner is a business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner; and

(5) the year in which:

(A) the involuntary suspension or revocation of the facility's license, registration, or listing took effect or was final under this chapter; or

(B) the commission refused to renew the facility's license, registration, or listing.

(c) The commission shall include the name of each individual described by Subsection (b)(4) who is associated with the license, registration, or listing in any database entry made under this section.

(d) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 3. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.04291 to read as follows:

Sec. 42.04291. SUPERVISION STANDARDS FOR INFANT DURING TIME SPENT ON STOMACH. The executive commissioner by rule shall establish standards for the visual and auditory supervision of an infant engaged in time on the infant's stomach while awake. Each group day-care home and listed and registered family home shall comply with the supervision standards.

SECTION 4. Section 42.046, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) An applicant for a license to operate a child-care facility, child-placing agency, or continuum-of-care residential operation or for a listing or registration to operate a family home shall submit to the commission [~~department~~] the appropriate fee prescribed by Section 42.054 and a completed application on a form provided by the commission [~~department~~].

(a-1) The commission shall require the applicant for a license, registration, or listing for a group day-care home or a family home to provide the applicant's name and the name of the sole proprietor or each partner who owns the child-care operation or, if the owner is a business entity, the name of each officer responsible for the management of the child-care operation as determined by the commissioner on the application form.

SECTION 5. Section 42.048, Human Resources Code, is amended by adding Subsection (a-1) and amending Subsections (e) and (e-3) to read as follows:

(a-1) The commission shall associate a license issued under this chapter for a group day-care home with the applicant's name as stated in the applicant's license application.

(e) A license issued under this chapter is not transferable and applies only to the operator [~~and facility location~~] stated in the license application. A [~~Except as provided by Subsections (e-1), (e-2), and (e-3), a~~] change in [~~location or~~] ownership automatically revokes a license.

(e-3) [~~A change in location of a school age program operated exclusively during the summer period or any other time when school is not in session does not automatically revoke the license to operate the school age program.~~] A licensed child-care facility [~~school age program~~] that changes location:

(1) must inform the commission regarding the new location before changing location; and

(2) may not operate at the new location unless the commission approves the new location after the licensed child-care facility [~~school age program~~] meets all requirements related to the new location.

SECTION 6. Section 42.050(c), Human Resources Code, is amended to read as follows:

(c) The commission shall evaluate the application for renewal of a license to determine if all licensing requirements are met and whether the facility has been cited for repeated violations or has established a pattern of violations during the preceding five [~~two~~] years. The evaluation may include a specified number of visits to the facility and must include a review of all required forms and records. If the commission determines the facility has repeated violations or an established pattern of violations, before the commission renews the license the commission may place restrictions, conditions, or additional requirements on the license to ensure the violations cease.

SECTION 7. Section 42.052, Human Resources Code, is amended by amending Subsection (f-2) and adding Subsection (l) to read as follows:

(f-2) The commission shall evaluate an application for renewal of a facility certification or family home registration to determine if all requirements are met and whether the applicant has been cited for repeated violations or has established a pattern of violations during the preceding five [two] years. The evaluation may include a specified number of visits to the facility or family home subject to this section and must include a review of all required forms and records. If the commission determines the facility or family home has repeated violations or an established pattern of violations, before the commission renews the certification or registration the commission may place restrictions, conditions, or additional requirements on the certification or registration to ensure the violations cease.

(l) The commission shall associate a listing or registration of a family home issued under this chapter with the applicant's name as stated in the applicant's listing or registration application.

SECTION 8. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0562 to read as follows:

Sec. 42.0562. INFORMATION REGARDING CERTAIN GROUP DAY-CARE HOME AND FAMILY HOME EMPLOYEES. (a) The commission shall collect information regarding group day-care home and family home employees who have had a license, registration, or other occupational authorization revoked by a licensing authority.

(b) The commission shall collaborate with licensing authorities to determine the most efficient method for identifying group day-care home or family home employees who have had a license revoked by the licensing authority.

(c) In this section:

(1) "License" means a license, registration, certificate, permit, or other authorization issued by a licensing authority that a person must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

SECTION 9. Sections 42.048(e-1) and (e-2), Human Resources Code, are repealed.

SECTION 10. The executive commissioner of the Health and Human Services Commission is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the executive commissioner may, but is not required to, implement this Act using other appropriations available for the purpose.

SECTION 11. This Act takes effect September 1, 2021.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 225**.

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

SENATE BILL 1696 WITH HOUSE AMENDMENT

Senator Paxton called **SB 1696** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to establishing a system for the sharing of information regarding cyber attacks or other cybersecurity incidents occurring in schools in this state.

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

SECTION 1. The heading to Section 11.175, Education Code, is amended to read as follows:

Sec. 11.175. SCHOOL [DISTRICT] CYBERSECURITY.

SECTION 2. Section 11.175, Education Code, is amended by amending Subsection (e) and adding Subsections (g), (h), and (i) to read as follows:

(e) A school district or open-enrollment charter school [The district's cybersecurity coordinator] shall report to the agency or, if applicable, the entity that administers the system established under Subsection (g) any cyber attack or other cybersecurity incident against the school district's or open-enrollment charter school's [district] cyberinfrastructure that constitutes a breach of system security as soon as practicable after the discovery of the attack or incident.

(g) The agency, in coordination with the Department of Information Resources, shall establish and maintain a system to coordinate the anonymous sharing of information concerning cyber attacks or other cybersecurity incidents between participating schools and the state. The system must:

(1) include each report made under Subsection (e);

(2) provide for reports made under Subsection (e) to be shared between participating schools in as close to real time as possible; and

(3) preserve a reporting school's anonymity by preventing the disclosure through the system of the name of the school at which an attack or incident occurred.

(h) In establishing the system under Subsection (g), the agency may contract with a qualified third party to administer the system.

(i) The commissioner shall adopt rules as necessary to implement this section.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 1696**.

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

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

Nays: Creighton, Kolkhorst, Nichols, Perry.

SENATE BILL 604 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 604** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 604** (house committee printing) as follows:

(1) On page 2, line 3, strike "purpose of discharging its bonded indebtedness" and substitute "purposes of winding up district operations and discharging its bonded indebtedness".

(2) On page 2, line 5, strike "available for the purpose to" and substitute the following:
available to:

(A) wind up district operations; and

(B)

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 604**.

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

SENATE BILL 500 WITH HOUSE AMENDMENT

Senator Miles called **SB 500** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 500** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The Health and Human Services Commission shall conduct a study on state and local regulation of group homes.

(b) The study must:

(1) identify and evaluate state laws relating to the regulation of group homes, including:

(A) a boarding home facility, as defined by Section 260.001, Health and Safety Code; and

(B) a community home, described by Chapter 123, Human Resources Code;

(2) analyze the procedures for filing complaints against group homes and make recommendations to expedite complaint processes;

(3) analyze complaints filed against group homes in the preceding 10 years;

(4) analyze the enforcement authority over group homes granted to state and local governmental agencies, including the authority of counties and municipalities to enforce boarding home regulations;

(5) recommend whether additional state and local governmental enforcement authority over group homes is needed;

(6) recommend processes to expedite the licensing of and regulatory procedures for group homes;

(7) determine whether new categories of group homes should be licensed or regulated by state or local governmental agencies;

(8) discuss and recommend methods for identifying unlicensed group homes; and

(9) evaluate whether Section 260.011, Health and Safety Code, which prohibits a county or municipality from excluding boarding home facilities from residential areas by zoning and similar regulations, prevents certain counties and municipalities from regulating boarding home facilities.

(c) Not later than December 1, 2022, the Health and Human Services Commission shall prepare a written or electronic report that includes a summary of the results of the study conducted under this section and any legislative recommendations based on the study and submit the report to the governor, lieutenant governor, speaker of the house of representatives, and members of the standing committees of the senate and the house of representatives with jurisdiction over the Health and Human Services Commission.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 500**.

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

SENATE BILL 504 WITH HOUSE AMENDMENT

Senator Miles called **SB 504** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to authority of certain county fire marshals to inspect group homes; authorizing a fee; creating a criminal offense.

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

SECTION 1. Subchapter B, Chapter 352, Local Government Code, is amended by adding Section 352.0165 to read as follows:

Sec. 352.0165. INSPECTION OF GROUP HOMES IN CERTAIN COUNTIES; FEE. (a) In this section:

(1) "Group home" means an establishment:

(A) in which three or more individuals who are unrelated to the owner or operator of the establishment reside;

(B) that provides residential care services to residents; and

(C) that receives payment or other compensation from a local, state, or federal governmental entity for providing residential care services to a resident.

(2) "Residential care services" means shelter, protection, meals, health care, mobility assistance, and personal care services, including bathing, dressing, and eating.

(b) This section applies only to a county with a population of 3.3 million or more.

(c) This section does not apply to a building owned or operated by:

(1) a person that is required to be licensed under Chapter 142, 242, 246, 247, or 252, Health and Safety Code;

(2) a person that is exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4), Health and Safety Code;

(3) a hotel as defined by Section 156.001, Tax Code;

(4) a retirement community;

(5) a monastery or convent;

(6) a child-care facility as defined by Section 42.002, Human Resources Code;

(7) a family violence shelter center as defined by Section 51.002, Human Resources Code; or

(8) a sorority or fraternity house or other dormitory associated with an institution of higher education.

(d) On the complaint of any person, the county fire marshal, at any reasonable time, may enter:

(1) a building in the county in which a group home is operated; and

(2) the premises of a building described by Subdivision (1).

(e) The county fire marshal shall order the removal of a building in which a group home is located, the removal of a structure located on the premises of a building in which a group home is located, or other remedial action if the marshal finds that:

(1) the building or structure, because of lack of repair, age, dilapidated condition, or other reason, is susceptible to fire and is so located or occupied that fire would endanger persons or property in the building or structure or on the premises of the building or structure;

(2) a dangerous condition is created by:

(A) an improper arrangement of stoves, ranges, furnaces, or other heating appliances, including chimneys, flues, and pipes with which they are connected, or by their lighting systems or devices; or

(B) the manner of storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, or combustible, flammable, or refuse materials; or

(3) any other condition exists that is dangerous or is liable to cause or promote fire or create danger for firefighters, occupants, or other buildings or structures.

(f) The person to whom an order under Subsection (e) is directed shall immediately comply with the order. The marshal may, if necessary, apply to a court of competent jurisdiction for writs or orders necessary to enforce this section, and the court may grant appropriate relief. The marshal is not required to give a bond.

(g) The commissioners court of a county may adopt any appropriate standard developed by a nationally recognized standards-making association under which the county fire marshal may enforce this section, except that standards adopted under this subsection do not apply in a municipality that has adopted fire protection ordinances.

(h) The commissioners court of a county shall prescribe a reasonable fee for an inspection performed by the county fire marshal that may be charged to a property owner or occupant who requests the inspection, as the commissioners court considers appropriate. In prescribing the fee, the commissioners court shall consider the overall

cost to the marshal to perform the inspections, including the approximate amount of time the staff of the marshal needs to perform an inspection, travel costs, and other expenses.

SECTION 2. Section 352.022, Local Government Code, is amended to read as follows:

Sec. 352.022. PENALTY FOR FAILURE TO COMPLY WITH ORDER. An owner or occupant who is subject to an order issued under Section 352.016 or 352.0165 commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense. The offense is a Class B misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, in which event the offense is a state jail felony.

SECTION 3. Section 352.022, Local Government Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2021.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 504**.

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

SENATE BILL 1351 WITH HOUSE AMENDMENT

Senator Miles called **SB 1351** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1351** (house committee report) as follows:

- (1) On page 1, line 5, strike "(b), (c), and (d)" and substitute "(b) and (c)".
- (2) On page 2, strike lines 10 through 17.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 1351**.

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

SENATE BILL 1990 WITH HOUSE AMENDMENT

Senator Miles called **SB 1990** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the powers of certain freight rail districts.

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

SECTION 1. Section 171.053, Transportation Code, is amended to read as follows:

Sec. 171.053. INTERMUNICIPAL COMMUTER RAIL DISTRICT POWERS AND ADVANCED TRANSPORTATION SERVICES. The governing bodies of the county or counties and of the most populous municipality in the most populous county may provide that the district:

(1) may exercise the powers of an intermunicipal commuter rail district created under Chapter 173 or former Article 6550c-1, Revised Statutes, including the powers related to a commuter rail facility and other types of passenger rail services, including intercity rail services, by specifying in the concurrent order or ordinance creating the district that those powers may be exercised by the district; and

(2) may provide advanced transportation, as defined by Section 451.701, by specifying in the concurrent order or ordinance creating the district that the district may provide those services.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 1990**.

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

SENATE BILL 1365 WITH HOUSE AMENDMENT

Senator Bettencourt called **SB 1365** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1365** (house committee report) by striking all below the enacting clause and substituting the following:

ARTICLE 1. STATE AND LOCAL ORGANIZATION AND GOVERNANCE

SECTION 1.01. Section 7.055, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other law, the commissioner's power to delegate ministerial and executive functions under Subsection (b)(5) is a valid delegation of authority.

SECTION 1.02. Section 11.151(b), Education Code, is amended to read as follows:

(b) Except as provided by Sections 39A.201 and 39A.202, the [The] trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and duties not specifically delegated by statute to the agency or to the State Board of Education are reserved for the trustees, and the agency may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

SECTION 1.03. Section 11.1511(a), Education Code, is amended to read as follows:

(a) In addition to powers and duties under Section 11.151 or other law, the board of trustees of an independent school district has the powers and duties provided by Subsection (b), except as otherwise provided by Sections 39A.201 and 39A.202.

ARTICLE 2. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

SECTION 2.01. Chapter 5, Education Code, is amended by adding Section 5.003 to read as follows:

Sec. 5.003. APPEAL. If an order, decision, or determination is described as final in Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by this code or a rule adopted under this code.

SECTION 2.02. Sections 12.1141(b) and (d), Education Code, are amended to read as follows:

(b) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for expedited renewal of the charter, the charter automatically renews unless, not later than the 30th day after the date the charter holder submits the petition, the commissioner provides written notice to the charter holder that expedited renewal of the charter is denied. The commissioner may not deny expedited renewal of a charter if:

(1) the charter holder has been assigned the highest or second highest performance rating under Subchapter C, Chapter 39, for the three preceding school years;

(2) the charter holder has been assigned a financial performance accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better for the three preceding school years; and

(3) no campus operating under the charter has been assigned an unacceptable ~~[the lowest]~~ performance rating under Subchapter C, Chapter 39, for the three preceding school years or such a campus has been closed.

(d) At the end of the term of a charter for an open-enrollment charter school, if a charter holder submits to the commissioner a petition for renewal of the charter, the commissioner may not renew the charter and shall allow the charter to expire if:

(1) the charter holder has been assigned an unacceptable ~~[the lowest]~~ performance rating under Subchapter C, Chapter 39, for any three of the five preceding school years;

(2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance that is lower than satisfactory for any three of the five preceding school years;

(3) the charter holder has been assigned any combination of the ratings described by Subdivision (1) or (2) for any three of the five preceding school years; or

(4) any campus operating under the charter has been assigned an unacceptable ~~[the lowest]~~ performance rating under Subchapter C, Chapter 39, for the three preceding school years and such a campus has not been closed.

SECTION 2.03. Section 29.202(a), Education Code, is amended to read as follows:

(a) A student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus assigned an unacceptable performance rating that is made publicly available under Section 39.054 [~~for:~~

~~(1) the student achievement domain under Section 39.053(c)(1); and~~

~~(2) the school progress domain under Section 39.053(c)(2)].~~

SECTION 2.04. Sections 39.057 and 39.058, Education Code, are transferred to Subchapter A, Chapter 39, Education Code, redesignated as Sections 39.003 and 39.004, Education Code, and amended to read as follows:

Sec. 39.003 [~~39.057~~]. SPECIAL [~~ACCREDITATION~~] INVESTIGATIONS.

(a) The commissioner may authorize special [~~accreditation~~] investigations to be conducted:

(1) when excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;

(2) when excessive numbers of allowable exemptions from the required state assessment instruments are determined;

(3) in response to complaints submitted to the agency with respect to alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

(4) in response to established compliance reviews of the district's financial accounting practices and state and federal program requirements;

(5) when extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Sections 37.006 and 37.007, are determined;

(6) in response to an allegation involving a conflict between members of the board of trustees or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by this code;

(7) when excessive numbers of students in special education programs under Subchapter A, Chapter 29, are assessed through assessment instruments developed or adopted under Section 39.023(b);

(8) in response to an allegation regarding or an analysis using a statistical method result indicating a possible violation of an assessment instrument security procedure established under Section 39.0301, including for the purpose of investigating or auditing a school district under that section;

(9) when a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily as determined by the commissioner under Section 39.0241(a) on assessment instruments administered under Section 39.023(a), (c), or (l);

(10) when excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

(11) when resource allocation practices as evaluated under Section 39.0821 indicate a potential for significant improvement in resource allocation;

(12) when a disproportionate number of students of a particular demographic group is graduating with a particular endorsement under Section 28.025(c-1);

(13) when an excessive number of students is graduating with a particular endorsement under Section 28.025(c-1);

(14) in response to a complaint submitted to the agency with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under this chapter;

(15) when a school district for any reason fails to produce, at the request of the agency, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification; or

(16) as the commissioner otherwise determines necessary.

(b) If the agency's findings in an investigation under Subsection (a)(6) indicate that the board of trustees has observed a lawfully adopted policy that does not otherwise violate a law or rule, the agency may not substitute its judgment for that of the board.

(c) The commissioner may authorize special [~~accreditation~~] investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.

(d) Based on the results of a special [~~accreditation~~] investigation, the commissioner may:

(1) take appropriate action under Chapter 39A;

(2) lower the school district's accreditation status or a district's or campus's accountability rating; or

(3) take action under both Subdivisions (1) and (2).

(e) At any time before issuing a report with the agency's final findings, the commissioner may defer taking an action under Subsection (d) until:

(1) a person who is a third party, selected by the commissioner, has reviewed programs or other subjects of an investigation under this section and submitted a report identifying problems and proposing solutions;

(2) a district completes a corrective action plan developed by the commissioner; or

(3) the completion of actions under both Subdivisions (1) and (2).

(f) Based on the results of an action taken under Subsection (e), the commissioner may decline to take the deferred action under Subsection (d) [Regardless of whether the commissioner lowers the school district's accreditation status or a district's or campus's performance rating under Subsection (d), the commissioner may take action under Section 39A.002 or 39A.051 if the commissioner determines that the action is necessary to improve any area of a district's or campus's performance, including the district's financial accounting practices].

Sec. 39.004 [~~39.058~~]. CONDUCT OF SPECIAL [~~ACCREDITATION~~] INVESTIGATIONS. (a) The agency shall adopt written procedures for conducting special [~~accreditation~~] investigations [~~under this subchapter~~], including procedures

that allow the agency to obtain information from district employees in a manner that prevents a district or campus from screening the information. The agency shall make the procedures available on the agency Internet website. Agency staff must be trained in the procedures and must follow the procedures in conducting the special ~~[accreditation]~~ investigation.

(a-1) During the pendency of a special investigation under this section, the agency is not required to disclose the identity of any witness.

(b) After completing a special ~~[accreditation]~~ investigation, the agency shall present preliminary findings to any person or entity the agency finds has violated a law, rule, or policy. ~~[Before issuing a report with its final findings, the agency must provide a person or entity the agency finds has violated a law, rule, or policy an opportunity for an informal review by the commissioner or a designated hearing examiner.]~~

(c) In presenting the agency's preliminary findings to a school district under Subsection (b), the agency:

(1) shall provide to the district a written report of the agency's preliminary findings of the investigation;

(2) shall provide to the district any evidence relied on by the agency in making the preliminary findings;

(3) shall disclose to the district the identity of any witness whose statements the agency relied on in making the preliminary findings; and

(4) may not include recommended sanctions or interventions.

(d) A written report of preliminary findings under Subsection (c) and all associated materials produced by the agency in support of the report are excepted from public disclosure as audit working papers of the agency under Section 552.116, Government Code. A school district may publicly release a report of preliminary findings only if the release is approved by an affirmative vote of the board of trustees of the district.

(e) Unless otherwise provided by law, all evidence collected by the agency in connection with a special investigation, including witness statements and videos of agency interviews, are confidential and not subject to disclosure under Chapter 552, Government Code, except that evidence described by this section may be disclosed:

(1) to a person with a legitimate interest in the investigation; or

(2) in connection with an administrative or other legal proceeding brought under this title.

(f) Not later than 30 days after the date on which the board of trustees of the school district receives the written report of the preliminary findings under Subsection (c), the board of trustees of a school district may accept the agency's findings or respond in writing to the agency.

(g) The agency shall consider any response submitted by the board of trustees of the school district under Subsection (f) before providing the board of trustees of a school district a final report in writing that includes proposed sanctions or interventions.

(h) Before the commissioner determines to order a sanction or intervention based on a final report, other than a sanction or intervention described by Section 39.005, the commissioner or the commissioner's designee shall provide an informal review. An informal review provided under this section is not a contested case for purposes of Chapter 2001, Government Code.

(i) In conducting a special investigation under Section 39.003, the commissioner or the commissioner's designee may subpoena a current or former school district employee, agent, or official to compel the employee, agent, or official to attend a deposition or produce documents reasonably necessary for the investigation.

(j) If a person fails to comply with a subpoena issued under Subsection (i), the commissioner, acting through the attorney general, may file suit to enforce the subpoena in a district court in this state. On a finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena and the court may punish a person who fails to obey the court order.

(k) A court may not enjoin a special investigation conducted under this section prior to the conclusion of the special investigation.

(l) A school district must exhaust the administrative remedies provided under this subchapter before appealing the findings or final recommendations of a special investigation conducted under this section to a court.

SECTION 2.05. Subchapter A, Chapter 39, Education Code, is amended by adding Sections 39.005, 39.006, and 39.007 to read as follows:

Sec. 39.005. HEARING FOLLOWING INVESTIGATION. (a) This section applies to a school district that is the subject of a special investigation conducted under Section 39.003 that resulted in a final report in which the agency recommends the appointment of a board of managers, alternative management of a campus, or closure of the district or a district campus.

(b) Except as provided by Subsection (c), not later than 15 days after the date on which the board of trustees of the school district receives the final report of a special investigation under Section 39.004(g), a board of trustees of a school district to which this section applies may request a hearing if the board of trustees disagrees with the final report or a sanction or intervention recommended by the agency in the report.

(c) A school district and the agency may agree in writing to extend the time period for requesting a hearing under Subsection (b) by not more than an additional 30 days.

(d) If a board of trustees of a school district requests a hearing under Subsection (b), the hearing shall be conducted by the State Office of Administrative Hearings unless the district and the agency agree in writing to the appointment of another qualified person to conduct the hearing.

(e) Except as otherwise provided by this subchapter, a hearing conducted under this section is a contested case under Chapter 2001, Government Code.

(f) A hearing conducted under this section shall be held at the administrative offices of the school district that requested the hearing or at another location within the geographic boundaries of the district agreed to by the district and the agency, unless the district and the agency agree in writing to a different location.

(g) To protect the privacy of a witness who is a child, the hearing examiner or the person conducting the hearing may:

(1) close the hearing to receive the testimony of the witness; or
(2) order that the testimony or a statement of the witness be presented using the procedures prescribed by Article 38.071, Code of Criminal Procedure.

(h) Not later than 90 days after the date on which the school district requests a hearing under Subsection (b), the hearing examiner or the person conducting the hearing shall issue and submit to the commissioner findings of fact and conclusions of law. The hearing examiner or the person conducting the hearing may not issue a recommendation for relief.

(i) A hearing conducted under this section may not be held on a Saturday, Sunday, or state or federal holiday, unless agreed to by the school district that requested the hearing and the agency.

Sec. 39.006. COMMISSIONER DETERMINATION. (a) After a hearing is conducted under Section 39.005, the commissioner shall provide an opportunity for the agency and the school district to present oral argument to the commissioner regarding the disagreement that formed the basis of the hearing. The commissioner shall provide the agency and the district with equal time for oral argument.

(b) After hearing any oral argument presented under Subsection (a), the commissioner shall issue a written decision to the school district that contains:

- (1) findings of fact;
- (2) conclusions of law; and
- (3) sanctions, interventions, or other actions authorized by law.

(c) In determining the written decision under Subsection (b), the commissioner shall consider:

- (1) the record of the hearing conducted under Section 39.005;
- (2) the findings of fact and conclusions of law issued by the hearing examiner or the person conducting the hearing under Section 39.005(h); and
- (3) the oral arguments presented under Subsection (a).

(d) The commissioner may accept, reject, or amend the conclusions of law issued by the hearing examiner or the person who conducted the hearing under Section 39.005 regarding the interpretation of a provision of this code.

(e) The commissioner may not reject or amend a finding of fact issued by the hearing examiner or the person who conducted the hearing under Section 39.005, unless the commissioner, after reviewing the record, determines that a finding of fact is not supported by substantial, admissible evidence.

(f) The commissioner shall provide in writing the legal basis and reason for any amendment or rejection of a finding of fact or conclusion of law made by the hearing examiner or the person who conducted the hearing under Section 39.005.

Sec. 39.007. JUDICIAL APPEAL. (a) Notwithstanding Chapter 2001, Government Code, a school district may only appeal a decision made by the commissioner under Section 39.006 in accordance with this section.

(b) A school district may appeal a decision made by the commissioner under Section 39.006 to:

- (1) a district court with jurisdiction in the county in which the school district's central administrative offices are located; or
- (2) a district court in Travis County, if agreed to by the school district and the commissioner.

(c) A school district must file an appeal under this section not later than 30 days after the date on which the district received the written decision of the commissioner under Section 39.006(b).

(d) The filing of an appeal under this section does not affect or stay the enforcement of the commissioner's written decision issued under Section 39.006(b).

(e) A court hearing an appeal under this section shall review the decision issued by the commissioner under Section 39.006(b) under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code, after examining:

(1) the evidentiary record of the hearing conducted under Section 39.005;

(2) the findings of fact issued by the hearing examiner or the person that conducted the hearing under Section 39.005; and

(3) any amendment or rejection of a finding of fact made by the commissioner under Section 39.006.

(f) A court hearing an appeal under this section may not take additional evidence.

(g) A court hearing an appeal under this section may review any amendment to or rejection of a finding of fact made by the commissioner. If the court determines that the amendment or rejection was not supported by substantial evidence, the court shall reject the commissioner's amended finding of fact and consider instead the original finding issued by the hearing examiner or the person who conducted the hearing under Section 39.005.

(h) Notwithstanding Section 2001.174, Government Code, the court may not reverse or remand a decision issued by the commissioner under Section 39.006(b) based on a procedural error or irregularity made by the commissioner, an agency investigator, or the hearing examiner or the person who conducted the hearing under Section 39.005, unless the court determines that the procedural error or irregularity is likely to have caused an erroneous decision by the commissioner.

SECTION 2.06. Section 39.054, Education Code, is amended by amending Subsections (a), (a-3), and (b-1) and adding Subsections (a-4) and (a-5) to read as follows:

(a) Except as provided by Subsection (a-4), the [The] commissioner shall adopt rules to evaluate school district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F. In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Section 39.053(c). An overall or domain performance rating of A reflects exemplary performance. An overall or domain performance rating of B reflects recognized performance. An overall or domain performance rating of C reflects acceptable performance. An overall or domain performance rating of D reflects performance that needs improvement. An overall or domain performance rating of F reflects unacceptable performance. A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. If a school district has been approved under Section 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus an overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the school district

assigned performance rating under Section 39.0544. [~~A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable performance or performance that needs improvement.~~]

(a-3) Not later than August 15 of each year, the following information [performance ratings of each district and campus] shall be made publicly available as provided by rules adopted under this section:

(1) the performance ratings for each school district and campus; and

(2) if applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

(a-4) Notwithstanding any other law, the commissioner may assign a school district or campus an overall performance rating of "Not Rated" if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:

(1) the district or campus is located in an area that is subject to a declaration of a state of disaster under Chapter 418, Government Code, and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate and would not accurately reflect quality of learning and achievement for the district or campus;

(2) the district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

(3) the number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

(4) for other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

(a-5) Notwithstanding any other law, an overall performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of this code.

(b-1) Consideration of the effectiveness of district programs under Section 39.052(b)(2)(B) or (C):

(1) must:

(A) be based on data collected through the Public Education Information Management System (PEIMS) for purposes of accountability under this chapter; and

(B) include the results of assessments required under Section 39.023; and

(2) may be based on the results of a special [~~accreditation~~] investigation conducted under Section 39.003 [~~39.057~~].

SECTION 2.07. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0543 to read as follows:

Sec. 39.0543. PERFORMANCE RATING REQUIRING INTERVENTION OR OTHER ACTION. (a) A reference in law to an acceptable performance rating or acceptable performance includes an overall or domain performance rating of A, B, or

C or performance that is exemplary, recognized, or acceptable. A reference in law to an unacceptable performance rating or unacceptable performance includes an overall or domain performance rating of F. For the purposes of public reporting requirements, an overall or domain performance rating of D shall be referred to as performance that needs improvement.

(b) A reference in law to an acceptable performance rating or acceptable performance for a school district, open-enrollment charter school, district campus, or charter school campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district, charter school, district campus, or charter school campus:

(1) has not previously received more than one overall performance rating of D; or

(2) has not received an overall performance rating of F.

(b-1) For the purposes of this section, an overall performance rating issued in a previous school year for a school district, open-enrollment charter school, district campus, or charter school campus of:

(1) met standard, academically acceptable, recognized, exemplary, A, B, or C is considered to be a performance rating of C or higher; and

(2) performance that needs improvement, academically unacceptable, or F is considered to be a rating of F.

(b-2) For purposes of determining whether a reference in law to an acceptable performance rating or acceptable performance includes an overall performance rating of D under Subsection (b), a performance rating of D assigned to a school district, open-enrollment charter school, district campus, or charter school campus prior to the 2018-2019 school year shall not be considered.

(b-3) Subsections (b-1) and (b-2) and this subsection expire September 1, 2027.

(c) A reference in law to an unacceptable performance rating or unacceptable performance includes a performance rating of D if the rating does not satisfy Subsection (b).

(d) For purposes of Subsection (b), a school district, open-enrollment charter school, district campus, or charter school campus that has never received an overall performance rating shall be considered to have previously received an overall performance rating of C or higher.

SECTION 2.08. Subchapter C, Chapter 39, Education Code, is amended by adding Sections 39.0545 and 39.0546 to read as follows:

Sec. 39.0545. ALTERNATIVE METHODS AND STANDARDS FOR EVALUATING PERFORMANCE FOR 2020-2021 SCHOOL YEAR. (a) This section applies to a campus:

(1) that meets the participation requirements for all students in all subject areas for the annual measurement of achievement under Section 1111, Every Student Succeeds Act (20 U.S.C. Section 6311(c)(4)(E)); and

(2) to which the most recent performance rating assigned, other than a "Not Rated" rating, is a D, F, or performance that needs improvement.

(b) Notwithstanding any other law, the commissioner shall adopt rules to develop and implement alternative methods and standards for evaluating the performance for the 2020-2021 school year of a campus to which this section applies. The rules adopted under this section must evaluate a campus under the domains of indicators of achievement listed in Sections 39.053(c)(1) and (2).

(c) The commissioner shall review a campus to which this section applies under the alternative methods and standards adopted under Subsection (b) on the request of the school district in which the campus is located made by the deadline established by commissioner rule.

(d) An acceptable performance rating assigned under the alternative methods and standards adopted by the commissioner under Subsection (b) is considered a break in consecutive school years of unacceptable performance ratings under this code.

(e) If the commissioner determines that the campus would not be assigned an acceptable performance rating, the commissioner shall instead assign the campus a rating of "Not Rated."

(f) This section does not apply to an intervention ordered on the basis of consecutive school years of unacceptable performance ratings accrued before the effective date of this section.

(g) This section expires September 1, 2027.

Sec. 39.0546. COVID-19 RECOVERY ACCOUNTABILITY FOR 2021-2022 SCHOOL YEAR. (a) Notwithstanding any other law, the commissioner shall assign to a school district or campus a rating of "Not Rated" for the 2021-2022 school year, unless, after reviewing the district or campus under the methods and standards adopted under Section 39.054, the commissioner determines the district or campus should be assigned an overall performance rating of C or higher.

(b) Regardless of the rating assigned under this section, if the commissioner would have otherwise assigned a campus an unacceptable performance rating, the campus is considered to be a campus assigned an unacceptable performance rating for purposes of determining a student's eligibility for a public education grant under Section 29.202.

(c) Notwithstanding any other law, the commissioner shall take an action described by Section 39A.111(1) or (2) if a campus:

(1) is not assigned an overall performance rating of C or higher for the 2021-2022 school year; and

(2) has been assigned an unacceptable performance rating for five or more school years prior to the 2021-2022 school year.

(d) This section expires September 1, 2028.

SECTION 2.09. Sections 39.151(a), (b), and (e), Education Code, are amended to read as follows:

(a) The commissioner by rule shall provide a process for a school district or open-enrollment charter school to challenge an agency decision made under this chapter relating to an academic or financial accountability rating that affects the district or school, including a determination of consecutive school years of unacceptable performance ratings.

(b) The rules under Subsection (a) must provide for the commissioner to appoint a committee to make recommendations to the commissioner on a challenge made to an agency decision relating to an academic performance rating or determination, including a determination of consecutive school years of unacceptable performance ratings, or financial accountability rating. The commissioner may not appoint an agency employee as a member of the committee.

(e) A school district or open-enrollment charter school may not challenge an agency decision relating to an academic or financial accountability rating under this chapter, including a decision relating to a determination of consecutive school years of unacceptable performance ratings, in another proceeding if the district or school has had an opportunity to challenge the decision under this section.

SECTION 2.10. Section 39A.003, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A conservator or management team may exercise the powers and duties defined by the commissioner under Subsection (a) or described by Subsection (c) regardless of whether the conservator or management team was appointed to oversee the operations of a school district in its entirety or the operations of a certain campus within the district.

SECTION 2.11. Section 39A.004, Education Code, is amended to read as follows:

Sec. 39A.004. APPOINTMENT OF BOARD OF MANAGERS. The commissioner may appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under:

(1) Section 39A.001(1) [~~39A.001~~] and:

(A) [~~(1)~~] has a current accreditation status of accredited-warned or accredited-probation;

(B) [~~(2)~~] fails to satisfy any standard under Section 39.054(e); or

(C) [~~(3)~~] fails to satisfy financial accountability standards as determined by commissioner rule; or

(2) Section 39A.001(2).

SECTION 2.12. Sections 39A.006(a) and (b), Education Code, are amended to read as follows:

(a) This section applies:

(1) regardless of whether a school district has satisfied the accreditation criteria; and

(2) to a conservator or management team appointed under any provision of this title, regardless of the scope or any changes to the scope of the conservator's or team's oversight.

(b) If for two consecutive school years, including the current school year, a school district has had a conservator or management team assigned to the district or a district campus for any reason under this title, the commissioner may appoint a board of managers to exercise the powers and duties of the board of trustees of the district.

SECTION 2.13. Section 39A.061(b), Education Code, is amended to read as follows:

(b) The commissioner may authorize a targeted improvement plan, ~~or~~ an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11.

SECTION 2.14. Subchapter B, Chapter 39A, Education Code, is amended by adding Section 39A.065 to read as follows:

Sec. 39A.065. LOCAL IMPROVEMENT PLAN. (a) A school district, open-enrollment charter school, district campus, or charter school campus that is assigned a rating of D that qualifies under Section 39.0543(b) shall develop and implement a local improvement plan.

(b) A local improvement plan must be presented to the board of trustees of the school district or governing board of the open-enrollment charter school.

(c) The commissioner shall adopt rules to establish requirements for a local improvement plan components and training. The commissioner may not require a school district or open-enrollment charter school to submit the local improvement plan to the agency.

SECTION 2.15. Section 39A.102, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Subject to Subsection (b-1), the ~~The~~ commissioner may appoint a monitor, conservator, management team, or board of managers to the school district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

(b-1) The commissioner shall appoint a conservator to a school district under Subsection (b) unless and until:

(1) each campus in the district for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating for the school year; or

(2) the commissioner determines a conservator is not necessary.

SECTION 2.16. The heading to Section 39A.110, Education Code, is amended to read as follows:

Sec. 39A.110. MODIFICATION OF ~~[CHANGE IN]~~ CAMPUS TURNAROUND PLAN ~~[PERFORMANCE RATING]~~.

SECTION 2.17. Section 39A.110, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval under Section 39A.107, a modification of the plan is necessary to achieve the plan's objectives.

SECTION 2.18. Section 39A.111, Education Code, is amended to read as follows:

Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING. If a campus is considered to have an unacceptable performance rating for five ~~three~~ consecutive school years ~~[after the campus is ordered to submit a campus turnaround plan under Section 39A.101]~~, the commissioner, subject to Section 39A.112, shall order:

(1) appointment of a board of managers to govern the school district as provided by Section 39A.202; or

(2) closure of the campus.

SECTION 2.19. Subchapter C, Chapter 39A, Education Code, is amended by adding Sections 39A.117 and 39A.118 to read as follows:

Sec. 39A.117. INTERVENTION FOR CERTAIN DISTRICTS OR CAMPUSES. (a) For purposes of this section:

(1) an acceptable performance rating includes:

(A) a rating of met standard, academically acceptable, recognized, exemplary, A, B, or C; or

(B) a rating of D that meets the requirements of Section 39.0543(b);

(2) an unacceptable performance rating includes:

(A) a rating of performance that needs improvement, academically unacceptable, or F; or

(B) a rating of D that meets the requirements of Section 39.0543(c); and

(3) a rating of "Not Rated" is not considered an acceptable or unacceptable performance rating and may not be considered a break in consecutive years of unacceptable performance.

(b) As soon as practicable after the effective date of **SB 1365**, 87th Legislature, Regular Session, 2021, or similar legislation, the commissioner shall:

(1) determine the number of school years of unacceptable performance ratings occurring after the 2012-2013 school year for each school district, open-enrollment charter school, district campus, or charter school campus by determining the number of unacceptable performance ratings assigned to each district, charter school, district campus, or charter school campus since the most recent acceptable performance rating was assigned to the district, charter school, district campus, or charter school campus; and

(2) use the number of school years of unacceptable performance ratings as the base number of consecutive years of unacceptable performance for which the performance rating in the 2021-2022 school year will be added.

(c) Exemptions from interventions authorized under Sections 11.174 and 28.020 and Section 5, Chapter 919 (**HB 4205**), Acts of the 86th Legislature, Regular Session, 2019, apply to an intervention ordered under this section and the commissioner shall make necessary modifications to an intervention ordered under this section in accordance with those provisions of law.

(d) This section may not be construed to:

(1) provide a school district or open-enrollment charter school additional remedies or appellate or other review for previous interventions, sanctions, or performance ratings ordered or assigned; or

(2) prohibit the commissioner from taking any action or ordering any intervention or sanction otherwise authorized by law.

(e) To the extent of a conflict with any other transition provision affecting this section, this transition provision prevails.

(f) This section expires September 1, 2027.

Sec. 39A.118. INTERVENTION IF ASSIGNED CERTAIN PERFORMANCE NEEDS IMPROVEMENT RATING. (a) Until another performance rating is issued, the agency may not implement the intervention or sanctions listed under Subsection (b) for a school district, open-enrollment charter school, district campus, or charter school campus, if the performance rating initiating the action under Subsection (b) is based on the first or second overall performance rating of D, since previously receiving a rating of C or higher.

(a-1) For purposes of this section, a performance rating of D assigned prior to the 2018-2019 school year shall not be considered. This subsection expires September 1, 2027.

(b) The following interventions or sanctions are subject to a pause under Subsection (a):

(1) revocation of a charter under Section 12.115(c);

(2) annexation under Section 13.054;

(3) change in accreditation status under rules adopted for accreditation under Section 39.052; and

(4) interventions or sanctions under Section 39A.101(a), 39A.107(a) or (c), or 39A.111.

(c) The performance rating identified under Subsection (a):

(1) may not be included in calculating consecutive school years of unacceptable performance ratings; and

(2) is not considered a break in consecutive school years of unacceptable performance ratings.

(d) Interventions or sanctions implemented prior to a pause under Subsection (a) shall continue during a school year for which interventions or sanctions listed under Subsection (b) are paused.

(e) This section does not apply to a commissioner action based on performance or reasons not listed as interventions or sanctions under Subsection (b).

(f) For purposes of Subsection (a), a school district, open-enrollment charter school, district campus, or charter school campus that has never previously been assigned an overall performance rating shall be considered to have previously received an overall performance rating of C or higher.

SECTION 2.20. Section 39A.201(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 11.151(b) or 11.1511(a) or any other provision of this code, a [A] board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

SECTION 2.21. Section 39A.202(a), Education Code, is amended to read as follows:

(a) Notwithstanding Section 11.151(b) or 11.1511(a) or any other provision of this code, if [H] the commissioner appoints a board of managers to govern a school district:

(1) the powers of the board of trustees of the district are suspended for the period of the appointment; and

(2) the commissioner shall appoint a district superintendent.

SECTION 2.22. Section 39A.301(a), Education Code, is amended to read as follows:

(a) A school district or open-enrollment charter school must appeal under this section if the district or charter school ~~[that]~~ intends to challenge a decision by the commissioner under this chapter to:

- (1) close the district or a district campus or the charter school;
- (2) ~~[or to]~~ pursue alternative management of a district campus or the charter school;
- (3) appoint a board of managers to the district or charter school; or
- (4) appoint a conservator or management team to the district or charter school ~~[must appeal the decision under this section].~~

SECTION 2.23. Section 39A.116, Education Code, is transferred to Subchapter Z, Chapter 39A, Education Code, redesignated as Section 39A.906, Education Code, and amended to read as follows:

Sec. 39A.906 ~~[39A.116]~~. COMMISSIONER AUTHORITY. A decision by the commissioner under Chapter 39 or this chapter ~~[subchapter]~~ is final and may not be appealed unless an applicable provision of Chapter 39 or this chapter provides otherwise.

SECTION 2.24. Section 39A.0545, Education Code, is repealed.

SECTION 2.25. (a) Sections 39.003 and 39.004, Education Code, as redesignated and amended by this Act, and Sections 39.005, 39.006, and 39.007, Education Code, as added by this Act, apply to a special investigation authorized, initiated, opened, or finalized on or after the effective date of this Act. A special investigation authorized or initiated by the Texas Education Agency under Section 39.057, Education Code, before the effective date of this Act that is open and not finalized on the effective date of this Act, shall be continued as if authorized by Section 39.003, Education Code, as redesignated and amended by this Act, and proceed subject to Section 39.004, Education Code, as redesignated and amended by this Act, and Sections 39.005, 39.006, and 39.007, Education Code, as added by this Act.

(b) Section 39A.006, Education Code, as amended by this Act, applies to a conservator or management team assigned to a school district before, on, or after the effective date of this Act.

SECTION 2.26. If this Act takes effect later than August 15, 2021, the Texas Education Agency shall publish the consecutive school years of unacceptable performance ratings as required by Section 39.054(a-3), Education Code, as amended by this Act, for each school district and campus as soon as practicable after the effective date of this Act.

SECTION 2.27. As soon as practicable after the effective date of this Act, the commissioner of education shall adopt rules to develop and implement alternative methods and standards for evaluating the performance of a campus for the 2020-2021 school year as required by Section 39.0545, Education Code, as added by this Act.

ARTICLE 3. PUBLIC SCHOOL FISCAL MANAGEMENT

SECTION 3.01. Section 44.052(c), Education Code, is amended to read as follows:

(c) A trustee of a school district who votes to approve any expenditure of school funds in violation of a provision of this code, for a purpose for which those funds may not be spent, or in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits an offense. An offense under this subsection is a Class C misdemeanor.

SECTION 3.02. Section 45.105, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Local school funds from district taxes, tuition fees of students not entitled to a free education, other local sources, and state funds not designated for a specific purpose may be used for the purposes listed for state and county available funds and for purchasing appliances and supplies, paying insurance premiums, paying janitors and other employees, buying school sites, buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase, and, except as provided by Subsection (c-1), for other purposes necessary in the conduct of the public schools determined by the board of trustees. The accounts and vouchers for county districts must be approved by the county superintendent. If the state available school fund in any municipality or district is sufficient to maintain the schools in any year for at least eight months and leave a surplus, the surplus may be spent for the purposes listed in this subsection.

(c-1) Funds described by Subsection (c) may not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state arising out of a decision, order, or determination that is final and unappealable under a provision of this code, except that funds may be used for an action or proceeding that is specifically authorized by a provision of this code or a rule adopted under this code and that results in a final and unappealable decision, order, or determination.

SECTION 3.03. Section 48.201, Education Code, is amended to read as follows:

Sec. 48.201. PURPOSE. The purpose of the tier two component of the Foundation School Program is to provide each school district with the opportunity to provide the basic program and to supplement that program at a level of its own choice. An allotment under this subchapter may be used for any legal purpose other than:

(1) capital outlay or debt service; or
(2) a purpose prohibited by Section 45.105(c-1) or another provision of this code.

SECTION 3.04. Section 39A.203, Education Code, is repealed.

SECTION 3.05. Section 44.052(c), Education Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

ARTICLE 4. CONFORMING AMENDMENTS

SECTION 4.01. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 21.006(k), 22.093(l), 22.096, 28.006, 29.001(5), 29.010(a), 38.003, or 39.003 [~~39.057~~], the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

- (1) compliance with federal law and regulations;
- (2) financial accountability, including compliance with grant requirements;
- (3) data integrity for purposes of:

(A) the Public Education Information Management System (PEIMS);

and

(B) accountability under Chapters 39 and 39A; and

- (4) qualification for funding under Chapter 48.

SECTION 4.02. Section 12.013(b), Education Code, is amended to read as follows:

(b) A home-rule school district is subject to:

- (1) a provision of this title establishing a criminal offense;
- (2) a provision of this title relating to limitations on liability; and
- (3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

(C) criminal history records under Subchapter C, Chapter 22;

(D) student admissions under Section 25.001;

(E) school attendance under Sections 25.085, 25.086, and 25.087;

(F) inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

(G) elementary class size limits under Section 25.112, in the case of any campus in the district that fails to satisfy any standard under Section 39.054(e);

(H) high school graduation under Section 28.025;

(I) special education programs under Subchapter A, Chapter 29;

(J) bilingual education under Subchapter B, Chapter 29;

(K) prekindergarten programs under Subchapter E, Chapter 29;

(L) safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(M) computation and distribution of state aid under Chapters 31, 43, and 48;

(N) extracurricular activities under Section 33.081;

(O) health and safety under Chapter 38;

(P) the provisions of Subchapter A, Chapter 39;

(Q) public school accountability and special investigations under Subchapters A, B, C, D, and J, Chapter 39, and Chapter 39A;

Chapter 49; (R) [~~(Q)~~] options for local revenue levels in excess of entitlement under
(S) [~~(R)~~] a bond or other obligation or tax rate under Chapters 43, 45,
and 48; and
(T) [~~(S)~~] purchasing under Chapter 44.

SECTION 4.03. Section 12.056(b), Education Code, is amended to read as follows:

(b) A campus or program for which a charter is granted under this subchapter is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) high school graduation under Section 28.025;

(D) special education programs under Subchapter A, Chapter 29;

(E) bilingual education under Subchapter B, Chapter 29;

(F) prekindergarten programs under Subchapter E, Chapter 29;

(G) extracurricular activities under Section 33.081;

(H) health and safety under Chapter 38;

(I) the provisions of Subchapter A, Chapter 39;

(J) public school accountability and special investigations under Subchapters A, B, C, D, F, and J, Chapter 39, and Chapter 39A; and

(K) [~~(J)~~] the duty to discharge or refuse to hire certain employees or applicants for employment under Section 12.1059.

SECTION 4.04. Section 12.104(b), Education Code, as amended by Chapters 262 (**HB 1597**), 464 (**SB 11**), 467 (**HB 4170**), and 943 (**HB 3**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29;

(I) extracurricular activities under Section 33.081;
 (J) discipline management practices or behavior management techniques under Section 37.0021;
 (K) health and safety under Chapter 38;
 (L) the provisions of Subchapter A, Chapter 39;
 (M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
 (N) ~~(M)~~ the requirement under Section 21.006 to report an educator's misconduct;
 (O) ~~(N)~~ intensive programs of instruction under Section 28.0213;
 (P) ~~(O)~~ the right of a school employee to report a crime, as provided by Section 37.148;
 (Q) ~~(P)~~ bullying prevention policies and procedures under Section 37.0832;
 (R) ~~(Q)~~ the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;
 (S) ~~(R)~~ the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;
 (T) ~~(S)~~ a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);
 (U) ~~(T)~~ establishment of residency under Section 25.001;
 (V) ~~(U)~~ school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071;
 (W) ~~(V)~~ the early childhood literacy and mathematics proficiency plans under Section 11.185; and
 (X) ~~(W)~~ the college, career, and military readiness plans under Section 11.186.

SECTION 4.05. Section 12.1162(a), Education Code, is amended to read as follows:

(a) The commissioner shall take any of the actions described by Subsection (b) or by Section 39A.001, 39A.002, 39A.004, 39A.005, or 39A.007, to the extent the commissioner determines necessary, if an open-enrollment charter school, as determined by a report issued under Section 39.004(b) ~~[39.058(b)]~~:

- (1) commits a material violation of the school's charter;
- (2) fails to satisfy generally accepted accounting standards of fiscal management; or
- (3) fails to comply with this subchapter or another applicable rule or law.

SECTION 4.06. Section 39.0302(a), Education Code, is amended to read as follows:

(a) During an agency investigation or audit of a school district under Section 39.0301(e) or (f), a special ~~[an accreditation]~~ investigation under Section 39.003(a)(8) ~~[39.057(a)(8)]~~ or (14), a compliance review under Section 21.006(k), 22.093(l), or 22.096, or an investigation by the State Board for Educator Certification of an educator for an alleged violation of an assessment instrument security procedure

established under Section 39.0301(a), the commissioner may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is located in this state.

SECTION 4.07. Section 39.056(h), Education Code, is amended to read as follows:

(h) The commissioner may at any time convert a monitoring review to a special [~~accreditation~~] investigation under Section 39.003 [~~39.057~~], provided the commissioner promptly notifies the school district of the conversion.

SECTION 4.08. Section 39A.001, Education Code, is amended to read as follows:

Sec. 39A.001. GROUND FOR COMMISSIONER ACTION. The commissioner shall take any of the actions authorized by this subchapter to the extent the commissioner determines necessary if:

(1) a school district does not satisfy:

(A) the accreditation criteria under Section 39.052;

(B) the academic performance standards under Section 39.053 or 39.054; or

(C) any financial accountability standard as determined by commissioner rule; or

(2) the commissioner considers the action to be appropriate on the basis of a special [~~accreditation~~] investigation under Section 39.003 [~~39.057~~].

SECTION 4.09. Sections 39A.256(a) and (b), Education Code, are amended to read as follows:

(a) A board of managers appointed for an open-enrollment charter school [~~or a campus of an open-enrollment charter school~~] under this chapter or Chapter 12 has the powers and duties prescribed by Section 39A.201(b), if applicable, and Sections 39A.201(a), 39A.202, [~~39A.203,~~] and 39A.206(b).

(b) Except as otherwise provided by this subsection, the board of managers for an open-enrollment charter school [~~or a campus of an open-enrollment charter school~~] may not serve for a period that exceeds the period authorized by law for a board of managers appointed for a school district. A board of managers appointed to wind up the affairs of a former open-enrollment charter school or campus serves until dissolved by the commissioner.

SECTION 4.10. To the extent of any conflict, this article prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. 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.

The amendment was read.

Senator Bettencourt moved to concur in the House amendment to **SB 1365**.

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

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

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

SENATE BILL 279 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 279** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school or public institution of higher education.

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

SECTION 1. Subchapter G, Chapter 38, Education Code, is amended by adding Section 38.353 to read as follows:

Sec. 38.353. SUICIDE PREVENTION INFORMATION REQUIRED ON CERTAIN STUDENT IDENTIFICATION CARDS. Each student identification card issued by a public school to a student in grade six or higher:

(1) must have printed on the card the contact information for:

(A) the National Suicide Prevention Lifeline; and

(B) the Crisis Text Line; and

(2) may have printed on the card the contact information for a local suicide prevention hotline, if available.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.91941 to read as follows:

Sec. 51.91941. SUICIDE PREVENTION INFORMATION REQUIRED ON STUDENT IDENTIFICATION CARD. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) Each student identification card issued by an institution of higher education:

(1) must have printed on the card the contact information for:

(A) the National Suicide Prevention Lifeline; and

(B) the Crisis Text Line; and

(2) may have printed on the card the contact information for:

(A) the campus police department or security for the campus at which the student to whom the card is issued regularly attends classes or, if the campus does not have a campus police department or security, a local nonemergency police contact;

(B) the campus health clinic for the campus at which the student to whom the card is issued regularly attends classes or, if the campus does not have a health clinic, a local health clinic; and

(C) a local suicide prevention hotline, if available.

SECTION 3. Sections 38.353 and 51.91941, Education Code, as added by this Act, apply only to a student identification card issued on or after the effective date of 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.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 279**.

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

SENATE BILL 1071 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 1071** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to disability retirement benefits for certain peace officers under the Employees Retirement System of Texas.

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

SECTION 1. Section 814.207(e), Government Code, is amended to read as follows:

(e) If a retiring member or retiree under this section presents evidence satisfactory to the retirement system that the person's occupational disability makes the person incapable of substantial gainful activity solely because of the disability and is considered a total disability under federal social security law, the retirement system shall, notwithstanding Section 811.006, increase the person's occupational disability retirement annuity to a monthly amount computed based on the maximum salary authorized under the position classification salary schedule prescribed by the General Appropriations Act, as adjusted from time to time, applicable to the position from which the person retired ~~[100 percent of the officer's average monthly compensation]~~.

SECTION 2. (a) Subject to Subsection (b) of this section, the Employees Retirement System of Texas shall recompute an annuity that first became payable before September 1, 2021, as though Section 814.207(e), Government Code, as amended by this Act, was in effect on the date the increased annuity first became payable.

(b) The first payment of an annuity recomputed under Subsection (a) of this section is payable on the first payment date occurring on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 1071**.

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

SENATE BILL 1397 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 1397** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to regional protocols and processes for patient transfers and related services within the geographic area served by certain trauma service area regional advisory councils.

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

SECTION 1. Subchapter E, Chapter 773, Health and Safety Code, is amended by adding Section 773.1141 to read as follows:

Sec. 773.1141. INFORMATION, GUIDELINES, AND PROTOCOLS RELATED TO CERTAIN PATIENT TRANSFERS AND RELATED SERVICES. (a) This section applies only to a trauma service area regional advisory council serving a geographic area that includes:

- (1) at least one county located on the international border of this state; and
- (2) at least one county adjacent to the Gulf of Mexico.

(b) For each trauma service area regional advisory council to which this section applies, the executive commissioner by rule shall:

(1) require the council to create an advisory committee composed of equally represented designated trauma hospital system members located within the geographic boundaries of the council or require the council to direct an existing advisory committee of the council established for a purpose similar to that described by this subsection to:

(A) develop guidelines for patient transfers; and

(B) periodically review patient transfers to ensure compliance with applicable guidelines;

(2) for the purpose of ensuring that patients located in the council's geographic boundaries receive health care at the health care facility closest to and most appropriate for the patients, require the council to develop regional protocols and processes to assist the council in managing the dispatch, triage, transport, and transfer of patients; and

(3) require each hospital and emergency medical services provider operating within the council's geographic boundaries to collect and report to the council data on patients transferred outside the council's geographic boundaries.

SECTION 2. Not later than April 1, 2022, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 773.1141, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all 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.

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 1397**.

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

SENATE BILL 1997 WITH HOUSE AMENDMENT

Senator Springer called **SB 1997** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the control of diseases of swine.

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

SECTION 1. Section 165.002, Agriculture Code, is amended to read as follows:

Sec. 165.002. ~~[OWNER]~~ TREATMENT. Except as otherwise provided by law, a representative of the commission or a person authorized by the commission may vaccinate, inoculate, or treat hogs ~~[owned by that person]~~ with classical swine fever ~~[hog cholera]~~ virus or serum or with another remedy~~[- and a county demonstration agent may vaccinate, inoculate, or treat any hogs in the county in which the agent is employed with hog cholera virus or serum or with another remedy].~~

SECTION 2. Section 165.003, Agriculture Code, is amended to read as follows:

Sec. 165.003. SALE OR DISTRIBUTION OF UNATTENUATED CLASSICAL SWINE FEVER ~~[HOG CHOLERA]~~ VIRUS. (a) A person may not sell, offer for sale, barter, exchange, or give away unattenuated classical swine fever ~~[hog cholera]~~ virus.

(b) This section does not prohibit:

(1) acquisition, propagation, manufacture, or use of unattenuated classical swine fever ~~[hog cholera]~~ virus by, and on the licensed premises of, a firm operating under a United States veterinary license issued by the secretary of agriculture of the United States;

(2) manufacture of unattenuated classical swine fever ~~[hog cholera]~~ virus by a firm operating under a United States veterinary license for the sale or distribution in states in which use of attenuated classical swine fever ~~[hog cholera]~~ virus is permitted; or

(3) keeping vaccine on hand for purely experimental or research activities by a recognized college, university, school, or laboratory engaged in research activities.

(c) In this section, "unattenuated classical swine fever ~~[hog cholera]~~ virus" means a classical swine fever ~~[hog cholera]~~ virus that has not been modified or inactivated.

SECTION 3. Section 165.021, Agriculture Code, is amended to read as follows:

Sec. 165.021. COOPERATION WITH U.S. DEPARTMENT OF AGRICULTURE. The commission may cooperate with the United States Department of Agriculture in the eradication of vesicular exanthema, foot and mouth disease of swine, classical swine fever [~~hog cholera~~], and other diseases of swine.

SECTION 4. Section 165.022, Agriculture Code, is amended to read as follows:

Sec. 165.022. METHOD OF DISEASE ERADICATION. (a) Following notice and public hearing, the commission shall adopt rules for the enforcement of this subchapter, including rules providing for the manner, method, and system of eradicating swine diseases.

(b) The commission may by a two-thirds vote adopt rules under this section that are more stringent than the [may not exceed the rules relating to] minimum standards for cooperative programs adopted by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

SECTION 5. The heading to Section 165.042, Agriculture Code, is amended to read as follows:

Sec. 165.042. SALE OF UNATTENUATED CLASSICAL SWINE FEVER [~~HOG CHOLERA~~] VIRUS.

SECTION 6. The amendments made by this Act to replace references to "hog cholera" with "classical swine fever" are a clarification of existing law and do not imply that existing law may be construed as inconsistent with the law as amended by this Act.

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

The amendment was read.

Senator Springer moved to concur in the House amendment to **SB 1997**.

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

Nays: Zaffirini.

SENATE BILL 1856 WITH HOUSE AMENDMENT

Senator Powell called **SB 1856** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to certain vocational nursing students providing services during a declared state of disaster.

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

SECTION 1. Chapter 242, Health and Safety Code, is amended by adding Subchapter T to read as follows:

SUBCHAPTER T. SERVICES PROVIDED BY CERTAIN VOCATIONAL NURSING STUDENTS

Sec. 242.951. DEFINITION. In this subchapter, "disaster" has the meaning assigned by Section 418.004, Government Code.

Sec. 242.952. APPLICABILITY. This subchapter applies only to a student who is:

(1) enrolled in an accredited school or program that is preparing the student for licensure as a licensed vocational nurse; and

(2) participating in a clinical program at a facility licensed under this chapter.

Sec. 242.953. SERVICES PROVIDED BY CERTAIN VOCATIONAL NURSING STUDENTS. (a) Notwithstanding any other law, services that are provided by a student to whom this subchapter applies in a facility licensed under this chapter and authorized by a contract or other arrangement with the facility are allowed at all times in this state, including during a declared state of disaster.

(b) A facility licensed under this chapter may:

(1) require a student to comply with the facility's policies regarding health screenings or the use of personal protective equipment; and

(2) condition the student's provision of services on compliance with the facility's policies described by Subdivision (1).

SECTION 2. This Act takes effect September 1, 2021.

The amendment was read.

Senator Powell moved to concur in the House amendment to **SB 1856**.

The motion prevailed 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, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Hughes, Schwertner.

SENATE BILL 36 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 36** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 36** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.91931 to read as follows:

Sec. 51.91931. COLLABORATIVE TASK FORCE ON HIGHER EDUCATION MENTAL HEALTH SERVICES. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Task force" means the Collaborative Task Force on Higher Education Mental Health Services.

(b) The Collaborative Task Force on Higher Education Mental Health Services is established to study and evaluate mental health services provided at institutions of higher education directly to students enrolled at the institution, including students who have experienced hazing. The task force shall:

(1) research the capacity of institutions of higher education to identify and address the mental health needs of students, including students who have experienced hazing, including for each institution:

(A) performing an equity analysis of the provision of services at the institution, including analyzing the number of mental health providers on campus, the length of time a student must wait for an appointment, partner referrals, length of treatment, and the types of services provided;

(B) the mental health provider-to-student ratios;

(C) the number of community partnerships and referrals for inpatient or outpatient mental health treatment;

(D) the total amount of funds and the total amount of funds as a percentage of the institution's budget allocated to direct mental health support services;

(E) campus-wide needs assessment of mental health climate and student experiences accessing mental health care; and

(F) staff and faculty mental health training opportunities, such as mental health first aid and suicide prevention initiatives, as well as staff and faculty opportunities to receive mental health care;

(2) identify institutional, environmental, and social barriers that directly impact student mental health and well-being, including incidents of hazing; and

(3) explore innovative and effective approaches to meeting the mental health needs of students, with specific focus on first generation college students, students of color, economically disadvantaged students, students who are parents, students of various sexual orientations, survivors of sexual assault, students who have experienced hazing, students who are immigrants, students who are or were previously in the conservatorship of the Department of Family and Protective Services, and students from rural communities, including:

(A) stigma reduction and awareness initiatives;

(B) peer support initiatives;

(C) action plans based on campus assessment;

(D) recruiting and retaining counseling staff of color;

(E) telehealth accessibility and expansion; and

(F) addressing trauma and cultivating resiliency.

(c) The task force is composed of:

(1) the commissioner of higher education or the commissioner's designee;

(2) the following additional members appointed by the commissioner of higher education:

(A) three students who are enrolled at an institution of higher education in this state, at least one of whom is enrolled in a certificate program or a junior college;

(B) two persons who provide mental health services at an institution of higher education and who are:

- (i) a psychologist, as defined by Section 501.002, Occupations Code;
- (ii) a licensed professional counselor, as defined by Section 503.002, Occupations Code; or
- (iii) a licensed clinical social worker, as defined by Section 505.002, Occupations Code;
- (C) one person who is a psychiatrist;
- (D) two persons who are higher education administrators and who oversee the provision of mental health services at an institution of higher education;
- (E) one person who is a member of a foundation that invests in mental health services provided at institutions of higher education;
- (F) one person who is an employee of an institution of higher education designated under Subsection (k) or (l); and
- (G) three people who are employees of nonprofit organizations that specialize in mental health for young adults or college students; and
- (3) for any other entity the task force considers necessary, one person appointed by the task force for each such entity.
- (d) Persons appointed to serve on the task force shall be selected to represent the racial, ethnic, and socioeconomic diversity of this state.
- (e) Chapter 2110, Government Code, does not apply to the task force.
- (f) The commissioner of higher education is designated as the interim presiding officer for purposes of calling and conducting the initial meeting of the task force.
- (g) The task force:
- (1) shall at its initial meeting select a presiding officer from among its members for the purpose of calling and conducting meetings; and
- (2) may select an assistant presiding officer and a secretary from among its members.
- (h) A member of the task force may not receive compensation or reimbursement for service on the task force.
- (i) After its initial meeting, the task force shall meet at least twice each year at a time and place determined by the presiding officer. The task force may meet at other times the task force considers appropriate. The presiding officer may call a meeting on the presiding officer's own motion.
- (j) The task force may meet by teleconference.
- (k) The commissioner of higher education shall designate one institution of higher education with experience in evaluating mental health services to serve as the lead institution for the task force. The institution designated under this subsection shall provide faculty, staff, and administrative support services to the task force as determined necessary by the task force.
- (l) The commissioner of higher education shall designate two institutions of higher education with experience in evaluating mental health services to assist the task force and the lead institution.
- (m) In making a designation under Subsections (k) and (l), the commissioner of higher education shall give preference to at least one predominantly black institution, as defined by 20 U.S.C. Section 1067q(c)(9).

(n) The coordinating board shall maintain the data collected by the task force and the work product of the task force.

(o) The task force shall ensure that data gathered, information studied, and evaluations conducted under this section:

(1) are collected and maintained in compliance with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and any state law relating to the privacy of student or health information; and

(2) may not be shared with a federal agency or state agency, except as otherwise provided by law.

(p) The coordinating board may accept gifts, grants, or donations on behalf of the task force to carry out the task force's duties under this section.

(q) Not later than December 1, 2024, the task force shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the coordinating board a report of the results of the task force's activities conducted under this section and any recommendations for legislative or other action.

(r) The task force is abolished and this section expires September 1, 2025.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 36**.

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

SENATE BILL 41 WITH HOUSE AMENDMENTS

Senator Zaffirini called **SB 41** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs; authorizing fees.

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

ARTICLE 1. CONSOLIDATED CIVIL FILING FEES

SECTION 1.01. Section 133.004, Local Government Code, is amended to read as follows:

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee ~~[on filing in district court]~~ imposed under Section 133.151;

(2) ~~[the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152;~~

~~[(3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;~~

~~[(4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;~~

~~[(5) the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;~~

~~[(6) the filing fees for the judicial fund imposed in statutory probate courts under Section 51.704, Government Code;~~

~~[(7)] fees collected under Section 118.015;~~

(3) ~~[(8)]~~ marriage license fees for the family trust fund collected under Section 118.018; and

(4) ~~[(9)]~~ marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section 118.022; and

~~[(10) the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154].~~

SECTION 1.02. Section 133.151, Local Government Code, is amended to read as follows:

Sec. 133.151. STATE CONSOLIDATED CIVIL FEE ON FILING A CIVIL CASE [SUIT IN DISTRICT COURT]. (a) ~~The~~ In addition to each fee collected under Section 51.317(b)(1), Government Code, the clerk of a district court, statutory county court, statutory probate court, or county court shall collect:

(1) a fee in the amount of \$137 [the following fees] on the filing of any civil, probate, guardianship, or mental health case; and

(2) a fee in the amount of \$45 on any action other than an original action subject to Subdivision (1), including an appeal and any counterclaim, cross-action, intervention, contempt action, adverse probate action, interpleader, motion for new trial, or third-party action [suit];

~~[(1) \$45 for family law cases and proceedings as defined by Section 25.0002, Government Code; and~~

~~[(2) \$50 for any case other than a case described by Subdivision (1)].~~

(a-1) The clerk of a justice court shall collect a fee in the amount of \$21 on the filing of any civil case and on any action other than an original action for the civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) The fees under this section ~~[Subsection (a)]~~ shall be collected and remitted either:

(1) directly to the treasury by the Office of Court Administration of the Texas Judicial System for fees paid using the electronic filing system established under Section 72.031, Government Code; or

(2) to the comptroller in the manner provided by Subchapter B for fees paid to an officer of a court.

(c) The comptroller shall allocate the fees received under Subsection (a)(1) [this section] to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the judicial fund to be used for court-related purposes for the support of the judiciary 59.854 percent; [and]

(2) the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent 14.5985 percent;

(3) the statewide electronic filing system fund 21.8978 percent; and

(4) the judicial and court personnel training fund 3.6497 percent.

(d) The comptroller shall allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic legal services to an indigent 22.2222 percent;

(2) the statewide electronic filing system fund 66.6667 percent; and

(3) the judicial and court personnel training fund 11.1111 percent.

(e) The comptroller shall allocate the fees received under Subsection (a-1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

(1) the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to an indigent 28.5714 percent;

(2) the statewide electronic filing system fund 47.6191 percent; and

(3) the judicial and court personnel training fund 23.8095 percent.

SECTION 1.03. Subtitle C, Title 4, Local Government Code, is amended by adding Chapter 135 to read as follows:

CHAPTER 135. CIVIL FEES PAYABLE TO LOCAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 135.001. PURPOSE. The purpose of this chapter is to consolidate and standardize collection of fees payable to a local government in civil cases by:

(1) an officer of a court for deposit in a county treasury; or

(2) an officer of a county for deposit in the county treasury.

Sec. 135.002. DEFINITIONS. In this chapter:

(1) "Fee" means a civil fee listed under Section 135.003.

(2) "County treasurer" means the custodian of money in a county treasury.

Sec. 135.003. CIVIL FEES. This chapter applies to the civil fees imposed under Sections 135.101, 135.102, and 135.103 on civil, probate, guardianship, and mental health cases.

SUBCHAPTER B. COLLECTION AND REMITTANCE OF LOCAL CIVIL FEES

Sec. 135.051. COLLECTION, REMITTANCE, AND DEPOSIT OF FEES. (a) A court clerk shall collect and remit to the county treasurer all fees in the manner provided by this section.

(b) An officer collecting a fee in a justice, county, or district court shall remit the money to the county treasurer for deposit in the county treasury.

(c) A court clerk collecting a fee shall remit the money to the county treasurer for deposit in the county treasury.

Sec. 135.052. ALLOCATION OF DEPOSITED FEES. (a) Money collected under Subchapter C as civil fees imposed on or after January 1, 2022, shall be allocated according to the percentages provided by Sections 135.101, 135.102, and 135.103, as applicable.

(b) Money collected under Subchapter C as civil fees before January 1, 2022, shall be distributed utilizing historical data so that each account or fund receives the same amount of money the account or fund would have received if the fee for the accounts and funds had been collected and reported separately. This subsection expires September 1, 2025.

SUBCHAPTER C. LOCAL CIVIL FEES

Sec. 135.101. LOCAL CONSOLIDATED CIVIL FEE FOR CERTAIN CIVIL CASES IN DISTRICT COURT, STATUTORY COUNTY COURT, OR COUNTY COURT. (a) A person shall pay in a district court, statutory county court, or county court in addition to all other fees and court costs a local consolidated filing fee of:

(1) \$213 on filing any civil case except a probate, guardianship, or mental health case; and

(2) \$35 on any subsequent filing of a case subject to Subdivision (1), including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) The county treasurer shall allocate the fees received under Subsection (a)(1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

<u>(1) the appellate judicial system fund</u>	<u>2.3474 percent;</u>
<u>(2) the court facility fee fund</u>	<u>9.3897 percent;</u>
<u>(3) the clerk of the court account</u>	<u>23.4742 percent;</u>
<u>(4) the county records management and preservation account</u>	<u>14.0845</u>
<u>percent;</u>	
<u>(5) the court reporter service fund</u>	<u>11.7371 percent;</u>
<u>(6) the county law library fund</u>	<u>16.4319 percent;</u>
<u>(7) the courthouse security fund</u>	<u>9.3897 percent;</u>
<u>(8) the language access fund</u>	<u>1.4085 percent;</u>
<u>(9) the county jury fund</u>	<u>4.6948 percent; and</u>
<u>(10) the county dispute resolution fund</u>	<u>7.0423 percent.</u>

(c) The county treasurer shall allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- (1) the clerk of the court account 42.8571 percent; and
- (2) the county records management and preservation account 57.1429

percent.

Sec. 135.102. LOCAL CIVIL FEE FOR PROBATE, GUARDIANSHIP, AND MENTAL HEALTH CASES IN STATUTORY COUNTY COURT, STATUTORY PROBATE COURT, OR COUNTY COURT. (a) A person shall pay in a statutory county court, statutory probate court, or county court in addition to all other fees and court costs a fee of:

- (1) \$223 on filing any probate, guardianship, or mental health case; and
- (2) \$75 on any action other than an original action for a case subject to

Subdivision (1), including an adverse probate action, contest, or suit in a probate court, other than the filing of a claim against an estate, in which the movant or applicant filing the intervention pleading seeks any affirmative relief.

(b) The county treasurer shall allocate the fees received under Subsection (a)(1) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- (1) the appellate judicial system fund 2.2422 percent;
- (2) the court facility fee fund 8.9686 percent;
- (3) the clerk of the court account 17.9372 percent;
- (4) the county records management and preservation account 6.7265

percent;

- (5) the court reporter service fund 11.2108 percent;
- (6) the county law library fund 15.6951 percent;
- (7) the courthouse security fund 8.9686 percent;
- (8) the language access fund 1.3453 percent;
- (9) the county jury fund 4.4841 percent;
- (10) the county dispute resolution fund 6.7265 percent;
- (11) the court-initiated guardianship fund 8.9686 percent;
- (12) the judicial education and support fund 2.2422 percent; and
- (13) the public probate administrator fund 4.4843 percent.

(c) The county treasurer shall allocate the fees received under Subsection (a)(2) to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- (1) the clerk of the court account 53.3333 percent;
- (2) the county records management and preservation account 6.6667

percent;

- (3) the court-initiated guardianship fund 26.6667 percent; and
- (4) the public probate administrator fund 13.3333 percent.

Sec. 135.103. LOCAL CONSOLIDATED CIVIL FEE FOR JUSTICE COURT.

(a) In addition to all other fees and court costs, a person shall pay a local consolidated filing fee of \$33 on filing of any civil case in a justice court and on any action other than an original action for a civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.

(b) The county treasurer shall allocate the fees received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the fees for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- | | |
|---|-----------------------------|
| <u>(1) the justice court support fund</u> | <u>75.7576 percent;</u> |
| <u>(2) the county dispute resolution fund</u> | <u>15.1515 percent; and</u> |
| <u>(3) the language access fund</u> | <u>9.0909 percent.</u> |

SUBCHAPTER D. ALLOCATION AND USE OF CERTAIN CIVIL FEES

Sec. 135.151. MAINTENANCE OF FUNDS AND ACCOUNTS. (a) A county treasurer shall maintain in the county treasury a fund or account to which money is allocated under Section 135.101, 135.102, or 135.103, to the extent that the fund or account is not required by other law. Money in an account maintained under this section may be used only for the purposes provided by this subchapter.

(b) An account or fund maintained under this section in a county treasury may be administered by or at the direction of the county commissioners court.

Sec. 135.152. COURT FACILITY FEE FUND. Money allocated under Section 135.101 or 135.102 to the court facility fee fund maintained in the county treasury as required by Section 135.151 may be used by a county only to fund the construction, renovation, or improvement of facilities that house the courts or to pay the principal of, interest on, and costs of issuance of bonds, including refunding bonds, issued for the construction, renovation, or improvement of the facilities.

Sec. 135.153. CLERK OF THE COURT ACCOUNT. Money allocated under Section 135.101 or 135.102 to the clerk of the court account maintained in the county treasury as required by Section 135.151 may be used by a county only to defray costs of services provided by a county or district clerk.

Sec. 135.154. COUNTY RECORDS MANAGEMENT AND PRESERVATION ACCOUNT. Money allocated under Section 135.101 or 135.102 to the county records management and preservation account maintained in the county treasury as required by Section 135.151 may be used by a county only to fund records management and preservation services, including automation, performed by the court clerk on approval by the commissioners court of a budget as provided by Chapter 111. An expenditure from the fund must comply with Subchapter C, Chapter 262.

Sec. 135.155. LANGUAGE ACCESS FUND. Money allocated under Section 135.101, 135.102, or 135.103 to the language access fund maintained in the county treasury as required by Section 135.151 may be used by a county only to provide language access services for individuals appearing before the court or receiving court services.

Sec. 135.156. COUNTY JURY FUND. Money allocated under Section 135.101 or 135.102 to the county jury fund maintained in the county treasury as required by Section 135.151 may be used by a county only to fund juror reimbursements and otherwise finance jury services.

Sec. 135.157. COUNTY DISPUTE RESOLUTION FUND. (a) Money allocated under Section 135.101, 135.102, or 135.103 to the county dispute resolution fund maintained in the county treasury as required by Section 135.151 may be used by a county only to establish and maintain an alternative dispute resolution system in accordance with Chapter 152, Civil Practice and Remedies Code. The fund shall be administered by the commissioners court and may be used by the county only to establish and maintain the system. The system shall be operated at one or more convenient and accessible places in the county.

(b) If a county has not established an alternative dispute resolution system under Chapter 152, Civil Practice and Remedies Code, the money allocated under Subsection (a) shall be remitted to the comptroller and the comptroller shall allocate the money to the statewide electronic filing system fund.

Sec. 135.158. COURT-INITIATED GUARDIANSHIP FUND. Money allocated under Section 135.102 to the court-initiated guardianship fund maintained in the county treasury as required by Section 135.151 may be used by a county only to supplement other available funds to:

(1) pay the compensation of a guardian ad litem appointed by a court under Section 1102.001, Estates Code;

(2) pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under Chapter 1102, Estates Code; and

(3) fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians.

Sec. 135.159. JUDICIAL EDUCATION AND SUPPORT FUND. Money allocated under Section 135.102 to the judicial education and support fund maintained in the county treasury as required by Section 135.151 may be used by a county only to pay:

(1) the continuing education of the judge and staff of the statutory probate court, including the payment of travel and related expenses in attending a continuing judicial education activity of an organization accredited by the supreme court for continuing judicial education; or

(2) the county's contribution to fund the compensation required by Section 25.0022, Government Code, for the presiding judge of the statutory probate court.

Sec. 135.160. PUBLIC PROBATE ADMINISTRATOR FUND. Money allocated under Section 135.102 to the public probate administrator fund maintained in the county treasury as required by Section 135.151 may be used by a county only to support the office of public probate administrator established under Chapter 455, Estates Code. A county that does not appoint a public probate administrator subject to Chapter 455, Estates Code, shall deposit the money to the court-initiated guardianship fund.

Sec. 135.161. JUSTICE COURT SUPPORT FUND. Money allocated under Section 135.103 to the justice court support fund maintained in the county treasury as required by Section 135.151 may be used by a county only to defray the costs of services provided by a justice court.

ARTICLE 2. GOVERNMENT CODE

SECTION 2.01. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.229 to read as follows:

Sec. 22.229. APPELLATE JUDICIAL SYSTEM FUND. (a) An appellate judicial system fund is established for each court of appeals to:

(1) assist the court of appeals in the processing of appeals filed with the court of appeals from the county courts, statutory county courts, statutory probate courts, and district courts in the counties the court of appeals serves; and

(2) defray costs and expenses incurred in the operation of the court of appeals.

(b) To fund the appellate judicial system:

(1) each county treasurer shall allocate to the fund the portion of the local consolidated filing fee set by Section 135.101(b)(1) or 135.102(b)(1), Local Government Code; and

(2) the clerk of each statutory probate court in the county shall collect a \$5 fee in each civil case filed in the court.

(c) The fee required under Subsection (b)(2) shall be taxed, collected, and paid as other court costs in a suit. The clerk of the court shall collect the fee and pay it to the county treasurer.

(d) The county treasurer shall monthly forward the money collected under this section to the clerk of the court of appeals serving the county for deposit in the appellate judicial system fund. The court of appeals may spend money in the fund for the purposes described by Subsection (a). Money in the fund may not be used for any other purpose.

(e) The chief justice of each court of appeals is responsible for the management of all money deposited in the appellate judicial system fund for the chief justice's court of appeals and has sole discretion on use of the money in the fund, except that the money must be used for purposes consistent with the purposes described by Subsection (a) for which the fund was established.

SECTION 2.02. Section 25.0022(e), Government Code, is amended to read as follows:

(e) In addition to all other compensation, expenses, and perquisites authorized by law, the presiding judge shall be paid for performing the duties of a presiding judge an annual salary equal to the maximum salary authorized by Section 74.051(b) for a presiding judge of an administrative judicial region. The presiding judge is entitled to receive reasonable expenses incurred in administering those duties. ~~[The state shall pay \$5,000 of the salary in equal monthly installments from amounts deposited in the judicial fund under Section 51.704 and appropriated for that purpose, and the remainder of the salary and expenses is paid by the counties that have statutory probate courts, apportioned according to the number of statutory probate courts in the county.]~~

SECTION 2.03. Section 25.0172(u), Government Code, is amended to read as follows:

(u) The official court reporter of a county court at law is entitled to receive an annual salary set by the judge and approved by the commissioners court at an amount not less than \$35,256. ~~[The official court reporter's fee shall be taxed as costs in civil actions in County Courts at Law Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 in the same manner as that fee is taxed in district court. In County Court at Law No. 2, the clerk collects the official court reporters' fee of \$3 and pays it into the county treasury in the same manner as district clerks are required to collect and pay costs.]~~

SECTION 2.04. Section 25.1102(f), Government Code, is amended to read as follows:

(f) The official court reporter of a county court at law is entitled to receive a salary set by the judge of the county court at law as provided by law for district court reporters. The salary shall be paid monthly by the commissioners court out of funds available for that purpose. ~~[The clerk of the court shall tax as costs in each civil, criminal, or probate case in which a record, or any part of a record, is made of the evidence a stenographer's fee of \$20. The clerk collects the fees and pays them in to the county's general fund.]~~

SECTION 2.05. Section 25.1572(h), Government Code, is amended to read as follows:

(h) An official court reporter is not required to take testimony in a case unless the judge or a party demands that testimony be taken. ~~[In civil and probate cases in which the court reporter is required to take testimony, the clerk shall assess a \$3 fee as costs in the case. The clerk shall collect the fee and deposit it in the county treasury.]~~ The court reporter shall be available for matters being considered in the county court if the parties before the court request a court reporter and the request is approved by the judge of a county court at law.

SECTION 2.06. Section 25.2702(d), Government Code, is amended to read as follows:

(d) The judge of the county court at law shall appoint an official court reporter. The judge may appoint a court administrator to aid the judge in the performance of the judge's duties. The official court reporter and the court administrator of the county court at law are entitled to receive a salary set by the commissioners courts in the counties the reporter or administrator serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts. ~~[The clerk of the court shall tax as costs, in each civil and probate case in which a record of any part of the evidence in the case is made by the reporter, a stenographer's fee of \$25. The fee shall be paid in the same manner as other costs in the case. The clerk collects the fee and pays it into the general funds of the counties.]~~

SECTION 2.07. Section 51.302(e), Government Code, is amended to read as follows:

(e) The commissioners court may establish a contingency fund to provide the coverage required by Subsection (c) or (d) if it is determined by the district clerk that insurance coverage is unavailable at a reasonable cost. ~~[The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be~~

collected by the district clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by Subsection (c) or (d), the clerk shall stop collecting the additional fee.]

SECTION 2.08. Sections 51.318(a) and (b), Government Code, are amended to read as follows:

(a) The ~~[In addition to a fee under Section 51.317 the]~~ district clerk shall collect at the time the service is performed or at the time the service is requested the fees provided by Subsection (b) for services performed by the clerk.

(b) The fees are:

- (1) for issuing a subpoena, including one copy \$8
- (2) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration ~~[not provided for in Section 51.317]~~, or any other writ or process not otherwise provided for, including one copy if required by law \$8
- (3) for searching files or records to locate a cause when the docket number is not provided or ~~[~~ \$5
~~[(4) for searching files or records]~~ to ascertain the existence of an instrument or record in the district clerk's office \$5
- (4) ~~[(5)]~~ for abstracting a judgment \$8
- (5) for preparation of the clerk's record on appeal, for each page or part of a page \$1
- (6) for approving a bond \$5 ~~[\$4]~~
- (7) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, printed on paper:
 - (A) including certificate and seal \$5; and
 - (B) [5] for each page or part of a page [not to exceed] \$1
- (8) for a noncertified copy:
 - (A) printed on paper, for each page or part of a page [not to exceed] \$1;
 - (B) that is a paper document converted to electronic format, for each page or part of a page \$1; or
 - (C) that is an electronic copy of an electronic document:
 - (i) for each document up to 10 pages in length \$1; and
 - (ii) for each page or part of a page over 10 pages \$0.10.

SECTION 2.09. The heading to Section 51.601, Government Code, is amended to read as follows:

Sec. 51.601. COURT REPORTER SERVICE FUND ~~[FEE]~~.

SECTION 2.10. Section 51.607, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as provided by Subsection (d) and notwithstanding ~~[Notwithstanding]~~ the effective date of the law imposing or changing the amount of a court cost or fee included on the list, the imposition or change in the amount of the court cost or fee does not take effect until the next January 1 after the law takes effect.

(d) Subsection (c) does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee takes effect on or after the January 1 following the regular session of the legislature at which the law was enacted.

SECTION 2.11. Section 51.851(b), Government Code, is amended to read as follows:

(b) In addition to other fees authorized or required by law, the clerk of the supreme court or^[5] a court of appeals~~[- a district court, a county court, a statutory county court, or a statutory probate court]~~ shall collect a \$30 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

SECTION 2.12. Section 411.0745(b), Government Code, is amended to read as follows:

(b) The petition must be accompanied by payment of a ~~[\$28 fee to the clerk of the court in addition to any other]~~ fee that generally applies to the filing of a civil case ~~[petition]~~.

SECTION 2.13. The heading to Section 411.077, Government Code, is amended to read as follows:

Sec. 411.077. ~~[DISPOSITION OF FEE;]~~ DEPARTMENT OF PUBLIC SAFETY REPORT.

ARTICLE 3. LOCAL GOVERNMENT CODE

SECTION 3.01. Section 82.003(c), Local Government Code, is amended to read as follows:

(c) The commissioners court may establish a contingency fund to provide the coverage required by this section if it is determined by the county clerk that insurance coverage is unavailable at a reasonable cost. ~~[The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the county clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by this section, the clerk shall stop collecting the additional fee.]~~

SECTION 3.02. Sections 118.051 and 118.052, Local Government Code, are amended to read as follows:

Sec. 118.051. CLERICAL DUTIES. ~~The~~ ~~[Except as provided by Section 118.067, the]~~ fees listed in this subchapter for county civil court dockets under Section 118.052(1) and county probate court dockets under Section 118.052(2) are fees for all clerical duties performed in connection with the docket, including:

(1) filing, registering or recording, docketing, and taxing costs for an application, will, complaint, petition, return, document, or proceeding;

(2) issuing and recording the return of a citation, notice, subpoena, commission to take depositions, execution while the docket is still open (civil docket), garnishment before judgment (civil docket), order, writ, process, or any other document authorized or required to be issued by the clerk on which a return must be recorded;

(3) attendances in court as clerk of the court;

(4) impaneling a jury (civil docket);

(5) swearing witnesses;

(6) approving bonds involved in court action; and

(7) administering oaths.

Sec. 118.052. FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(1) CIVIL COURT ACTIONS

(A) Filing of [~~Original Action (Sec. 118.053)-~~

~~[(i)] Garnishment after judgment . . . \$15.00~~

~~[(ii)] All others . . . \$40.00]~~

(B) [~~Filing of Action Other than Original (Sec. 118.054) . . . \$30.00~~

~~[(C)] Services Rendered After Judgment in Original Action (Sec. 118.0545):~~

~~(i) Abstract of judgment . . . \$ 8.00 [5.00]~~

~~(ii) Preparation of the clerk's record for appeal, per page or part of a page . . . \$ 1.00~~

~~(iii) Execution, order of sale, writ, or other process . . . \$ 8.00 [5.00]~~

(2) PROBATE COURT ACTIONS

(A) [~~Probate Original Action (Sec. 118.055):~~

~~[(i)] Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . \$40.00~~

~~[(ii)] Community survivors . . . \$40.00~~

~~[(iii)] Small estates . . . \$40.00~~

~~[(iv)] Declarations of heirship . . . \$40.00~~

~~[(v)] Mental health or chemical dependency services . . . \$40.00~~

~~[(vi)] Additional, special fee (Sec. 118.064) . . . \$ 5.00~~

(B) [~~Services in Pending Probate Action (Sec. 118.056):~~

~~(i) Filing an inventory and appraisal as provided by Section 118.056(d) . . . \$25.00~~

~~(ii) Approving and recording bond . . . \$ 5.00 [3.00]~~

~~(iii) Administering oath . . . \$ 2.00~~

~~(iv) Filing annual or final account of estate . . . \$25.00~~

~~(v) Filing application for sale of real or personal property . . . \$25.00~~

~~(vi) Filing annual or final report of guardian of a person . . . \$10.00~~

~~(vii) Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisal or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . \$25.00~~

~~(B) [(C)] Adverse Probate Action (Sec. 118.057) . . . \$40.00~~

~~[(D)] Claim Against Estate (Sec. 118.058) . . . \$10.00~~

~~[(E)] Supplemental Court Initiated Guardianship Fee in Probate Original Actions and Adverse Probate Actions (Sec. 118.067) . . . \$20.00~~

~~[(F)] Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator (Sec. 118.068) . . . \$10.00]~~

(3) OTHER FEES

(A) Issuing Document (Sec. 118.059):

original document and one copy . . . \$ 8.00 [4.00]

each additional set of an original and one copy . . . \$ 8.00 [~~4.00~~]

(B) Certified Papers (Sec. 118.060):

for the clerk's certificate . . . \$ 5.00

plus a fee per page or part of a page of . . . \$ 1.00

(C) Noncertified Papers (Sec. 118.0605):

printed on paper, for each page or part of a page . . . \$ 1.00

paper converted to electronic format, for each page or part of a page . . . \$ 1.00

electronic copy of an electronic document:

(i) for each document up to 10 pages in length . . . \$ 1.00; and

(ii) for each page or part of a page over 10 pages . . . \$ 0.10

(D) Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . \$ 2.00

(E) Deposit and Safekeeping of Wills (Sec. 118.062) . . . \$ 5.00

(F) Mail Service of Process (Sec. 118.063) . . . same as sheriff

(G) Searching files or records to locate a cause when the docket number is not provided or to ascertain the existence of an instrument or record in the county clerk's office [~~Records Management and Preservation Fee~~] . . . \$ 5.00

(H) Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . \$ 2.00

SECTION 3.03. Section 118.0545, Local Government Code, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:

(b-1) The fee for "Preparation of the clerk's record for appeal" under Section 118.052(1) is for preparation of the clerk's record for appeal.

(e) In this section, "original action" includes an appeal from a justice of the peace or a corporation court and a transfer of an action from another jurisdiction [~~has the meaning assigned by Section 118.053].~~

SECTION 3.04. Section 118.056(c), Local Government Code, as amended by Chapter 66, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

(c) Each fee shall be paid [~~in cash~~] at the time of the filing or the rendering of the service and is in addition to other fees prescribed by Section 118.052.

SECTION 3.05. Section 118.059(c), Local Government Code, is amended to read as follows:

(c) In this section, "document" includes a subpoena, citation, notice, commission to take depositions, execution, order, writ, process, or other instrument or paper authorized or required to be issued by the clerk.

SECTION 3.06. Subchapter C, Chapter 118, Local Government Code, is amended by adding Section 118.070 to read as follows:

Sec. 118.070. FEE FOR SEARCH OF RECORDS. The clerk of a county court shall collect a fee for searching files or records to locate a cause when the docket number is not provided or to ascertain the existence of an instrument or record in the county clerk's office.

SECTION 3.07. Section 118.101, Local Government Code, is amended to read as follows:

Sec. 118.101. FEE SCHEDULE. The county judge shall collect the following fees in probate matters:

- (1) Probate of a will \$2.00
- (2) Granting letters testamentary, letter of guardianship, or letter of administration \$2.00
- (3) Order of sale \$2.00
- (4) Approval and confirmation of sale \$2.00
- (5) Decree refusing order of sale or confirmation of sale \$2.00
- (6) Decree of partition and distribution \$2.00
- (7) Decree approving or setting aside the report of a commissioner of partition and distribution \$2.00
- (8) Decree removing an executor, administrator or guardian (with the fee to be paid by that executor, administrator, or guardian) \$1.00
- (9) Fiat or certificate \$2.00
- (10) Continuance \$0.10
- (11) Orders for which another fee is not prescribed \$2.00
- (12) Administering oath or affirmation with certificate and seal \$2.00
- (13) Administering oath or affirmation without certificate and seal \$0.25
- ~~[(14) Records technology and infrastructure, if authorized by the commissioners court of the county \$2.00]~~

SECTION 3.08. Section 118.121, Local Government Code, is amended to read as follows:

Sec. 118.121. FEE SCHEDULE. A justice of the peace shall collect the following fees for services rendered ~~[to any person]~~

- ~~[(1) Services rendered before judgment (Sec. 118.122):~~
 - ~~[(A) Justice court \$25.00~~
 - ~~[(B) Small claims court \$25.00~~
- ~~[(2) Services rendered] after judgment (Sec. 118.123):~~
 - (1) ~~[(A)]~~ Transcript \$10.00
 - (2) ~~[(B)]~~ Abstract of judgment. \$5.00
 - (3) ~~[(C)]~~ Execution, order of sale, writ of restitution, or other writ or process \$5.00 per page
 - Certified copy of court papers. \$2.00 for first page
\$0.25 for each additional page
 - Issuing other document (no return required) \$1.00 for first page
\$0.25 for each additional page

SECTION 3.09. Section 133.051, Local Government Code, is amended to read as follows:

Sec. 133.051. COLLECTION AND REMITTANCE OF FEES. (a) A municipality or county shall collect, record, account for, and remit to the comptroller all fees in the manner provided by this subchapter, except fees paid under Section 133.151 using the electronic filing system established under Section 72.031, Government Code.

(b) Fees paid under Section 133.151 using the electronic filing system established under Section 72.031, Government Code, shall be remitted directly to the treasury by the Office of Court Administration of the Texas Judicial System for disbursement and deposit as provided by that section.

SECTION 3.10. Section 133.055(a), Local Government Code, is amended to read as follows:

(a) For fees paid to an officer of a court and not using the electronic filing system established under Section 72.031, Government Code, on ~~On~~ or before the last day of the month following each calendar quarter, the treasurer shall:

(1) remit to the comptroller the money from all fees collected during the preceding quarter, except as provided by Section 133.058; and

(2) submit to the comptroller the report required under Section 133.056 for criminal fees and Section 133.057 for civil fees.

SECTION 3.11. Section 133.058(d), Local Government Code, is amended to read as follows:

(d) A county may not retain a service fee on the collection of a fee or fine:

(1) for the judicial fund;

(2) under Article 42A.303 or 42A.653, Code of Criminal Procedure;

(3) under Section 51.851, Government Code; or

(4) for any state consolidated filing fee under Section 133.151 ~~[51.971, Government Code].~~

SECTION 3.12. Section 203.003, Local Government Code, is amended to read as follows:

Sec. 203.003. DUTIES OF COMMISSIONERS COURT. The commissioners court of each county shall:

(1) promote and support the efficient and economical management of records of all elective offices in the county to enable elected county officers to conform to this subtitle and rules adopted under it;

(2) facilitate the creation and maintenance of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of each elective office and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and the persons affected by the activities of the local government;

(3) facilitate the identification and preservation of the records of elective offices that are of permanent value;

(4) facilitate the identification and protection of the essential records of elective offices;

(5) establish a county clerk records management and preservation fund for fees subject to Section 118.0216 and approve in advance any expenditures from the fund; and

(6) establish a records management and preservation account ~~[fund]~~ for the records management and preservation fees authorized under Sections ~~[118.052, 118.0546, and 118.0645]~~ 135.101 and 135.102, ~~[and Section 51.317, Government Code.]~~ and approve in advance any expenditures from the fund, which may be spent only for records management preservation or automation purposes in the county.

SECTION 3.13. The heading to Section 291.008, Local Government Code, is amended to read as follows:

Sec. 291.008. DOCUMENT FILING FEE ~~[FOR SECURITY]~~.

SECTION 3.14. Section 291.008(d), Local Government Code, is amended to read as follows:

(d) ~~The [If a commissioners court sets a security fee under Subsection (a) of this section, the]~~ county and district clerks shall collect a fee of \$1 for filing any document not subject to a filing fee under Section 118.052(2), 135.101, or 135.102 ~~[the security fee]~~. The county is not liable for the costs. The county or district clerk, as appropriate, shall collect this fee.

SECTION 3.15. Sections 323.023(a) and (b), Local Government Code, are amended to read as follows:

(a) ~~The [A sum set by the]~~ commissioners court ~~[not to exceed \$35]~~ shall establish a county law library fund ~~[be taxed, collected, and paid as other costs in each civil case filed in a county or district court, except suits for delinquent taxes. The county is not liable for the costs].~~

(b) ~~The [clerks of the respective courts shall collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the]~~ county law library fund~~[The fund]~~ may be used only for:

- (1) establishing the law library after the entry of the order creating it;
- (2) purchasing or leasing library materials, maintaining the library, or acquiring furniture, shelving, or equipment for the library;
- (3) purchasing or leasing library materials or acquiring library equipment, including computers, software, and subscriptions to obtain access to electronic research networks for use by judges in the county; or
- (4) establishing and maintaining a self-help center to provide resources to county residents representing themselves in legal matters.

ARTICLE 4. OTHER CONFORMING AMENDMENTS

SECTION 4.01. Section 12.005(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) The fee for filing an action under this chapter is the fee that generally applies to the filing of a civil case ~~[\$15. The plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as provided by Subsection (b), the plaintiff may not be assessed any other fee, cost, charge, or expense by the clerk of the court or other public official in connection with the action].~~

SECTION 4.02. Article 102.017(a), Code of Criminal Procedure, is amended to read as follows:

(a) The courthouse security fund is a fund in the county treasury, and the municipal court building security fund is a fund in the municipal treasury. The funds consist of money allocated to the funds under Sections 134.101, 134.102, ~~[and]~~ 134.103, 135.101, and 135.102, Local Government Code.

SECTION 4.03. Section 54.041(a), Family Code, is amended to read as follows:

(a) When a child has been found to have engaged in delinquent conduct or conduct indicating a need for supervision and the juvenile court has made a finding that the child is in need of rehabilitation or that the protection of the public or the child requires that disposition be made, the juvenile court, on notice by any reasonable method to all persons affected, may:

(1) order any person found by the juvenile court to have, by a wilful act or omission, contributed to, caused, or encouraged the child's delinquent conduct or conduct indicating a need for supervision to do any act that the juvenile court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the juvenile court determines to be injurious to the welfare of the child;

(2) enjoin all contact between the child and a person who is found to be a contributing cause of the child's delinquent conduct or conduct indicating a need for supervision; or

(3) after notice and a hearing of all persons affected order any person living in the same household with the child to participate in social or psychological counseling to assist in the rehabilitation of the child and to strengthen the child's family environment[; or

~~[(4) after notice and a hearing of all persons affected order the child's parent or other person responsible for the child's support to pay all or part of the reasonable costs of treatment programs in which the child is required to participate during the period of probation if the court finds the child's parent or person responsible for the child's support is able to pay the costs].~~

SECTION 4.04. Section 61.002(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

(1) for payment of probation fees under Section 54.061;

(2) for restitution under Sections 54.041(b) and 54.048;

~~(3) [for payment of graffiti eradication fees under Section 54.046];~~

~~[(4)]~~ for community service under Section 54.044(b);

~~(4) [(5) for payment of costs of court under Section 54.0411 or other provisions of law;~~

~~[(6)]~~ requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);

~~(5) [(7)]~~ enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);

~~(6) [(8)]~~ ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);

~~(7) [(9)]~~ requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);

~~(8) [(10)]~~ requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);

~~(9) [(11)]~~ requiring payment of deferred prosecution supervision fees under Section 53.03(d);

(10) ~~(12)~~ requiring a parent or other eligible person to attend a court hearing under Section 51.115;

(11) ~~(13)~~ requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);

(12) ~~(14)~~ requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title;

~~(15) for payment of fees under Section 54.0462;]~~ or

(13) ~~(16)~~ for payment of the cost of attending an educational program under Section 54.0404.

SECTION 4.05. Section 231.202, Family Code, is amended to read as follows:

Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D CASES. In a Title IV-D case filed under this title, including a case filed under Chapter 159, the Title IV-D agency shall pay only the following costs and fees:

(1) filing fees and fees for issuance and service of process as provided by Chapter 110 of this code and by Sections ~~[51.317(b)(1), (2), and (3) and (b 1),]~~ 51.318(b)(2)~~;~~ and 51.319(2), Government Code;

(2) fees for transfer as provided by Chapter 110;

(3) fees for the issuance and delivery of orders and writs of income withholding in the amounts provided by Chapter 110;

(4) the fee for services provided by sheriffs and constables, including:

(A) a fee authorized under Section 118.131, Local Government Code, for serving each item of process to each individual on whom service is required, including service by certified or registered mail; and

(B) a fee authorized under Section 157.103(b) for serving a *caapias*;

(5) the fee for filing an administrative writ of withholding under Section 158.503(d); and

(6) the fee for issuance of a subpoena as provided by Section 51.318(b)(1), Government Code~~;~~ and

~~[(7) a fee authorized by Section 72.031, Government Code, for the electronic filing of documents with a clerk].~~

SECTION 4.06. Section 571.018(b), Health and Safety Code, is amended to read as follows:

(b) The county responsible for the costs of a hearing or proceeding under Subsection (a) shall pay the costs of all subsequent hearings or proceedings for that person under this subtitle until the person is discharged from mental health services. ~~[The county may not pay the costs from any fees collected under Section 51.704, Government Code.]~~ The costs shall be billed by the clerk of the court conducting the hearings.

SECTION 4.07. Section 40.062, Human Resources Code, is amended to read as follows:

Sec. 40.062. EXEMPTION FROM CERTAIN COSTS AND FEES. The department is not required to pay any cost or fee otherwise imposed for court proceedings or other services, including a:

(1) filing fee or fee for issuance or service of process imposed by Section 110.002, Family Code, or by Section [~~51.317, 51.318(b)(2), or~~] 51.319, Government Code;

(2) transfer fee imposed by Section 110.002 or 110.005, Family Code;

(3) [~~court reporter fee imposed by Section 51.601, Government Code;~~

~~[(4) judicial fund fee imposed by Section 51.702, Government Code;~~

~~[(5) judge's fee imposed by Section 25.0008 or 25.0029, Government~~

Code;

(4) [~~(6)~~] cost or security fee imposed by Section 53.051, 53.052, 1053.051, or 1053.052, Estates Code; or

(5) [~~(7)~~] fee imposed by a county officer under Section 118.011 or 118.052, Local Government Code.

SECTION 4.08. Section 161.107(b), Human Resources Code, is amended to read as follows:

(b) The department is not required to pay any cost or fee otherwise imposed for court proceedings or other services, including:

(1) a filing fee or fee for issuance of service of process imposed by Section [~~51.317, 51.318(b)(2), or~~] 51.319, Government Code;

(2) [~~a court reporter service fee imposed by Section 51.601, Government Code;~~

~~[(3) a judicial fund fee imposed by Section 51.702, Government Code;~~

~~[(4) a judge's fee imposed by Section 25.0008 or 25.0029, Government~~

Code;

(3) [~~(5)~~] a cost or security fee imposed by Section 53.051, 53.052, 1053.051, or 1053.052, Estates Code; or

(4) [~~(6)~~] a fee imposed by a county officer under Section 118.011 or 118.052, Local Government Code.

SECTION 4.09. Section 21.013(c), Property Code, is amended to read as follows:

(c) A party initiating a condemnation proceeding in a county in which there is not a county court at law must file the condemnation petition with the district clerk. The filing fee shall be due at the time of filing [~~in accordance with Section 51.317, Government Code~~].

ARTICLE 5. REPEALERS

SECTION 5.01. (a) The following provisions of the Civil Practice and Remedies Code are repealed:

(1) Sections 12.005(b) and (d);

(2) Sections 21.051 and 126.012; and

(3) Sections 152.004 and 152.005.

(b) The following provisions of the Family Code are repealed:

(1) Sections 54.032(e), (g), and (h);

(2) Sections 54.0325(g) and (h);

(3) Section 54.0411;

(4) Sections 54.0461 and 54.0462;

(5) Section 54.047(f);

(6) Section 54.06(a); and

- (7) Sections 108.006(b) and (c).
- (c) The following provisions of the Government Code are repealed:
 - (1) Sections 22.2021, 22.2031, 22.2041, 22.2051, 22.2061, 22.2071, 22.2081, 22.2091, 22.2101, 22.2121, 22.2131, 22.2141, 25.00211, 25.00212, and 25.00213;
 - (2) Section 25.0595(j);
 - (3) Section 25.0862(i);
 - (4) Section 25.1862(l);
 - (5) Sections 26.007 and 26.008;
 - (6) Section 51.305;
 - (7) Section 51.317;
 - (8) Sections 51.601(a), (a-1), (b), and (e);
 - (9) Section 51.604;
 - (10) Sections 51.702, 51.703, and 51.704;
 - (11) Sections 51.705, 51.706, 51.707, and 51.708;
 - (12) Sections 51.709, 51.710, 51.711, and 51.713;
 - (13) Sections 51.851(c), (g), and (j);
 - (14) Subchapter M, Chapter 51;
 - (15) Subchapter N, Chapter 51;
 - (16) Section 54A.110(d);
 - (17) Section 54A.205(d); and
 - (18) Section 411.077(a).
- (d) Subtitle I, Title 2, Government Code, is repealed as duplicative of the substantive provisions referenced in the subtitle.
- (e) Section 194.002(e), Health and Safety Code, is repealed.
- (f) The following provisions of the Human Resources Code are repealed:
 - (1) Section 152.0492;
 - (2) Sections 152.1074(f) and (g);
 - (3) Section 152.1322;
 - (4) Sections 152.1752(b), (c), (d), and (e);
 - (5) Section 152.1844; and
 - (6) Sections 152.1873, 152.1874, 152.2183, and 152.2496.
- (g) The following provisions of the Local Government Code are repealed:
 - (1) Sections 118.053, 118.054, 118.0546, and 118.055;
 - (2) Section 118.056, Local Government Code, as amended by Chapter 1001, Acts of the 76th Legislature, Regular Session, 1999;
 - (3) Sections 118.057, 118.064, 118.0645, 118.067, 118.068, and 118.069;
 - (4) Sections 118.102 and 118.122;
 - (5) Section 133.058(c);
 - (6) Sections 133.152, 133.153, and 133.154;
 - (7) Sections 291.008(a), (b), (c), and (e); and
 - (8) Section 291.009.
- (h) Section 2308.457, Occupations Code, is repealed.
- (i) Section 21.047(c), Property Code, is repealed.
- (j) Section 372.107(c), Transportation Code, is repealed.
- (k) Article 7818, Revised Statutes, is repealed.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. This Act takes effect January 1, 2022.

Floor Amendment No. 1Amend **CSSB 41** (house committee printing) as follows:

(1) On page 6, line 23, strike "subsequent filing of" and substitute "action other than an original action for".

(2) On page 13, line 13, strike "statutory".

(3) On page 14, strike lines 18-23, and substitute the following:

(b) To fund the appellate judicial system each county treasurer shall allocate to the fund the percentage of the local consolidated filing fee provided by Section 135.101(b)(1) or 135.102(b)(1), Local Government Code.

(4) On page 15, strike lines 21-26, and substitute the following:

in administering those duties. The state shall pay \$5,000 of the salary in equal monthly installments from amounts deposited in the judicial fund [~~under Section 51.704~~] and appropriated for that purpose, and the remainder of the salary and expenses is paid by the counties that have statutory probate courts, apportioned according to the number of statutory probate courts in the county.

(5) On page 22, strike lines 20-22, and substitute the following:

(ii) Execution, order of sale, writ, or

(6) On page 25, lines 9-10, strike "or to ascertain the existence of an instrument or record in the county clerk's office".

(7) On page 25, between lines 14 and 15, insert the following:

(l) Preparation of the clerk's record for appeal, per page or part of a page . . . \$1.00

(8) On page 26, line 13, strike "shall" and substitute "may".

(9) On page 26, lines 14-16, strike "or to ascertain the existence of an instrument or record in the county clerk's office".

(10) On page 39, strike line 7, and substitute "and 22.2141;".

(11) On page 39, strike line 8.

(12) On page 39, strike line 23, and renumber subdivisions of SECTION 5.01(c) accordingly.

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

SECTION 2. ____. Section 25.00211(a), Government Code, is amended to read as follows:

(a) Beginning on the first day of the state fiscal year, the state shall annually compensate each county [~~that collects the additional fees under Section 51.704~~] in an amount equal to \$40,000 for each statutory probate court judge in the county.

SECTION 2. ____. Section 25.00212(a), Government Code, is amended to read as follows:

(a) At the end of each state fiscal year, the comptroller shall determine the amounts deposited in the judicial fund by statutory probate courts [~~under Section 51.704~~] and the sum of the amount paid under Section 25.0022(e) and the total amounts paid to the counties under Section 25.00211. If the total amount deposited in the judicial fund [~~under Section 51.704~~] by statutory probate courts in all counties exceeds that sum, the state shall remit the excess proportionately to each county that

deposited a greater amount in the judicial fund by statutory probate court ~~[under Section 51.704]~~ than the amount the county was paid under Section 25.00211, as adjusted in an equitable manner to reflect the differences in the total amounts paid to the counties under Section 25.00211.

SECTION 2. ____ . Section 25.00213(a), Government Code, is amended to read as follows:

(a) A contributions fund is created in the county treasury of each county that receives funds under Section 25.00212 ~~[collects the additional fees under Section 51.704].~~

SECTION 2. ____ . Section 25.0595(j), Government Code, is amended to read as follows:

(j) In addition to the uses authorized by Section 135.159 ~~[118.064(b)]~~, Local Government Code, fees collected under Section 135.102 ~~[118.052(2)(A)(vi)]~~, Local Government Code, and deposited into the judicial education and support fund may be used by Dallas County for providing staff for the statutory probate courts and for court-related purposes for the support of the statutory probate courts. ~~[In determining if the fee produces more revenue than required as provided by Section 118.064(e), Local Government Code, the commissioners court shall include the uses authorized by this subsection.]~~

The amendments were read.

Senator Zaffirini moved to concur in the House amendments to **SB 41**.

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

SENATE BILL 1458 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1458** (j) from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to standardized forms and materials for the issuance of protective orders, magistrate's orders for emergency protection, and temporary ex parte orders.

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

SECTION 1. Article 7B.001, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) A person filing an application under this article shall use the protective order application form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, that is available on the office's Internet website.

SECTION 2. Subchapter A, Chapter 7B, Code of Criminal Procedure, is amended by adding Article 7B.0021 to read as follows:

Art. 7B.0021. STANDARD TEMPORARY EX PARTE ORDER FORM. The court shall use the standardized temporary ex parte order form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, to issue a temporary ex parte order under Article 7B.002.

SECTION 3. Article 7B.003, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) The court shall use the standardized protective order form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, to issue a protective order under this article.

SECTION 4. Article 17.292, Code of Criminal Procedure, is amended by adding Subsection (d-1) to read as follows:

(d-1) The magistrate shall use the standardized order for emergency protection form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, to issue an order for emergency protection under this article.

SECTION 5. Section 82.004, Family Code, is amended to read as follows:

Sec. 82.004. FORM AND CONTENT [CONTENTS] OF APPLICATION. A person filing an application under this chapter shall use the protective order application form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, that is available on the office's Internet website, and shall include in the application [An application must state]:

- (1) the name and county of residence of each applicant;
- (2) the name and county of residence of each individual alleged to have committed family violence;
- (3) the relationships between the applicants and the individual alleged to have committed family violence;
- (4) a request for one or more protective orders; and
- (5) whether an applicant is receiving services from the Title IV-D agency in connection with a child support case and, if known, the agency case number for each open case.

SECTION 6. Chapter 83, Family Code, is amended by adding Section 83.007 to read as follows:

Sec. 83.007. STANDARD TEMPORARY EX PARTE ORDER FORM. The court shall use the standardized temporary ex parte order form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, to issue a temporary ex parte order under this chapter.

SECTION 7. Subchapter B, Chapter 85, Family Code, is amended by adding Section 85.0225 to read as follows:

Sec. 85.0225. STANDARD PROTECTIVE ORDER FORM. The court shall use the standardized protective order form created by the Office of Court Administration of the Texas Judicial System under Section 72.036, Government Code, to issue a protective order under this chapter.

SECTION 8. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.036 to read as follows:

Sec. 72.036. PROTECTIVE ORDER APPLICATIONS, FORMS, AND MATERIALS. (a) The office shall develop and make available on the office's Internet website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce any of the following:

(1) a protective order under Title 4, Family Code, or Subchapter A, Chapter 7B, Code of Criminal Procedure;

(2) a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(3) a temporary ex parte order under Chapter 83, Family Code, or Article 7B.002, Code of Criminal Procedure.

(b) Each standardized form developed under Subsection (a) to be used by a magistrate or court issuing an order must include:

(1) the prohibitions and requirements imposed on the respondent;

(2) the duration of the order;

(3) the potential consequences of violating the order; and

(4) any other admonishments or warnings required by law.

(c) The materials developed under Subsection (a) must include a procedure to ensure that a copy of the order is transmitted to all required parties and all relevant information required by Section 411.042(b)(6) is entered into the statewide law enforcement information system maintained by the Department of Public Safety under Section 411.042 and any other applicable databases.

(d) In developing the required applications, forms, and materials, the office shall:

(1) consult with individuals, organizations, and state agencies that have knowledge and experience in the issues of protective orders, including:

(A) the Texas Council on Family Violence;

(B) the Department of Public Safety;

(C) nonprofit organizations that advocate for the survivors of sexual assault or family violence;

(D) individuals, organizations, and state agencies that provide training to judges, prosecutors, and law enforcement officers;

(E) the judges or justices of courts of varying jurisdictions;

(F) law enforcement agencies;

(G) prosecutors; and

(H) an organization that receives federal funding under the legal assistance for victims grant program and that has expertise in issues related to family violence, sexual assault, or stalking; and

(2) give consideration to promoting uniformity of law among the states that enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

SECTION 9. As soon as practicable after the effective date of this Act, but not later than June 1, 2022, the Office of Court Administration of the Texas Judicial System shall create and make available on the office's Internet website all forms and materials required by Section 72.036, Government Code, as added by this Act. If the office completes the forms and materials required by Section 72.036, Government

Code, as added by this Act, before June 1, 2022, the office shall notify each court clerk, judge, magistrate, and prosecution agency in the state of the availability of the forms and materials.

SECTION 10. Article 7B.001, Code of Criminal Procedure, as amended by this Act, and Section 82.004, Family Code, as amended by this Act, apply only to an application for a protective order that is filed on or after June 1, 2022. An application for a protective order filed before June 1, 2022, is governed by the law in effect on the date the application is filed, and the former law is continued in effect for that purpose.

SECTION 11. Articles 7B.003 and 17.292, Code of Criminal Procedure, as amended by this Act, Article 7B.0021, Code of Criminal Procedure, as added by this Act, and Sections 83.007 and 85.0225, Family Code, as added by this Act, apply only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2022. An order issued before June 1, 2022, is governed by the law in effect on the date the order is issued, and the former law is continued in effect for that purpose.

SECTION 12. 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.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1458**.

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

SENATE BILL 1772 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1772** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the establishment of the Texas Pollinator-Smart program for solar energy sites.

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

SECTION 1. The heading to Subchapter K, Chapter 88, Education Code, is amended to read as follows:

SUBCHAPTER K. TEXAS A&M AGRILIFE EXTENSION [~~SERVICE~~]

SECTION 2. Section 88.821, Education Code, is amended to read as follows:

Sec. 88.821. DEFINITION. In this subchapter, "AgriLife Extension" or "extension service" means [~~the~~] Texas A&M AgriLife Extension [~~Service~~].

SECTION 3. Subchapter K, Chapter 88, Education Code, is amended by adding Section 88.824 to read as follows:

Sec. 88.824. TEXAS POLLINATOR-SMART PROGRAM. (a) AgriLife Extension, in consultation with the Department of Agriculture and the Parks and Wildlife Department, shall establish and implement the Texas Pollinator-Smart program to encourage the voluntary establishment and conservation of habitats for bees, birds, and other pollinators in and near solar energy sites.

(b) AgriLife Extension, in consultation with the Department of Agriculture and the Parks and Wildlife Department, shall develop educational materials for the program that include information regarding:

(1) benefits to solar energy producers, neighboring landowners, agricultural producers, and the environment of providing pollinator habitats at solar energy sites;

(2) resources and practices for establishing and maintaining pollinator habitats;

(3) native plant species compatible with solar energy sites that provide habitat for pollinators;

(4) methods to prevent, identify, and eradicate invasive species without causing harm to pollinators;

(5) any available grants or other financial incentives for establishing or maintaining pollinator habitats;

(6) examples of pollinator habitats established at solar energy sites in this state or other locations; and

(7) the Texas Pollinator-Smart certificate under Subsection (c).

(c) AgriLife Extension shall, in consultation with the Department of Agriculture and the Parks and Wildlife Department, award the Texas Pollinator-Smart certificate to solar energy sites with pollinator habitats that meet or achieve a standard determined by AgriLife Extension.

(d) AgriLife Extension may provide advice and technical assistance to participants and potential participants in the Texas Pollinator-Smart program, including reports evaluating the suitability of solar energy sites.

(e) Participation in the Texas Pollinator-Smart program by a solar energy site is voluntary.

SECTION 4. Texas A&M AgriLife Extension 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, Texas A&M AgriLife Extension may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. This Act takes effect September 1, 2021.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1772**.

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

Nays: Springer.

SENATE BILL 1232 WITH HOUSE AMENDMENTS

Senator Taylor called **SB 1232** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 1232** (house committee printing) on page 7 as follows:

- (1) On lines 3 and 4, strike "from a list of the following six nominees,".
- (2) On line 6, strike the underlined colon and substitute an underlined period.
- (3) Strike lines 7 through 10.

Floor Amendment No. 1 on Third Reading

Amend **SB 1232** on third reading as follows:

(1) In SECTION 1.06 of the bill, in added Section 43.062, Education Code, strike Subsection (c) and substitute the following appropriately lettered subsection:

() The Department of Information Resources shall assist the corporation at the request of the corporation and must consider the corporation a customer of the department. Notwithstanding any other law, the corporation may:

(1) purchase any item through the department; and
(2) contract with the department for and use any service available through the department.

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

SECTION 1.____. Section 2157.068(j), Government Code, is amended to read as follows:

(j) The following entities may purchase commodity items through the department, and be charged a reasonable administrative fee, as provided by this section:

- (1) the Electric Reliability Council of Texas;
- (2) the Lower Colorado River Authority;
- (3) a private school, as defined by Section 5.001, Education Code;
- (4) a private or independent institution of higher education, as defined by Section 61.003, Education Code;
- (5) a volunteer fire department, as defined by Section 152.001, Tax Code;
- (6) subject to Section 418.193, a public safety entity, as defined by 47 U.S.C. Section 1401; [✗]
- (7) subject to Section 418.193, a county hospital, public hospital, or hospital district; or
- (8) the Texas Permanent School Fund Corporation, if incorporated under Section 43.052, Education Code.

The amendments were read.

Senator Taylor moved to concur in the House amendments to **SB 1232**.

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

SENATE BILL 1716 WITH HOUSE AMENDMENTS

Senator Taylor called **SB 1716** from the President's table for consideration of the House amendments to the bill.

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

Committee Amendment No. 1

Amend **SB 1716** (senate engrossed version) as follows:

(1) On page 4, between lines 24 and 25, insert the following:

Sec. 29.048. LIST OF SUPPLEMENTAL SPECIAL EDUCATION SERVICES.

The admission, review, and dismissal committee of a student approved for participation in the program shall provide to the student's parent at an admission, review, and dismissal committee meeting for the student a list of supplemental special education services provided by agency-approved providers for which an account maintained under Section 29.042(b) for the student may be used. Supplemental special education services not included on the list may still be eligible under this section if the services otherwise meet the requirements of this subchapter.

(2) On page 4, line 25, strike "29.048" and substitute "29.049".

(3) On page 5, between lines 1 and 2, insert the following:

Sec. 29.050. EXPIRATION. This subchapter expires September 1, 2024.

Committee Amendment No. 2

Amend **SB 1716** (senate engrossed version) as follows:

(1) On page 2, line 9, by striking "credit" and replace with "grant".

(2) On page 2, line 13, by striking "credit" and replace with "grant".

(3) On page 2, line 18, by striking "credits" and replace with "grants".

(4) On page 2, line 21, by striking "CREDIT" and replace with "GRANT".

(5) On page 2, line 23, by striking "credit" and replace with "grant".

Committee Amendment No. 3

Amend **SB 1716** as follows:

On page 2, between lines 20 and 21, insert the following:

(d) The agency shall designate one or more regional education service centers to administer the program.

Floor Amendment No. 1 on Third Reading

Amend **SB 1716** on third reading as follows:

(1) In SECTION 1 of the bill, strike added Section 29.048, Education Code, as added by Amendment No. 1 by Van Deaver and substitute the following:

Sec. 29.048. ADMISSION, REVIEW, AND DISMISSAL COMMITTEE DUTIES. (a) A student's admission, review, and dismissal committee shall develop a student's individualized education program under Section 29.005, in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.), without consideration of any supplemental special education services that may be provided under the program under this subchapter.

(b) The admission, review, and dismissal committee of a student approved for participation in the program shall provide to the student's parent at an admission, review, and dismissal committee meeting for the student:

(1) information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Section 29.042(b) for the student may be used;
and

(2) instructions regarding accessing an account described by Subdivision (1).

The amendments were read.

Senator Taylor moved to concur in the House amendments to **SB 1716**.

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

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

Nays: Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Powell, Seliger, Whitmire, Zaffirini.

SENATE BILL 437 WITH HOUSE AMENDMENTS

Senator Blanco called **SB 437** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to personal protective equipment management and the establishment of a personal protective equipment advisory committee.

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

SECTION 1. Chapter 81, Health and Safety Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. PERSONAL PROTECTIVE EQUIPMENT

Sec. 81.451. DEFINITIONS. In this subchapter:

(1) "Advisory committee" means the Personal Protective Equipment Advisory Committee established under Section 81.453. This subdivision expires September 1, 2023.

(2) "Division" means the Texas Division of Emergency Management.

(3) "Essential personnel" means:

(A) government employees or personnel at a primary or secondary school, a child-care facility defined by Section 42.002, Human Resources Code, or a corrections facility defined by Section 89.101, who are expected to continue working through a public health disaster or other public health emergency;

(B) electric and gas utility employees; or

(C) personnel the division considers vital to public health and safety or economic and national security.

(4) "Health care worker" means any individual who provides health care services to patients or provides support services to those health care providers, including physicians, pharmacists, dentists, clinicians, nurses, aides, home hospice care providers, technicians, janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff.

(5) "Personal protective equipment" means specialized clothing or equipment, including masks, gloves, and gowns, worn for protection against infectious materials.

Sec. 81.452. PERSONAL PROTECTIVE EQUIPMENT STANDARDS. (a) The division by rule shall establish guidelines for the procurement, storage, and distribution of personal protective equipment.

(b) At a minimum, the division, when adopting rules under this section, must consider:

(1) the types of personal protective equipment that may be required during a public health disaster or other public health emergency;

(2) the length of time each type of personal protective equipment remains usable and the procedures for restocking a portion of each type of equipment;

(3) the amount of each type of personal protective equipment required to supply all health care workers and essential personnel in this state with the equipment for 60 days during a public health disaster or other public health emergency;

(4) successes and failures during previous public health disasters and other public health emergencies in this state, including successes and failures regarding procurement, storage, or distribution of personal protective equipment;

(5) guidance on defining essential personnel based on different potential hazards;

(6) geographical distribution of personal protective equipment;

(7) guidance on establishing policies and standards to ensure health care workers and essential personnel have access to an adequate supply of personal protective equipment during a public health disaster or other public health emergency; and

(8) the distribution prioritization when the supply of personal protective equipment is insufficient to meet the needs of health care workers and essential personnel requesting equipment, including considering whether the requestor is:

(A) located in an area with a high density of low-income residents;

(B) located in or disproportionately serves a medically underserved area as designated by the United States Department of Health and Human Services; and

(C) located in a county with a high infection rate or high hospitalization rate related to a public health disaster or public health emergency.

(b-1) In adopting rules under this section, the division shall consider the recommendations of the advisory committee. This subsection expires September 1, 2023.

(c) The guidelines for personal protective equipment standards adopted under this section may not be less protective or stringent than federal, state, or local guidelines on personal protective equipment.

Sec. 81.453. PERSONAL PROTECTIVE EQUIPMENT ADVISORY COMMITTEE. (a) The division shall establish the Personal Protective Equipment Advisory Committee composed of the following members appointed by the division:

(1) one representative of an association representing different types of hospitals and health systems;

(2) one representative of an association representing nursing facilities;

(3) one representative of an association representing primary care clinics;

(4) one representative of an association representing nurses;

(5) one representative of an association representing home hospice care providers;

(6) one representative of a statewide association representing physicians;

(7) two representatives of labor organizations that represent essential personnel;

(8) one representative from the personal protective equipment manufacturing industry;

(9) one consumer representative;

(10) one representative from an association representing counties;

(11) one representative from the department;

(12) one representative from the division; and

(13) one representative from the commission.

(b) The advisory committee shall make recommendations to the division as necessary on adopting rules under Section 81.452.

(c) This section expires and the advisory committee is abolished September 1, 2023.

SECTION 2. (a) The Texas Division of Emergency Management shall adopt rules necessary to implement Section 81.452, Health and Safety Code, as added by this Act, not later than September 1, 2022.

(b) As soon as practicable after the effective date of this Act, the Texas Division of Emergency Management shall appoint members to the Personal Protective Equipment Advisory Committee established under Section 81.453, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 437** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 81, Health and Safety Code, is amended by adding Section 81.016 to read as follows:

Sec. 81.016. PERSONAL PROTECTIVE EQUIPMENT RESERVE ADVISORY COMMITTEE. (a) In this section, "division" means the Texas Division of Emergency Management.

(b) The division shall establish the Personal Protective Equipment Reserve Advisory Committee composed of the following members appointed by the division:

(1) one representative of an association representing different types of hospitals and health systems;

(2) one representative of an association representing nursing facilities;

(3) one representative of an association representing primary care clinics;

(4) one representative of an association representing nurses;

(5) one representative of an association representing home hospice care providers;

(6) one representative of a statewide association representing physicians;

(7) two representatives of labor organizations that represent essential personnel;

(8) one representative from the personal protective equipment manufacturing industry;

(9) one consumer representative;

(10) one representative from an association representing counties;

(11) one representative of a regional advisory council from one of this state's trauma service areas;

(12) one representative from the department;

(13) one representative from the division; and

(14) one representative from the commission.

(c) The advisory committee shall make recommendations to the division as necessary on:

(1) the procurements needed for a statewide personal protective equipment reserve;

(2) the storage of the equipment in the reserve; and

(3) the distribution of the equipment to health care workers and essential personnel.

(d) This section expires and the advisory committee is abolished September 1, 2023.

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Division of Emergency Management shall appoint members to the Personal Protective Equipment Reserve Advisory Committee established under Section 81.016, Health and Safety Code, as added by this Act.

SECTION 3. The Texas Division of Emergency Management is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose or if federal money is provided to this state and by law made available to the division for the purposes of this Act. If the legislature does not appropriate money specifically for that purpose and federal money is not available for that purpose, the division may, but is not required to, implement a provision of this Act using other appropriations that are 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.

The amendments were read.

Senator Blanco moved to concur in the House amendments to **SB 437**.

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

SENATE BILL 799 WITH HOUSE AMENDMENTS

Senator Nelson called **SB 799** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to contracting procedures and requirements for governmental entities.

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

SECTION 1. Section 531.102, Government Code, is amended by adding Subsections (m-1) and (m-2) to read as follows:

(m-1) If the commission does not receive any responsive bids under Chapter 2155 on a competitive solicitation for the services of a qualified expert to review investigative findings under Subsection (l) or (m) and the number of contracts to be awarded under this subsection is not otherwise limited, the commission may negotiate with and award a contract for the services to a qualified expert on the basis of:

(1) the contractor's agreement to a set fee, either as a range or lump-sum amount; and

(2) the contractor's affirmation and the office's verification that the contractor possesses the necessary occupational licenses and experience.

(m-2) Notwithstanding Sections 2155.083 and 2261.051, a contract awarded under Subsection (m-1) is not subject to competitive advertising and proposal evaluation requirements.

SECTION 2. Section 2054.003(10), Government Code, is amended to read as follows:

(10) "Major information resources project" means:

(A) any information resources technology project identified in a state agency's biennial operating plan whose development costs exceed \$5 million and that:

(i) requires one year or longer to reach operations status;

(ii) involves more than one state agency; or

(iii) substantially alters work methods of state agency personnel or the delivery of services to clients; ~~and~~

(B) any information resources technology project designated by the legislature in the General Appropriations Act as a major information resources project; and

(C) any information resources technology project of a state agency designated for additional monitoring under Section 2261.258(a)(1) if the development costs for the project exceed \$5 million.

SECTION 3. Section 2054.008(b), Government Code, is amended to read as follows:

(b) A state agency shall provide written notice to the Legislative Budget Board of a contract for a major information system. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 30th ~~10th~~ day after the date the agency enters into the contract.

SECTION 4. Section 2054.1181(a), Government Code, is amended to read as follows:

(a) ~~The [At the direction of the governor, lieutenant governor, or speaker of the house of representatives, the]~~ department shall provide additional oversight services ~~[for major information resources projects]~~, including risk management, quality assurance services, independent project monitoring, and project management, for

major information resources projects described by Section 2054.003(10)(C) and for other major information resources projects selected for oversight by the governor, lieutenant governor, or speaker of the house of representatives. A state agency with a project subject to ~~selected for~~ oversight shall pay for oversight by the department and quality assurance team based on a funding model developed by the department. The department may contract with a vendor to provide the necessary oversight at the department's direction.

SECTION 5. Sections 2155.132(a), (b), and (e), Government Code, are amended to read as follows:

(a) A state agency is delegated the authority to purchase goods and services if the purchase does not exceed \$50,000 ~~[\$15,000]~~. If the comptroller determines that a state agency has not followed the comptroller's rules or the laws related to the delegated purchases, the comptroller shall report its determination to the members of the state agency's governing body and to the governor, lieutenant governor, speaker of the house of representatives, and Legislative Budget Board.

(b) The comptroller by rule may delegate to a state agency the authority to purchase goods and services if the purchase exceeds \$50,000 ~~[\$15,000]~~. In delegating purchasing authority under this subsection or Section 2155.131, the comptroller shall consider factors relevant to a state agency's ability to perform purchasing functions, including:

(1) the capabilities of the agency's purchasing staff and the existence of automated purchasing tools at the agency;

(2) the certification levels held by the agency's purchasing personnel;

(3) the results of the comptroller's procurement review audits of an agency's purchasing practices; and

(4) whether the agency has adopted and published protest procedures consistent with those of the comptroller as part of its purchasing rules.

(e) Competitive bidding, whether formal or informal, is required for a purchase by a state agency if the purchase:

(1) exceeds \$10,000 ~~[\$5,000]~~; and

(2) is made under a written contract.

SECTION 6. Section 2155.144, Government Code, is amended by adding Subsection (o) to read as follows:

(o) If the Health and Human Services Commission does not receive any responsive bids on a competitive solicitation for goods or services for a state hospital operated by a health and human services agency or a state supported living center as defined by Section 531.002, Health and Safety Code, the commission after making a written determination that competition is not available may negotiate with and award the contract to any qualified vendor who meets the requirements of the original solicitation:

(1) at a price consistent with the current market value of the goods or services; and

(2) for a term not to exceed five years.

SECTION 7. Section 2155.264, Government Code, is amended to read as follows:

Sec. 2155.264. AGENCY SOLICITATION OF BIDS OR PROPOSALS FOR ACQUISITION OVER \$25,000 [~~\$15,000~~]. A state agency that proposes to make a purchase or other acquisition that will cost more than \$25,000 [~~\$15,000~~] shall solicit bids or proposals from each eligible vendor on the master bidders list that serves the agency's geographic region. A state agency may also solicit bids or proposals through the use of on-line electronic transmission.

SECTION 8. Section 2157.068, Government Code, is amended by amending Subsections (e-1) and (e-2) and adding Subsection (e-4) to read as follows:

(e-1) Except as provided by Subsection (e-4), a [A] state agency contracting to purchase a commodity item shall use the list maintained as required by Subsection (e) as follows:

(1) for a contract with a value of \$50,000 or less, the agency may directly award the contract to a vendor included on the list without submission of a request for pricing to other vendors on the list;

(2) for a contract with a value of more than \$50,000 but not more than \$1 million, the agency must submit a request for pricing to at least three vendors included on the list in the category to which the contract relates; and

(3) for a contract with a value of more than \$1 million but not more than \$10 [~~\$5~~] million, the agency must submit a request for pricing to at least six vendors included on the list in the category to which the contract relates or all vendors on the schedule if the category has fewer than six vendors.

(e-2) A state agency may not enter into a contract to purchase a commodity item if the value of the contract exceeds \$10 [~~\$5~~] million.

(e-4) For a contract with a value of more than \$5 million but not more than \$10 million, a state agency may purchase a commodity item using a purchasing method designated by the comptroller under Section 2157.006(a)(2).

SECTION 9. Section 2166.2551, Government Code, is amended to read as follows:

Sec. 2166.2551. CONTRACT NOTIFICATION. The commission or an agency whose project is exempted from all or part of this chapter under Section 2166.003 shall provide written notice to the Legislative Budget Board of a contract for a construction project if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$50,000 [~~\$14,000~~]. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 30th [~~10th~~] day after the date the agency enters into the contract.

SECTION 10. Section 2254.006, Government Code, is amended to read as follows:

Sec. 2254.006. CONTRACT NOTIFICATION. A state agency, including an institution of higher education as defined by Section 61.003, Education Code, shall provide written notice to the Legislative Budget Board of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$50,000 [~~\$14,000~~]. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 30th [~~10th~~] day after the date the agency enters into the contract.

SECTION 11. Subchapter A, Chapter 2254, Government Code, is amended by adding Section 2254.008 to read as follows:

Sec. 2254.008. CONTRACT FOR PROFESSIONAL SERVICES OF PHYSICIANS, OPTOMETRISTS, AND REGISTERED NURSES. (a) Notwithstanding Section 2254.003, if a governmental entity is procuring services provided in connection with the professional employment or practice of a professional described by Section 2254.002(2)(B)(v), (vi), or (ix) and the number of contracts to be awarded under this section is not otherwise limited, the governmental entity may make the selection and award on the basis of:

(1) the provider's agreement to payment of a set fee, as a range or lump-sum amount; and

(2) the provider's affirmation and the governmental entity's verification that the provider has the necessary occupational licenses and experience.

(b) Notwithstanding Sections 2155.083 and 2261.051, a contract awarded under this section is not subject to competitive advertising and proposal evaluation requirements.

SECTION 12. Section 2254.0301(a), Government Code, is amended to read as follows:

(a) A state agency shall provide written notice to the Legislative Budget Board of a contract for consulting services if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$50,000 [~~\$14,000~~]. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 30th [~~10th~~] day after the date the entity enters into the contract.

SECTION 13. Section 2262.051, Government Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) The guide must include:

(1) instructions to assist a state agency in identifying the agency procurements that require an additional or secondary agency employee to serve as a contact for the procurement and establishing procedures for notifying vendors when to contact the additional or secondary agency employee;

(2) a general outline for the training a state agency must provide to the agency's procurement evaluators related to the goods and services the evaluator reviews for purchase by the agency; and

(3) for a procurement in an amount that exceeds \$20 million, the information a state agency must include in a contract file on the evaluator for that procurement, including the reasons the person was selected and the person's relevant qualifications.

(j) For a procurement in an amount that exceeds \$20 million other than a contract entered into by the comptroller under Section 2155.061, the guide must require a state agency to notify interested parties at least two months before the date the agency issues the solicitation for the procurement.

SECTION 14. Section 264.603(a), Family Code, is amended to read as follows:

(a) The commission shall contract with one statewide organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code [~~and designated~~

~~as a supporting organization under Section 509(a)(3) of that code,] and that is composed of individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs to provide training, technical assistance, and evaluation services for the benefit of local volunteer advocate programs. The contract shall:~~

- (1) include measurable goals and objectives relating to the number of:
 - (A) volunteer advocates in the program; and
 - (B) children receiving services from the program; and
- (2) follow practices designed to ensure compliance with standards referenced in the contract.

SECTION 15. The changes in law made by this Act apply only to a contract for which a state agency first advertises or otherwise solicits offers, bids, proposals, qualifications, or other applicable expressions of interest on or after the effective date of this Act. A contract for which a state agency first advertises or otherwise solicits offers, bids, proposals, qualifications, or other applicable expressions of interest before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 16. As soon as practicable after the effective date of this Act, the Department of Information Resources shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 17. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 18. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 799** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 2155.089(c), Government Code, is amended to read as follows:

- (c) This section does not apply to:
 - (1) an enrollment contract described by 1 T.A.C. Section 391.183 as that section existed on September 1, 2015;
 - (2) a contract of the Employees Retirement System of Texas except for a contract with a nongovernmental entity for claims administration of a group health benefit plan under Subtitle H, Title 8, Insurance Code; or
 - (3) a contract entered into by:
 - (A) the comptroller under Section 2155.061; ~~or~~
 - (B) the Department of Information Resources under Section 2157.068;

or

(C) a university system or an institution of higher education, as those terms are defined by Section 61.003, Education Code.

Floor Amendment No. 2

Amend **CSSB 799** (house committee report) on page 8 as follows:

(1) On line 18, strike "; and" and substitute ", including training on the implementation of best value standards under Section 2155.074;".

(2) On line 22, strike the underlined period and substitute the following:
; and

(4) a model communications procedure for vendors and agency employees, developed in collaboration with representatives from vendors and state agencies.

Floor Amendment No. 3

Amend **CSSB 799** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2155.074, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) In determining the best value for the state, the purchase price and whether the goods or services meet specifications are principal considerations that must be balanced with other relevant factors [~~the most important considerations~~].

(b-1) ~~The~~ [~~However, the~~] comptroller or other state agency may, subject to Subsection (c) and Section 2155.075, consider the following [~~other~~] relevant factors under Subsection (b), including:

(1) installation costs;
(2) life cycle costs;
(3) the quality and reliability of the goods and services;
(4) the delivery terms;
(5) indicators of probable vendor performance under the contract such as past vendor performance, the vendor's financial resources and ability to perform, the vendor's experience or demonstrated capability and responsibility, and the vendor's ability to provide reliable maintenance agreements and support;

(6) the cost of any employee training associated with a purchase;
(7) the effect of a purchase on agency productivity;
(8) the vendor's anticipated economic impact to the state or a subdivision of the state, including potential tax revenue and employment; [~~and~~]

(9) the impact of a purchase on the agency's administrative resources; and
(10) other factors relevant to determining the best value for the state in the context of a particular purchase.

SECTION _____. Section 2155.075(a), Government Code, is amended to read as follows:

(a) For a purchase made through competitive bidding, the comptroller or other state agency making the purchase must specify in the request for bids:

(1) the factors other than price that the comptroller or agency will consider in determining which bid offers the best value for the state; and

(2) the proposal criteria the comptroller or agency will use when considering the factors described by Subdivision (1).

Floor Amendment No. 4

Amend **CSSB 799** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 44.0331(a), Education Code, is amended to read as follows:

(a) A school district that enters into a purchasing contract valued at \$25,000 or more under Section 44.031(a)(5), under Subchapter F, Chapter 271, Local Government Code, or under any other cooperative purchasing program authorized for school districts by law shall document a ~~[any]~~ contract-related fee, including a ~~[any]~~ management fee, paid by or to the district and the purpose of each fee under the contract.

The amendments were read.

Senator Nelson moved to concur in the House amendments to **SB 799**.

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

SENATE BILL 462 WITH HOUSE AMENDMENT

Senator Lucio called **SB 462** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 462** (house committee report) on page 1, line 16, by striking "shall" and substituting "may".

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 462**.

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

SENATE BILL 910 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 910** from the President's table for consideration of the House amendment to the bill.

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

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

relating to a study of options for implementing family preservation services, the provision of certain other health and human services by certain state agency contractors, and the repeal of a prior pilot program for family-based safety services.

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

SECTION 1. Subchapter B-1, Chapter 264, Family Code, is amended by adding Section 264.1691 to read as follows:

Sec. 264.1691. STUDY OF OPTIONS FOR IMPLEMENTING FAMILY PRESERVATION SERVICES. (a) In this section, "family preservation service" means a time-limited, family-focused service, including:

(1) a service subject to the Family First Prevention Services Act (Title VII, Div. E, Pub. L. No. 115-123), provided to the family of a child who is:

(A) a candidate for foster care to prevent or eliminate the need to remove the child and to allow the child to remain safely with the child's family; or

(B) a pregnant or parenting foster youth;

(2) enhanced in-home support services and non-recurring financial support to promote safe and stable families; and

(3) services to promote self-sufficiency and prevent further need for interaction in the child welfare system.

(b) The department shall study and develop a comprehensive list of options for implementing family preservation services in existing catchment areas, including:

(1) contracting with single source continuum contractors to provide services; and

(2) procuring service providers through a competitive bidding process.

(c) In developing the options under Subsection (b), the department shall:

(1) examine existing department functions related to the stage of service the department describes as family-based safety services, including assessments of child safety and child removals, and make recommendations for incorporating the functions into a contracted model;

(2) consider the results from community needs assessments and capacity development plans conducted during the preceding 10 years; and

(3) consider:

(A) contingent on appropriation, including Title IV-E prevention services in the delivery of community-based family preservation services and the appropriate use of those services;

(B) the financial modeling used to determine implementation costs, including:

(i) start-up funding costs;

(ii) the cost of purchased client services;

(iii) strategies for shared financial risk; and

(iv) rate methodology;

(C) procedures for transitioning between case stages, including transitions from:

(i) investigation to family preservation; and

(ii) family preservation to foster care;

(D) ways to maximize evidence-based services and to increase the evidence base for family preservation programs in this state;

(E) requirements for complying with federal law to receive matching funds for certain prevention services;

(F) appropriate performance measures for contracted services, including associated financial remedies and incentives;

(G) ways to incorporate and to maximize existing funding methods for and programs related to behavioral health and substance use provided by the Health and Human Services Commission;

(H) appropriate contract provisions to ensure a clear distinction of money, personnel, and processes for family preservation services and foster care services;

(I) conflict resolution procedures between the department and contractors concerning:

(i) service plans;

(ii) services; and

(iii) case action for children or families served by a contractor;

(J) appropriate oversight structures to manage contract compliance, contractor performance, and child and family safety;

(K) appropriate contract provisions to ensure community engagement, including appropriate partnerships with faith-based organizations;

(L) recommendations for statutory changes necessary to support the department's implementation options; and

(M) any other information the department determines necessary for legislative direction of the department's implementation of community-based family preservation services.

(d) In developing implementation options under this section, the department shall:

(1) incorporate relevant information obtained from previous efforts and similar service models implemented in other states;

(2) collaborate with the Health and Human Services Commission as needed, including on:

(A) recommendations for the provision of behavioral health and substance use services; and

(B) appropriate rate methodology; and

(3) allow interested persons to comment on the provision of behavioral health and substance use services.

(e) The department may enter into any contracts the department determines necessary to comply with this section.

(f) This section expires August 31, 2023.

SECTION 2. The following laws are repealed:

(1) Section 264.169, Family Code; and

(2) Section 40.0581(f), Human Resources Code.

SECTION 3. Not later than October 1, 2022, the Department of Family and Protective Services shall submit copies of the options described by Section 264.1691, Family Code, as added by this Act, along with any associated recommendations, to the:

(1) governor;

(2) lieutenant governor;

(3) speaker of the house of representatives;

(4) House Committee on Appropriations;

(5) Senate Committee on Finance;

- (6) House Committee on Human Services; and
- (7) Senate Committee on Health and Human Services.

SECTION 4. The Department of Family and Protective Services 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 department may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 910**.

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

SENATE BILL 984 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 984** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to public health disaster and public health emergency preparedness and response, including the operation of the Task Force on Infectious Disease Preparedness and Response.

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

SECTION 1. Subchapter B, Chapter 81, Health and Safety Code, is amended by adding Section 81.027 to read as follows:

Sec. 81.027. TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCIL DATA COLLECTION AND REPORTING. (a) Each trauma service area regional advisory council shall collect from each hospital located in the regional advisory council's trauma service area the de-identified health care data, including demographic data, necessary for this state and the area to effectively plan for and respond to public health disasters and communicable or infectious disease emergencies in this state. The executive commissioner by rule shall prescribe the data each council must collect under this subsection.

(b) A trauma service area regional advisory council shall:

(1) provide the data collected under Subsection (a) to the department; and

(2) make the data publicly available by:

(A) posting the data on the regional advisory council's Internet website;

or

(B) if the regional advisory council does not maintain an Internet website, providing the data in writing on request.

(c) Information collected or maintained under this section that identifies a patient is confidential and exempt from disclosure under Chapter 552, Government Code.

SECTION 2. Section 81.404(a), Health and Safety Code, is amended to read as follows:

(a) The governor may appoint members of the task force as necessary, including members from relevant state agencies, members with expertise in infectious diseases and other issues involved in the prevention of the spread of infectious diseases, and members from institutions of higher education in this state. The governor shall appoint to the task force:

(1) at least one member who is a county judge of a county with a population of less than 100,000;

(2) at least one member who is a county judge of a county with a population of 100,000 or more;

(3) at least one member who is a representative of a local health authority serving a rural area;

(4) at least one member who is a representative of a local health authority serving an urban area;

(5) at least one member who is a licensed nurse; ~~and~~

(6) at least one member who is emergency medical services personnel, as defined by Section 773.003; and

(7) at least one member who is an epidemiologist.

SECTION 3. Section 81.406(a), Health and Safety Code, is amended to read as follows:

(a) The task force shall meet:

(1) at least once each year at a location determined by the task force director; and

(2) at other times and locations as determined by the task force director ~~[of the task force]~~.

SECTION 4. Not later than January 1, 2022, the governor shall appoint the member of the Task Force on Infectious Disease Preparedness and Response as required by Section 81.404(a)(7), Health and Safety Code, as added by this Act.

SECTION 5. The Department of State Health Services or a trauma service area regional advisory council is required to implement Section 81.027, Health and Safety Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department or a trauma service area regional advisory council may, but is not required to, implement Section 81.027 using other appropriations available for that purpose.

SECTION 6. This Act takes effect September 1, 2021.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 984**.

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

SENATE BILL 2230 WITH HOUSE AMENDMENT

Senator Schwertner called **SB 2230** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition of real property or construction of buildings for the purpose of operating the Texas Bullion Depository.

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

SECTION 1. Subchapter C, Chapter 1232, Government Code, is amended by adding Section 1232.1026 to read as follows:

Sec. 1232.1026. ISSUANCE OF BONDS FOR TEXAS BULLION DEPOSITORY BUILDINGS. (a) The board may issue and sell bonds in the name of the authority to finance the acquisition or construction of buildings to be used to operate the Texas Bullion Depository, including the acquisition of real property for that purpose.

(b) The comptroller shall accomplish its statutory authority as if the property or building acquired or constructed under this section were funded by legislative appropriation. The board and the comptroller shall adopt a memorandum of understanding that defines the division of authority between the board and comptroller regarding the property or building.

(c) To accomplish the bond financing of the acquisition or construction of property or a building under this section, the comptroller shall contract with the authority to purchase the property or building from the authority under a lease-to-purchase agreement or other comparable financing agreement, as determined by the board and the comptroller to be in the best interest of the state.

SECTION 2. Chapter 2116, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. ACQUISITION OF REAL PROPERTY FOR DEPOSITORY

Sec. 2116.071. ACQUISITION OF REAL PROPERTY. The comptroller, by purchase, lease, donation, or other means, may acquire real property necessary for one or more buildings to operate the depository.

Sec. 2116.072. PURCHASE OF BUILDING SUBJECT TO EXISTING LEASES. The comptroller may:

(1) acquire a building that is subject to a lease by a private tenant and may continue or renew a lease for the building if the comptroller determines that doing so is advantageous to this state; and

(2) renegotiate the terms of a lease described by Subdivision (1) to obtain terms that are more favorable to this state.

Sec. 2116.073. LEASING PROPERTY AND USE OF LEASE PROCEEDS. (a) The comptroller may lease at fair market value any portion of a property acquired under this subchapter to a private tenant for commercial activities.

(b) Money received by the comptroller under a lease of property acquired under this subchapter may be used by the comptroller to:

(1) repay obligations issued under Section 1232.1026 and used to acquire the property or construct the building; or

(2) make payments under a lease-to-purchase agreement or other comparable financing agreement between the comptroller and the Texas Public Finance Authority.

Sec. 2116.074. TITLE TO AND CONTROL OF REAL PROPERTY. The comptroller, subject to the lease-to-purchase agreement or other comparable financing agreement executed under Section 1232.1026, shall obtain in the name of this state title to any real property acquired or building constructed under this subchapter and retain control of that real property.

Sec. 2116.075. BORROWING MONEY; ISSUING AND SELLING BONDS. (a) The comptroller may borrow money in the amount and under the circumstances authorized by the legislature and may request the Texas Public Finance Authority, on behalf of the comptroller, to issue and sell bonds to acquire real property or construct a building to operate the depository.

(b) The Texas Public Finance Authority may issue and sell bonds for the purposes of Subsection (a) in any manner and on such terms the authority determines to be in the best interest of the comptroller, subject to the requirements of Chapter 1202.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Schwertner moved to concur in the House amendment to **SB 2230**.

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

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

Nays: Miles, Seliger.

SENATE BILL 2050 WITH HOUSE AMENDMENT

Senator Menéndez called **SB 2050** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to bullying and cyberbullying in public schools.

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

SECTION 1. Section 37.0832, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that:

(1) prohibits the bullying of a student;

(2) prevents and mediates bullying incidents between students that:

(A) interfere with a student's educational opportunities; or

(B) substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity;

(3) ~~(2)~~ prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;

(4) ~~(3)~~ establishes a procedure for providing notice of an incident of bullying to:

(A) a parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and

(B) a parent or guardian of the alleged bully within a reasonable amount of time after the incident;

(5) ~~(4)~~ establishes the actions a student should take to obtain assistance and intervention in response to bullying;

(6) ~~(5)~~ sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;

(7) ~~(6)~~ establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;

(8) ~~(7)~~ prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; ~~and~~

(9) ~~(8)~~ requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

(10) complies with the minimum standards adopted by the agency under Subsection (c-1).

(c-1) The agency shall adopt minimum standards for a school district's policy under Subsection (c). The standards must:

(1) include an emphasis on bullying prevention by focusing on school climate and building healthy relationships between students and staff;

(2) require each district campus to establish a committee to address bullying by focusing on prevention efforts and health and wellness initiatives;

(3) require students at each grade level to meet periodically for instruction on building relationships and preventing bullying, including cyberbullying;

(4) include an emphasis on increasing student reporting of bullying incidents to school employees by:

(A) increasing awareness about district reporting procedures; and

(B) providing for anonymous reporting of bullying incidents;

(5) require districts to:

(A) collect information annually through student surveys on bullying, including cyberbullying; and

(B) use those survey results to develop action plans to address student concerns regarding bullying, including cyberbullying; and

(6) require districts to develop a rubric or checklist to assess an incident of bullying and to determine the district's response to the incident.

SECTION 2. Section 48.009, Education Code, is amended by adding Subsection (b-4) to read as follows:

(b-4) The commissioner by rule shall require each school district and open-enrollment charter school to annually report through the Public Education Information Management System the number of reported incidents of bullying that have occurred at each campus. The commissioner's rules shall require a district or school to specify the number of incidents of bullying that included cyberbullying.

SECTION 3. Section 37.0832(f), Education Code, is repealed.

SECTION 4. This Act applies beginning with the 2021-2022 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendment was read.

Senator Menéndez moved to concur in the House amendment to **SB 2050**.

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

Nays: Birdwell.

SENATE BILL 111 WITH HOUSE AMENDMENT

Senator West called **SB 111** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to certain duties of law enforcement agencies concerning certain information subject to disclosure to a defendant.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1397 to read as follows:

Art. 2.1397. DUTIES OF LAW ENFORCEMENT AGENCY FILING CASE.

(a) In this article:

(1) "Attorney representing the state" means an attorney authorized by law to represent the state in a criminal case, including a district attorney, criminal district attorney, or county attorney with criminal jurisdiction. The term does not include an attorney representing the state in a justice or municipal court under Chapter 45.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) A law enforcement agency filing a case with the attorney representing the state shall submit to the attorney representing the state a written statement by an agency employee with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under Article 39.14 have been disclosed to the attorney representing the state.

(c) If at any time after the case is filed with the attorney representing the state the law enforcement agency discovers or acquires any additional document, item, or information required to be disclosed to the defendant under Article 39.14, an agency employee shall promptly disclose the document, item, or information to the attorney representing the state.

SECTION 2. This Act takes effect September 1, 2021.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 111**.

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

**SENATE BILL 321 WITH HOUSE AMENDMENT
(Motion In Writing)**

Senator Huffman called **SB 321** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1 on Third Reading

Amend **SB 321** on third reading by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter B, Chapter 814, Government Code, is amended by adding Section 814.109 to read as follows:

Sec. 814.109. ELIGIBILITY OF CERTAIN MEMBERS FOR SERVICE RETIREMENT. Notwithstanding any other law other than Section 815.507:

(1) a member eligible to retire under this subchapter from either class of membership may retire without separating from a position in that class if the member:

(A) has accrued enough service credit in the class to receive the maximum annuity permitted under this subchapter; and

(B) is at least 60 years old; and

(2) a member who retires from either class of membership under this section is not entitled to earn any additional retirement benefits under this subtitle.

The amendment was read.

Senator Huffman submitted a Motion In Writing that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 321** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Nelson, Campbell, Nichols, and Taylor.

SENATE BILL 452 WITH HOUSE AMENDMENT

Senator West called **SB 452** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to prevention and early intervention programs and practices.

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

SECTION 1. Section 264.201(d), Family Code, is amended to read as follows:

(d) The services may include in-home programs, parenting skills training, youth coping skills, and individual and family counseling. If the department requires or a court orders parenting skills training services through a parenting education program or practice, the program or practice must be an evidence-based program or practice or promising ~~[practice-parenting education]~~ program or practice ~~[described by Section 265.151]~~ that is provided in the community in which the family resides, if available.

SECTION 2. Section 265.004(a-1), Family Code, is amended to read as follows:

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

SECTION 3. The heading to Subchapter D, Chapter 265, Family Code, is amended to read as follows:

SUBCHAPTER D. EVIDENCE-BASED PROGRAMS AND PRACTICES ~~[PARENTING EDUCATION]~~

SECTION 4. The heading to Section 265.151, Family Code, is amended to read as follows:

Sec. 265.151. REQUIREMENTS FOR ~~[PARENTING EDUCATION]~~ PROGRAMS AND PRACTICES ON EVIDENCE-BASED SPECTRUM.

SECTION 5. Section 265.151, Family Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) An evidence-based program or practice is a ~~[parenting education]~~ program or practice that:

(1) is research-based and grounded in relevant, empirical knowledge and program-determined outcomes;

(2) has comprehensive standards ensuring the highest quality service delivery with continuous improvement in the quality of service delivery;

(3) has demonstrated significant positive ~~[short term and long term]~~ outcomes;

(4) has been evaluated by at least one rigorous, random, controlled research trial across heterogeneous populations or communities with research results that have been published in a peer-reviewed journal;

(5) substantially complies with a program or practice manual or design that specifies the purpose, outcomes, duration, and frequency of the program or practice services; ~~and~~

(6) employs well-trained and competent staff and provides continual relevant professional development opportunities to the staff; and

(7) is associated with an organization in this state, a national organization, an institution of higher education, or a national or state public health institute.

(c) A promising ~~[practice]~~ program or practice is a ~~[parenting education]~~ program or practice that:

(1) has an active impact evaluation of the program or practice or demonstrates a schedule for implementing an active impact evaluation of the program or practice;

(2) has been evaluated by at least one outcome-based study demonstrating effectiveness or random, controlled trial in a homogeneous sample;

(3) substantially complies with a program or practice manual or design that specifies the purpose, outcomes, duration, and frequency of the program or practice services;

(4) employs well-trained and competent staff and provides continual relevant professional development opportunities to the staff; and

(5) is research-based and grounded in relevant, empirical knowledge and program- or practice-determined ~~[program-determined]~~ outcomes.

(d) An evidence-informed program or practice is a program or practice that:

(1) combines well-researched interventions with clinical experience and ethics, and client preferences and culture, to guide and inform the delivery of treatments and services;

(2) has an active impact evaluation of the program or practice or demonstrates a schedule for implementing an active impact evaluation of the program or practice;

(3) substantially complies with a program or practice manual or design that specifies the purpose, outcome, duration, and frequency of the program or practice services; and

(4) employs well-trained and competent staff and provides continual relevant professional development opportunities to the staff.

SECTION 6. Section 265.152, Family Code, is amended to read as follows:

Sec. 265.152. OUTCOMES OF EVIDENCE-BASED PREVENTION AND EARLY INTERVENTION PROGRAMS AND PRACTICES ~~[PARENTING EDUCATION]~~. The department shall ensure that a prevention and early intervention ~~[parenting education]~~ program or practice provided under this subchapter ~~[chapter]~~ achieves favorable behavioral outcomes in at least two of the following areas:

(1) improved cognitive development of children;

(2) increased ~~[school]~~ readiness for and participation and performance in school ~~[of children];~~

(3) reduced child abuse, neglect, and injury;

- (4) improved child safety;
 - (5) improved social-emotional development of children and youth;
 - (6) increased protective factors [~~improved parenting skills~~], including nurturing, [~~and~~] bonding, and other parenting skills;
 - (7) improved family economic self-sufficiency;
 - (8) reduced parental or youth involvement with the criminal justice system;
- and
- (9) increased paternal involvement and support.

SECTION 7. Section 265.153, Family Code, is amended to read as follows:

Sec. 265.153. EVALUATION OF PREVENTION AND EARLY INTERVENTION PROGRAMS AND PRACTICES [~~EVIDENCE-BASED PARENTING EDUCATION~~]. (a) The department shall adopt outcome indicators to measure the effectiveness of prevention and early intervention [~~parenting education~~] programs and practices provided under this subchapter [~~chapter~~] in achieving desired outcomes.

(b) The department may work directly with the model developer of a prevention and early intervention [~~parenting education~~] program or practice to identify appropriate outcome indicators for the program or practice and to ensure that the program or practice substantially complies with the model.

(c) The department shall develop internal processes to share information with prevention and early intervention service providers [~~parenting education programs~~] to assist the department in analyzing the performance of the programs or practices.

(d) The department shall use information obtained under this section to:

- (1) monitor prevention and early intervention [~~parenting education~~] programs and practices;
- (2) continually improve the quality of the programs and practices; and
- (3) evaluate the effectiveness of the programs and practices.

SECTION 8. Section 265.154, Family Code, is amended to read as follows:

Sec. 265.154. REPORTS TO LEGISLATURE. (a) Not later than December 1 of each even-numbered year, the department shall prepare and submit a report on state-funded prevention and early intervention [~~parenting education~~] programs and practices to the standing committees of the senate and house of representatives with jurisdiction over child protective services.

(b) A report submitted under this section must include:

- (1) a description of the prevention and early intervention [~~parenting education~~] programs and practices implemented and of the models associated with the programs and practices;
- (2) information on the families served by the programs and practices, including the number of families served and their demographic information;
- (3) the goals and achieved outcomes of the implemented programs and practices;
- (4) information on the cost for each family served, including any available third-party return-on-investment analysis; and
- (5) information explaining the percentage of money spent on evidence-based programs and practices, on promising [~~practice~~] programs and practices, and on evidence-informed programs and practices.

SECTION 9. Section 265.151(a), Family Code, is repealed.

SECTION 10. This Act takes effect September 1, 2021.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 452**.

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

SENATE BILL 1109 WITH HOUSE AMENDMENT

Senator West called **SB 1109** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1109** (senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 1, line 25), strike "Christina" and substitute "Christine".

(2) In SECTION 2 of the bill, in added Section 28.002(u), Education Code (page 1, lines 29 and 30), strike "As part of the essential knowledge and skills for the health curriculum under Subsection (a)(2)(B), the" and substitute "The".

(3) In SECTION 4 of the bill, in amended Section 37.0831(b)(1)(D), Education Code (page 2, lines 1 and 2), strike "essential knowledge and skills relating to" and substitute "instruction on the prevention of".

The amendment was read.

Senator West moved to concur in the House amendment to **SB 1109**.

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

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

Nays: Nelson, Springer.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Saturday, May 29, 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:

HCR 107 Thierry
Congratulating Toni Middleton Lewis on her retirement from Houston Public Works.

HCR 108 Craddick
Commending Rosalind Redfern Grover for her service as chair of the Midland Memorial Foundation Board of Governors.

HCR 109 Rodriguez
Honoring the Del Valle Community Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 110 Rodriguez
Honoring the Austin Latino Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 111 Rodriguez
Honoring Travis County constable George Morales III and his team for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

SCR 31 Kolkhorst Sponsor: Leach
Conferring legislative approval of the Coleman Settlement Agreement.

SCR 50 Campbell Sponsor: Raymond
Directing the governor of the State of Texas to award the Texas Legislative Medal of Honor to U.S. Army Private Marcelino Serna and to U.S. Coast Guard Seaman Apprentice William Ray Flores.

SCR 54 Hughes Sponsor: Schaefer
Commemorating the centennial of the Rotary Club of Tyler.

SCR 55 Perry Sponsor: Guillen
Congratulating the Brownsfield High School Lady Cubs for winning the Class 3A University Interscholastic League basketball state championship title.

SCR 56 Perry Sponsor: Guillen
Recognizing Lubbock Meals on Wheels on its 50th anniversary.

SCR 57 Perry Sponsor: Guillen
Recognizing the Lubbock High School girls' swimming and diving team in winning the University Interscholastic League Class 5A state championship title.

SCR 58 Perry Sponsor: Guillen
Recognizing the Lubbock Christian University women's basketball team for winning a national championship.

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 525 (125 Yeas, 10 Nays, 1 Present, not voting)

HB 769 (127 Yeas, 14 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Saturday, May 29, 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 GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 2233 (non-record vote)

House Conferees: Howard - Chair/Button/Minjarez/Morrison/Thompson, Senfronia

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 3648 (141 Yeas, 0 Nays, 1 Present, not voting)

SB 64 (137 Yeas, 0 Nays, 1 Present, not voting)

SB 281 (136 Yeas, 0 Nays, 1 Present, not voting)

SB 288 (138 Yeas, 1 Nays, 1 Present, not voting)

SB 601 (132 Yeas, 5 Nays, 1 Present, not voting)

SB 1138 (85 Yeas, 53 Nays, 1 Present, not voting)

SB 1160 (131 Yeas, 8 Nays, 1 Present, not voting)

SB 1308 (102 Yeas, 37 Nays, 2 Present, not voting)

SB 1356 (138 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 855 WITH HOUSE AMENDMENT

Senator Hughes called **SB 855** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED

AN ACT

relating to the electronic dissemination of commercial recordings or audiovisual works.

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

SECTION 1. Title 14, Business & Commerce Code, is amended by adding Chapter 642 to read as follows:

CHAPTER 642. ELECTRONIC DISSEMINATION OF COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 642.001. DEFINITIONS. In this chapter:

(1) "Electronic dissemination" means initiating a transmission of, making available, or otherwise offering a recording or audiovisual work for distribution, display, or performance through the Internet or other digital network.

(2) "Recording or audiovisual work" means a recording or audiovisual work that consists of substantially all of the recording or work. The term does not include a recording or audiovisual work that is a short extract from the recording or work.

(3) "Website" means a set of related web pages served from a single web domain. The term does not include a home page or channel page for the user account of a person who is not the owner or operator of the website on which the user home page or channel page appears.

Sec. 642.002. COMMERCIAL RECORDING OR AUDIOVISUAL WORK.

For purposes of this chapter, a recording or audiovisual work is considered to be a commercial recording or audiovisual work if the owner, assignee, authorized agent, or licensee of the recording or work disseminates or intends to disseminate the recording or work for sale, rental, or performance or exhibition to the public, including under license, regardless of whether the person who disseminates the recording or work seeks commercial advantage or private financial gain from the dissemination.

Sec. 642.003. APPLICABILITY. This chapter does not apply to a website operated by a radio or television station licensed by the Federal Communications Commission.

Sec. 642.004. NO FINANCIAL LIABILITY FOR CERTAIN PROVIDERS.

This chapter does not impose financial liability on providers of an interactive computer service, communications service, commercial mobile service, or information service, including an Internet access service provider, an advertising network or exchange, a domain name registration provider, and a hosting service provider, to the extent that the providers provide the transmission, storage, or caching of electronic communications or messages of others or provide another related telecommunications service, a commercial mobile radio service, or an information service, for use by another person that violates this chapter.

SUBCHAPTER B. REQUIRED DISCLOSURES

Sec. 642.051. DISCLOSURE OF CERTAIN INFORMATION REQUIRED. (a)

An owner or operator of a website or online service that deals in substantial part in the electronic dissemination of third-party commercial recordings or audiovisual works, directly or indirectly, and that electronically disseminates those recordings or works to consumers in this state shall clearly and conspicuously disclose on the website or online service in a location that is readily accessible to a consumer using or visiting the website or online service, the owner or operator's true and correct:

(1) name;

(2) physical address;

(3) telephone number; and

(4) e-mail address.

(b) For purposes of this section, a location is considered readily accessible on a website or online service if the location is:

(1) a landing or home web page or screen;

(2) an "about" or "about us" web page or screen;

(3) a "contact" or "contact us" web page or screen;

(4) an informational web page or screen; or

(5) another place on the website or online service commonly used to display information identifying the owner or operator of the website or online service.

(c) Subsection (a) applies regardless of whether another person has previously electronically disseminated the same recording or audiovisual work.

SUBCHAPTER C. ENFORCEMENT

Sec. 642.101. DECLARATORY JUDGMENT OR INJUNCTIVE RELIEF. (a) An owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work electronically disseminated by a website or online service in violation of this chapter may bring a private cause of action against a person who violates or threatens to violate this chapter to obtain:

(1) a declaratory judgment; and

(2) permanent or temporary injunctive relief.

(b) Before filing an action under this section, the aggrieved party must provide notice to the person alleged to be in violation of this chapter that states:

(1) the person may be in violation of this chapter; and

(2) that failure to cure the violation before the 14th day after the date of receiving the notice may result in an action being filed against the person under this section.

(c) After the 14th day after the date the aggrieved party provides notice under Subsection (b), the aggrieved party may bring an action under this section in a court of competent jurisdiction.

(d) On motion of the party initiating the action, the court may make appropriate orders to compel compliance with this chapter.

(e) The prevailing party is entitled to recover necessary expenses incurred in an action under this section, including reasonable attorney's fees.

Sec. 642.102. DECEPTIVE TRADE PRACTICE; REMEDIES. (a) A violation of this chapter is a false, misleading, or deceptive act or practice as defined by Section 17.46(b).

(b) The relief provided under this subchapter for a violation of this chapter is in addition to any remedy provided under other federal or state law, including Subchapter E, Chapter 17.

SECTION 2. This Act takes effect January 1, 2022.

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 855**.

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

SENATE BILL 1936 WITH HOUSE AMENDMENT

Senator Hughes called **SB 1936** from the President's table for consideration of the House amendment to the bill.

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

Floor Amendment No. 1

Amend **SB 1936** (house committee report) as follows:

(1) On page 1, line 17, strike "and (8)" and substitute "(8), and (9)".

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

SECTION _____. Section 153.317(a), Family Code, is amended to read as follows:

(a) If elected by a conservator, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide for one or more of the following alternative beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) during the regular school term:

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes after the weekend; or

(C) beginning at the time described by paragraph (A) and ending at the time described by paragraph (B);

(2) for Thursday periods of possession under Section 153.312(a)(2):

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes on Friday; or

(C) beginning at the time described by paragraph (A) and ending at the time described by paragraph (B);

(3) for spring vacation periods of possession under Section 153.312(b)(1), beginning at the time the child's school is dismissed for those vacations;

(4) for Christmas school vacation periods of possession under Section 153.314(1), beginning at the time the child's school is dismissed for the vacation;

(5) for Thanksgiving holiday periods of possession under Section 153.314(3), beginning at the time the child's school is dismissed for the holiday;

(6) for Father's Day periods of possession under Section 153.314(5), ending at 8 a.m. on the Monday after Father's Day weekend;

(7) for Mother's Day periods of possession under Section 153.314(6):

(A) beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day;

(B) ending at the time the child's school resumes after Mother's Day; or

(C) beginning at the time described by paragraph (A) and ending at the time described by paragraph (B); ~~or~~

(8) for weekend periods of possession that are extended under Section 153.315(b) by a student holiday or teacher in-service day that falls on a Friday, beginning at the time the child's school is regularly dismissed on Thursday; or

(9) for weekend periods of possession that are extended under Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 1936**.

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

SENATE BILL 1065 WITH HOUSE AMENDMENT

Senator Alvarado called **SB 1065** from the President's table for consideration of the House amendment to the bill.

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

Amendment

A BILL TO BE ENTITLED AN ACT

relating to coverage for diagnostic imaging for breast cancer under certain health benefit plans.

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

SECTION 1. The heading to Chapter 1356, Insurance Code, is amended to read as follows:

CHAPTER 1356. MAMMOGRAPHY AND OTHER BREAST IMAGING

SECTION 2. Section 1356.001(1-a), Insurance Code, is amended to read as follows:

(1-a) "Diagnostic imaging [mammogram]" means an imaging examination using mammography, ultrasound imaging, or magnetic resonance imaging that is designed to evaluate:

(A) a subjective or objective abnormality detected by a physician or patient in a breast;

(B) an abnormality seen by a physician on a screening mammogram;

(C) an abnormality previously identified by a physician as probably benign in a breast for which follow-up imaging is recommended by a physician; or

(D) an individual with a personal history of breast cancer or dense breast tissue.

SECTION 3. Section 1356.005(a-1), Insurance Code, is amended to read as follows:

(a-1) A health benefit plan that provides coverage for a screening mammogram must provide coverage for [a] diagnostic imaging [mammogram] that is no less favorable than the coverage for a screening mammogram.

SECTION 4. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. The change in law made by this Act applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022. A health benefit plan that is 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.

SECTION 6. The Texas Department of Insurance, the Employees Retirement System of Texas, the Teacher Retirement System of Texas, The University of Texas System, The Texas A&M University System, and any other state agency or institution subject to this Act are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, those agencies may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

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

The amendment was read.

Senator Alvarado moved to concur in the House amendment to **SB 1065**.

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

Nays: Hall.

CONFERENCE COMMITTEE ON SENATE BILL 2185 DISCHARGED

On motion of Senator Hinojosa and by unanimous consent, the Senate conferees on **SB 2185** were discharged.

Question: Shall the Senate concur in the House amendments to **SB 2185**?

Senator Hinojosa moved to concur in the House amendments to **SB 2185**.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Lucio.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Saturday, May 29, 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 GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 321

House Conferees: Bonnen - Chair/Gervin-Hawkins/Goldman/Murphy/Slawson

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President in Chair)

**CONFERENCE COMMITTEE ON
SENATE BILL 703 DISCHARGED**

On motion of Senator Buckingham and by unanimous consent, the Senate conferees on **SB 703** were discharged.

Question: Shall the Senate concur in the House amendments to **SB 703**?

Senator Buckingham moved to concur in the House amendments to **SB 703**.

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

RECESS

On motion of Senator Whitmire, the Senate at 3:30 p.m. recessed until 4:15 p.m. today.

AFTER RECESS

The Senate met at 5:11 p.m. and was called to order by the President.

**SENATE RULE 12.09(b) SUSPENDED
(Printing and Notice of Conference Committee Reports)**

Senator Hughes moved to suspend Senate Rule 12.09(b) to permit the consideration of the conference committee report on **SB 7**.

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.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 295 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **SB 295**. The Conference Committee Report was filed with the Senate on Monday, May 24, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3282 ADOPTED**

Senator Nichols called from the President's table the Conference Committee Report on **HB 3282**. The Conference Committee Report was filed with the Senate on Tuesday, May 25, 2021.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Springer.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 288 ADOPTED**

Senator Seliger called from the President's table the Conference Committee Report on **SB 288**. The Conference Committee Report was filed with the Senate on Thursday, May 27, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1160 ADOPTED**

Senator Taylor called from the President's table the Conference Committee Report on **SB 1160**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

(President Pro Tempore Birdwell in Chair)

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 64 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 64**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: West.

SENATE BILL 2181 WITH HOUSE AMENDMENT

Senator West called **SB 2181** 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.

AmendmentA BILL TO BE ENTITLED
AN ACT

relating to the use of hotel occupancy tax revenue by certain municipalities for certain projects.

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

SECTION 1. Section 334.2515, Local Government Code, is amended to read as follows:

Sec. 334.2515. APPLICATION. Except as provided by Sections ~~[Section]~~ 334.2516 and 334.2518, this subchapter does not apply to the financing of a venue project that is:

- (1) an area described by Section 334.001(4)(C);
- (2) an area or facility that is part of a municipal parks and recreation system as described by Section 334.001(4)(D);
- (3) a project described by Section 334.001(4)(E), except for a project described by Section 334.001(4)(A); or
- (4) a facility described by Section 334.001(4)(G).

SECTION 2. Subchapter H, Chapter 334, Local Government Code, is amended by adding Section 334.2518 to read as follows:

Sec. 334.2518. USE OF REVENUE BY CERTAIN MUNICIPALITIES FOR CERTAIN PARK FACILITIES. (a) This section applies only to a municipality that has a population of more than 1 million but less than 1.3 million.

(b) Subject to Subsection (c), a municipality to which this section applies may acquire, construct, and improve a venue project that is an amphitheater, arena, exhibit hall, music hall, or stadium located within a municipally owned park that is at least 100 acres in size and all or part of which is designated as a national historic landmark district, if the applicable type of facility is specifically listed in the ballot proposition for a venue project for the expansion of an existing convention center facility that primarily hosts conventions and has at least one million square feet of meeting space.

(c) A municipality may not spend more than 20 percent of the revenue from the convention center facility expansion venue project described by Subsection (b) for costs related to an amphitheater, arena, exhibit hall, music hall, or stadium located within a municipally owned park.

SECTION 3. This Act takes effect September 1, 2021.

The amendment was read.

Senator West moved to concur in the House amendment to **SB 2181**.

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

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

Nays: Bettencourt, Hall, Hughes, Springer.

SENATE BILL 705 WITH HOUSE AMENDMENT

Senator Lucio called **SB 705** 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.

Amendment

A BILL TO BE ENTITLED AN ACT

relating to the continuation and functions of the Texas Animal Health Commission.

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

SECTION 1. Section 161.004(a), Agriculture Code, is amended to read as follows:

(a) A person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl that die from a disease listed by the commission in rules adopted under [it] Section 161.041, or who owns or controls the land on which the livestock, exotic livestock, domestic fowl, or exotic fowl die or on which the carcasses are found, shall dispose of the carcasses in the manner required by the commission under this section.

SECTION 2. Section 161.023, Agriculture Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section ~~[Before a member of the commission may assume the member's duties and before the member may be confirmed by the senate, the member must complete at least one course of the training program established under this section].~~

(b) The [A] training program must [established under this section shall] provide the person with information [to the member] regarding:

(1) the law governing [enabling legislation that created the] commission operations;

(2) the programs, functions, rules, and budget of [operated by] the commission;

(3) the scope of and limitations on the rulemaking authority [role and functions] of the commission;

(4) [the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;

[(5) the current budget for the commission;

[(6) the results of the most recent formal audit of the commission;

(5) [(7) the requirements of [the]

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest [law, Chapter 551, Government Code]; and

(B) other laws applicable to members of a state policy-making body in performing their duties [open records law, Chapter 552, Government Code]; and

~~[(C) administrative procedure law, Chapter 2001, Government Code; (8) the requirements of the conflict of interest laws and other laws relating to public officials; and]~~

(6) ~~(9)~~ any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(d) The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 3. Section 161.027, Agriculture Code, is amended to read as follows:

Sec. 161.027. SUNSET PROVISION. The Texas Animal Health Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2033 ~~[2021]~~.

SECTION 4. Section 161.029(a), Agriculture Code, is amended to read as follows:

(a) It is a ground for removal from the commission if a member:

(1) does not have at the time of taking office ~~[appointment]~~ the qualifications required by Section 161.021;

(2) does not maintain during service on the commission the qualifications required by Section 161.021;

(3) is ineligible for membership under Section 161.021(d) or 161.028;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term ~~[for which the member is appointed because of illness or disability]~~; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year without an excuse approved ~~[unless that absence is excused]~~ by a majority vote of the commission.

SECTION 5. Section 161.033(c), Agriculture Code, is amended to read as follows:

(c) The commission shall periodically notify the complaint parties ~~[to a complaint]~~ of the status of the complaint until [its] final disposition ~~[its]~~ unless the notice would jeopardize an investigation.

SECTION 6. Sections 161.035(a) and (b), Agriculture Code, are amended to read as follows:

(a) The commission by rule may establish advisory committees ~~[as it considers necessary]~~ to make recommendations to the commission on programs, ~~[assist it in developing proposed]~~ rules, and policies administered by the commission ~~[for the regulation of exotic livestock and exotic fowl]~~.

(b) In establishing ~~[A member of]~~ an advisory committee ~~[established]~~ under this section, the commission shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;
(4) appointment procedures for members;
(5) terms of service for members;
(6) training requirements for members;
(7) policies to avoid conflicts of interest by members;
(8) a periodic review process to evaluate the continuing need for the committee; and
(9) policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the commission or the committee [serves at the pleasure of the commission].

SECTION 7. Subchapter B, Chapter 161, Agriculture Code, is amended by adding Section 161.0375 to read as follows:

Sec. 161.0375. PERIODIC REVIEW OF COMPLIANCE INFORMATION. (a) The commission shall analyze, on a statewide and regional basis, violations of this subtitle. The commission shall consider:

- (1) violation types and disposition;
- (2) persons who are repeat offenders; and
- (3) persons who commit the most serious offenses.

(b) The commission shall use the analysis under Subsection (a) to compare enforcement practices across each region and determine:

- (1) training needs;
- (2) gaps in enforcement authority; and
- (3) effective enforcement activities.

(c) The commission shall conduct the analysis under Subsection (a) on a periodic basis to ensure that the information reflects current enforcement practices.

(d) The commission shall timely enter and share compliance and enforcement information on a statewide and regional basis.

SECTION 8. Sections 161.041(a), (c), and (d), Agriculture Code, are amended to read as follows:

(a) The commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the commission determines require control or eradication. The commission shall adopt and periodically update rules listing the diseases that require control or eradication by the commission. Section 2001.0045, Government Code, does not apply to rules adopted under this subsection [the following:

- [(1) tuberculosis;
- [(2) anthrax;
- [(3) glanders;
- [(4) infectious abortion;
- [(5) hemorrhagic septicemia;
- [(6) hog cholera;
- [(7) Malta fever;
- [(8) foot and mouth disease;
- [(9) rabies among animals other than canines;
- [(10) bacillary white diarrhea among fowl;
- [(11) equine infectious anemia; and

~~[(12) other diseases recognized as communicable by the veterinary profession].~~

(c) A person commits an offense if the person knowingly fails to handle, in accordance with rules adopted by the commission, livestock, exotic livestock, domestic fowl, or exotic fowl:

(1) infected with a disease listed by the commission by rule under [##] Subsection (a);

(2) exposed, as defined by commission rule, to a disease listed by the commission by rule under [##] Subsection (a) if the commission has notified the person that the animal was exposed to the disease; or

(3) subject to a testing requirement due to a risk of exposure, as defined by commission rule, to a specific disease if the commission has notified the person of the testing requirement.

(d) A person commits an offense if the person knowingly fails to identify or refuses to permit an agent of the commission to identify, in accordance with rules adopted by the commission, livestock, exotic livestock, domestic fowl, or exotic fowl infected with a disease listed by the commission by rule under [##] Subsection (a).

SECTION 9. Section 161.0415(a), Agriculture Code, is amended to read as follows:

(a) The commission by order may require the slaughter of livestock, domestic fowl, or exotic fowl, under the direction of the commission, or the sale of livestock, domestic fowl, or exotic fowl for immediate slaughter at a public slaughtering establishment maintaining federal or state inspection if the livestock, domestic fowl, or exotic fowl is exposed to or infected with a disease other than bluetongue or vesicular stomatitis that:

(1) is recognized by the United States Department of Agriculture as:

(A) a foreign animal disease; or

(B) a reportable animal disease;

(2) is the subject of a cooperative eradication program with the United States Department of Agriculture;

(3) is an animal disease reportable to the World Organisation for Animal Health [named on "List A" of the Office International Des Epizooties]; or

(4) is the subject of a state of emergency, as declared by the governor.

SECTION 10. Subchapter C, Chapter 161, Agriculture Code, is amended by adding Section 161.0603 to read as follows:

Sec. 161.0603. LABORATORY TESTING. (a) The Texas A&M Veterinary Medical Diagnostic Laboratory is the state's regulatory animal health laboratory.

(b) This section does not prevent the commission from:

(1) using a laboratory other than the Texas A&M Veterinary Medical Diagnostic Laboratory for a test as needed; or

(2) collecting specimens and performing field tests to diagnose animal diseases.

(c) The commission and the Texas A&M Veterinary Medical Diagnostic Laboratory shall enter into a memorandum of understanding to:

(1) establish the laboratory services to be performed by the Texas A&M Veterinary Medical Diagnostic Laboratory;

(2) provide reporting requirements for the Texas A&M Veterinary Medical Diagnostic Laboratory on all test requests received from the commission; and

(3) set fees associated with laboratory services performed for the commission in amounts sufficient to recover the costs of those services.

(d) The commission and the Texas A&M Veterinary Medical Diagnostic Laboratory shall annually review the memorandum of understanding under Subsection (c).

SECTION 11. Section 161.061, Agriculture Code, is amended to read as follows:

Sec. 161.061. ESTABLISHMENT. (a) ~~The [If the] commission may [determines or is informed that a disease listed in Section 161.041 of this code exists in another state, territory, or country, the commission shall]~~ establish a quarantine against all or the portion of a ~~[the] state, territory, or country in which a [the] disease listed in rules adopted under Section 161.041 exists.~~

~~(b) A [If the commission determines that a disease listed in Section 161.041 of this code or an agency of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or that a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or an agency of transmission of one of those diseases, the commission shall establish a quarantine on the affected animals or on the affected place. The] quarantine established under Subsection (a) [of an affected place] may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen.~~

(c) The commission may establish a quarantine to prohibit or regulate the movement of:

(1) any article or animal that the commission designates to be a carrier of a disease listed in rules adopted under [in] Section 161.041 [of this code] or a potential carrier of one of those diseases, if movement is not otherwise regulated or prohibited; and

(2) an animal into an affected area, including a county district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen.

(d) The commission by rule may delegate its authority to establish a quarantine under this section to the executive director, who shall promptly notify the members of the commission when a quarantine is established.

SECTION 12. Section 161.065(c), Agriculture Code, is amended to read as follows:

(c) If the commission finds animals that have been moved in violation of a quarantine established under this chapter or in violation of any other livestock sanitary law, the commission shall quarantine the animals until they have been properly treated, vaccinated, tested, ~~[dipped,]~~ or disposed of in accordance with the rules of the commission.

SECTION 13. Sections 161.101(a), (b), and (c), Agriculture Code, are amended to read as follows:

(a) A veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report to the commission the existence of [~~the following~~] diseases listed in rules adopted by the commission among livestock, exotic livestock, bison, domestic fowl, or exotic fowl [~~to the commission~~] within 24 hours after diagnosis of the disease. The commission shall adopt and periodically update rules listing the diseases that the commission determines require reporting under this section. Section 2001.0045, Government Code, does not apply to rules adopted under this subsection[+]

- ~~[(1) anthrax;~~
- ~~[(2) avian infectious laryngotracheitis;~~
- ~~[(3) avian influenza;~~
- ~~[(4) avian tuberculosis;~~
- ~~[(5) bovine trichomoniasis;~~
- ~~[(6) chronic wasting disease;~~
- ~~[(7) duck virus enteritis;~~
- ~~[(8) duck virus hepatitis;~~
- ~~[(9) equine encephalomyelitis;~~
- ~~[(10) equine herpes virus 1;~~
- ~~[(11) equine infectious anemia;~~
- ~~[(12) equine viral arteritis;~~
- ~~[(13) infectious encephalomyelitis in poultry or other fowl;~~
- ~~[(14) ornithosis;~~
- ~~[(15) paramyxovirus infection in poultry or other fowl; or~~
- ~~[(16) scabies in sheep or cattle].~~

(b) In addition to reporting required by Subsection (a), the commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report the existence of a disease other than bluetongue in an animal to the commission within 24 hours after diagnosis if the disease:

- (1) is recognized by the United States Department of Agriculture as:
 - (A) a foreign animal disease; or
 - (B) a reportable animal disease;
- (2) is the subject of a cooperative eradication program with the United States Department of Agriculture;
- (3) is an animal [~~a~~] disease reportable to the World Organisation for Animal Health [~~Office International Des Epizooties~~]; or
- (4) is the subject of a state of emergency, as declared by the governor.

(c) The commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report a disease not covered by Subsection (a) or (b) if the commission determines that action to be necessary for the protection of animal health in this state. The commission shall immediately deliver a copy of a rule adopted under this subsection to the appropriate legislative oversight committees. [~~A rule adopted by the commission under this subsection expires on the first day after the last day of the first regular legislative session that begins after adoption of the rule unless the rule is continued in effect by act of the legislature.~~]

SECTION 14. Section 161.112(a), Agriculture Code, is amended to read as follows:

(a) Following notice and public hearing, the commission shall adopt rules relating to the movement of livestock, exotic livestock, and exotic fowl from livestock markets and shall require tests, immunization, or treatment [~~and dipping of those livestock~~] as necessary to protect against the spread of communicable diseases.

SECTION 15. Section 161.113, Agriculture Code, is amended to read as follows:

Sec. 161.113. TESTING, [OR] TREATMENT, OR VACCINATION OF LIVESTOCK. (a) The [If the] commission shall adopt rules for [requires] testing, treatment, or vaccination under this subchapter [~~the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission~~]. The state may not be required to pay the cost of fees charged for the testing, treatment, or vaccination.

(b) If the commission requires the dipping of livestock under this subchapter, the livestock shall be [~~submerged in a vat, sprayed, or~~] treated in a [another sanitary] manner prescribed by rule of the commission.

(c) The commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities [~~chutes or holding pens or to furnish~~] or have access to [other] essential equipment or [testing and dipping] facilities within the immediate vicinity of the livestock market.

SECTION 16. Section 161.134, Agriculture Code, is amended to read as follows:

Sec. 161.134. PROOF OF TREATMENT OR VACCINATION. In the trial of any case involving the compliance of an owner or caretaker with a provision of this chapter requiring the treatment or [;] vaccination [~~, dipping, or disinfecting~~] of livestock, a person may not attempt to prove that the action was taken by a person other than an authorized representative of the commission.

SECTION 17. Section 162.004(c), Agriculture Code, is amended to read as follows:

(c) A certificate under this section must be:
(1) in a form prescribed by the commission; and
(2) [must be] sent to the commission within the time prescribed by the commission by rule [~~48 hours after completion of the test or vaccination~~].

SECTION 18. Section 164.002(c), Agriculture Code, is amended to read as follows:

(c) Cattle or sheep are not exposed to scabies under Subsection (b) of this section if the place or plant has been disinfected since the infected cattle or sheep were removed. This subsection does not exempt the cattle or sheep from treatment [~~dipping~~] required by this chapter.

SECTION 19. Section 164.004, Agriculture Code, is amended to read as follows:

Sec. 164.004. DUTIES OF INSPECTORS. (a) All treatments [dippings], inspections, and certifications for scabies eradication and the disinfection of all equipment or facilities [ears, sheds, boats, chutes, alleys, platforms, pens, or yards] required by this chapter shall be performed by or under the supervision of an inspector.

(b) Local inspectors shall perform all duties necessary for ~~to~~ the treatment, inspection, [dipping], and certification of livestock under this chapter.

SECTION 20. Section 164.005(a), Agriculture Code, is amended to read as follows:

(a) An inspector is entitled to enter any public or private place where cattle or sheep are kept or ranged for the purpose of:

- (1) ascertaining the presence of scabies infection;
- (2) ascertaining any exposure to scabies; or
- (3) inspecting, classifying, or treating [dipping] cattle or sheep for scabies infection or exposure.

SECTION 21. The heading to Subchapter B, Chapter 164, Agriculture Code, is amended to read as follows:

SUBCHAPTER B. TREATMENT [DIPPING]

SECTION 22. Section 164.021, Agriculture Code, is amended to read as follows:

Sec. 164.021. TREATMENT [DIPPING] REQUIRED ON ORDER OF COMMISSION. (a) The commission by written order may direct a person who owns, controls, or cares for cattle or sheep that are scabies-infected or are exposed to scabies, to treat [dip] any or all of those animals for the purpose of destroying, eradicating, curing, or removing a scabies infection or a source of exposure to scabies.

(b) An order of the commission under this section must be signed by the commission or the presiding officer of the commission and must contain the following:

- (1) the date of issuance;
- (2) the name of the person to whom the order is made;
- (3) the approximate location of the premises on which the animals are located;
- (4) the county in which the premises are located;
- (5) a statement in clear and intelligible language that the sheep or cattle that the person owns, controls, or cares for are infected with or exposed to scabies;
- (6) an order directing the person to treat [dip] the animals, under the supervision of an inspector and in the manner prescribed by the commission~~[- in a dipping solution provided by this chapter or in a designated solution approved for that purpose by rule of the commission];~~ and
- (7) a designation of the date, time, and place that the treatment [dipping] is to occur.

(c) An order under this section must be delivered to the person owning or controlling the cattle or sheep not later than the 14th day before the date and time for the treatment [dipping] designated in the order.

SECTION 23. Sections 164.022(a), (d), and (e), Agriculture Code, are amended to read as follows:

(a) Not later than the fifth day following the day on which a person receives an order to treat [~~dip~~] cattle or sheep, the person may file with the commission or the presiding officer of the commission a written affidavit that:

(1) denies that the animals are subject to being treated [~~dipped~~] under this chapter, or states that, for good and sufficient reason set out in the affidavit, the person is entitled to have the order rescinded or the treatment [~~dipping~~] postponed; and

(2) requests that the commission withhold enforcement of the order and grant a hearing on the matter or investigate the matter as necessary to determine the correctness of the statement contained in the affidavit.

(d) If the commission finds that the statement in the affidavit is correct, the commission shall rescind the order or postpone the treatment [~~dipping~~] until a time that the commission considers proper. If the commission finds that the statement in the affidavit is not correct, the commission shall enforce the order on the date and at the time designated in the order.

(e) Following a hearing, the commission shall deliver its written findings to the affiant not later than the fourth day before the date and time that the order requires the animals to be treated [~~dipped~~].

SECTION 24. Section 164.023, Agriculture Code, is amended to read as follows:

Sec. 164.023. METHOD OF TREATMENT [~~DIPPING~~]. The commission by rule shall prescribe the methods of treatment available for the treatment of scabies [~~If the commission requires the dipping of animals under this chapter, the animals shall be submerged in a vat, sprayed, or treated in another sanitary manner prescribed by the commission.~~].

SECTION 25. Section 164.028, Agriculture Code, is amended to read as follows:

Sec. 164.028. TREATMENT [~~DIPPING~~] AT EXPENSE OF COUNTY. If a person ordered to treat [~~dip~~] cattle or sheep under this chapter fails or refuses to treat [~~dip~~] the animals, the county commissioners court shall:

(1) provide the necessary equipment and [~~vats, pens, other~~] facilities for the treatment of the animals;

(2) [~~, and materials, shall~~] have the animals treated [~~dipped~~] in accordance with this chapter;[;] and

(3) [~~shall~~] pay the expenses of the treatment [~~dipping~~] by warrant drawn on the general funds of the county.

SECTION 26. Section 164.041(a), Agriculture Code, is amended to read as follows:

(a) The [~~If the~~] commission may [~~determines or is informed that scabies exists among cattle in another state, territory, or country, the commission shall~~] establish a quarantine against all or the portion of a [~~the~~] state, territory, or country in which the commission determines scabies [~~the disease~~] exists. A [~~The~~] quarantine established under this section is governed by Chapter 161 [~~of this code~~], except that only a scabies inspector recognized by the commission for that purpose in the quarantine notice may issue certificates or permits for the movement of cattle subject to the quarantine. A person who violates the quarantine is subject to the penalties provided by Chapter 161 [~~that chapter~~].

SECTION 27. Section 164.044(b), Agriculture Code, is amended to read as follows:

(b) If the commission finds animals that have been moved in violation of a quarantine established under this chapter, the commission shall quarantine the animals until they have been properly tested or treated [~~dipped~~] in accordance with the rules of the commission.

SECTION 28. Section 164.062(a), Agriculture Code, is amended to read as follows:

(a) A person may not import sheep into this state unless the shipment is accompanied by a certificate certifying that:

(1) the sheep are free from scabies infection and exposure; or

(2) the sheep have been treated by a method [~~dipped in a solution~~] recognized by the Animal and Plant Health Inspection Service, United States Department of Agriculture, for eradication of sheep scabies and in a manner designed to have eradicated infection or exposure within 10 days prior to the date of importation.

SECTION 29. Section 164.063, Agriculture Code, is amended to read as follows:

Sec. 164.063. QUARANTINE OF IMPORTED SHEEP. If the certificate for a shipment of sheep shows that the sheep were treated [~~dipped~~] at the point of origin in accordance with Section 164.062(a)(2) [~~of this code~~], the sheep shall be quarantined at the range on which the sheep are placed in this state for a period of 180 days.

SECTION 30. Section 164.064, Agriculture Code, is amended to read as follows:

Sec. 164.064. DESIGNATION OF INFECTED OR FREE AREAS; TREATMENT [~~DIPPING~~] REQUIREMENTS. The commission may adopt rules designating areas as infected or free from infection and shall establish treatment [~~dipping~~] requirements for the importation of sheep into this state.

SECTION 31. Section 164.065, Agriculture Code, is amended to read as follows:

Sec. 164.065. EXHIBITIONS. The commission shall provide an importer of show sheep a reasonable length of time, not to exceed 60 days after the date of importation, in which to display the sheep at county fairs or livestock exhibitions. The importer shall keep the sheep separate from all sheep other than show sheep and shall treat [~~dip~~] the sheep as required by the commission [~~at least once~~] before they are distributed to the range.

SECTION 32. The heading to Section 164.083, Agriculture Code, is amended to read as follows:

Sec. 164.083. FAILURE TO TREAT [~~DIP~~] FOR SCABIES.

SECTION 33. Section 164.083(a), Agriculture Code, is amended to read as follows:

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

(1) owns, controls, or cares for cattle or sheep infected with scabies or cattle or sheep that have been exposed to scabies infection within six months prior to the date of an order to treat [~~dip~~] under Section 164.021 [~~of this code~~]; and

(2) fails or refuses to treat ~~[dip]~~ the sheep or cattle at the time and in the manner provided by the order of the commission.

SECTION 34. Section 164.085(a), Agriculture Code, is amended to read as follows:

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

(1) refuses to permit an inspector to enter any premises of which the person is the owner, tenant, or caretaker for the purpose of inspecting, classifying, or treating ~~[dipping]~~ animals infected or exposed to scabies; or

(2) refuses to gather animals in accordance with Section 164.005(c) ~~[of this code]~~.

SECTION 35. Section 165.022, Agriculture Code, is amended to read as follows:

Sec. 165.022. METHOD OF DISEASE ERADICATION. Following notice and public hearing, the commission shall adopt rules for the enforcement of this subchapter, including rules providing for the manner, method, and system of eradicating swine diseases. The commission may by a two-thirds vote adopt rules more stringent than ~~[may not exceed]~~ the rules relating to minimum standards for cooperative programs adopted by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

SECTION 36. Section 28.03(i), Penal Code, is amended to read as follows:

(i) Notwithstanding Subsection (b), an offense under this section is a felony of the first degree if the property is livestock and the damage is caused by introducing bovine spongiform encephalopathy, commonly known as mad cow disease, or a disease listed in rules adopted ~~[described]~~ by the Texas Animal Health Commission under Section 161.041(a), Agriculture Code. In this subsection, "livestock" has the meaning assigned by Section 161.001, Agriculture Code.

SECTION 37. Sections 161.035(c), 164.024, 164.025, 164.026, 164.027, 165.002, and 167.058, Agriculture Code, are repealed.

SECTION 38. The changes in law made by this Act to Sections 161.041(c) and (d), 164.083(a), and 164.085(a), Agriculture Code, and Section 28.03(i), Penal Code, apply only to an offense or violation committed on or after the effective date of this Act. An offense or violation committed before the effective date of this Act is governed by the law in effect on the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 39. (a) Except as provided by Subsection (b) of this section, Section 161.023, Agriculture Code, as amended by this Act, applies to a member of the Texas Animal Health Commission who is appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Animal Health Commission who, before the effective date of this Act, completed the training program required by Section 161.023, Agriculture Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program required by Section 161.023, Agriculture Code. A commission

member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2021, until the member completes the additional training.

SECTION 40. Not later than March 1, 2022, the Texas Animal Health Commission shall:

(1) adopt rules necessary to implement Sections 161.041, 161.101, 161.113, and 164.023, Agriculture Code, as amended by this Act; and

(2) complete the initial analysis of violations required by Section 161.0375, Agriculture Code, as added by this Act.

SECTION 41. Not later than January 1, 2022, the Texas Animal Health Commission and the Texas A&M Veterinary Medical Diagnostic Laboratory shall adopt the memorandum of understanding required by Section 161.0603, Agriculture Code, as added by this Act.

SECTION 42. This Act takes effect September 1, 2021.

The amendment was read.

Senator Lucio moved to concur in the House amendment to **SB 705**.

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

**CONFERENCE COMMITTEE ON
SENATE BILL 572 DISCHARGED**

On motion of Senator Springer and by unanimous consent, the Senate conferees on **SB 572** were discharged.

Question: Shall the Senate concur in the House amendments to **SB 572**?

Senator Springer moved to concur in the House amendments to **SB 572**.

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

SENATE BILL 2116 WITH HOUSE AMENDMENTS

Senator Campbell called **SB 2116** 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 prohibiting contracts or other agreements with certain foreign-owned companies in connection with critical infrastructure in this state.

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

SECTION 1. This Act may be cited as the Lone Star Infrastructure Protection Act.

SECTION 2. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. PROHIBITION ON AGREEMENTS WITH CERTAIN
FOREIGN-OWNED COMPANIES IN CONNECTION WITH CRITICAL
INFRASTRUCTURE

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

(2) "Critical infrastructure" means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.

(3) "Cybersecurity" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

(4) "Designated country" means a country designated by the governor as a threat to critical infrastructure under Section 113.003.

Sec. 113.002. PROHIBITED ACCESS TO CRITICAL INFRASTRUCTURE.

(a) A business entity may not enter into an agreement relating to critical infrastructure in this state with a company:

(1) if, under the agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the business entity for product warranty and support purposes; and

(2) if the business entity knows that the company is:

(A) owned by or the majority of stock or other ownership interest of the company is held or controlled by:

(i) individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or

(ii) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or

(B) headquartered in China, Iran, North Korea, Russia, or a designated country.

(b) The prohibition described by Subsection (a) applies regardless of whether:

(1) the company's or its parent company's securities are publicly traded; or

(2) the company or its parent company is listed on a public stock exchange

as:

(A) a Chinese, Iranian, North Korean, or Russian company; or

(B) a company of a designated country.

Sec. 113.003. DESIGNATION OF COUNTRY AS THREAT TO CRITICAL INFRASTRUCTURE. (a) The governor, after consultation with the public safety director of the Department of Public Safety, may designate a country as a threat to critical infrastructure for purposes of this chapter.

(b) The governor may consult the Homeland Security Council, established under Subchapter B, Chapter 421, Government Code, to assess a threat to critical infrastructure for purposes of making a designation under this section.

SECTION 3. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2274 to read as follows:

CHAPTER 2274. PROHIBITION ON CONTRACTS WITH CERTAIN FOREIGN-OWNED COMPANIES IN CONNECTION WITH CRITICAL INFRASTRUCTURE

Sec. 2274.0101. DEFINITIONS. In this chapter:

(1) "Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

(2) "Critical infrastructure" means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.

(3) "Cybersecurity" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

(4) "Designated country" means a country designated by the governor as a threat to critical infrastructure under Section 2274.0103.

(5) "Governmental entity" means a state agency or political subdivision of this state.

Sec. 2274.0102. PROHIBITED CONTRACTS. (a) A governmental entity may not enter into a contract or other agreement relating to critical infrastructure in this state with a company:

(1) if, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes; and

(2) if the governmental entity knows that the company is:

(A) owned by or the majority of stock or other ownership interest of the company is held or controlled by:

(i) individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or

(ii) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or

(B) headquartered in China, Iran, North Korea, Russia, or a designated country.

(b) The prohibition described by Subsection (a) applies regardless of whether:

(1) the company's or its parent company's securities are publicly traded; or

(2) the company or its parent company is listed on a public stock exchange

as:

(A) a Chinese, Iranian, North Korean, or Russian company; or

(B) a company of a designated country.

Sec. 2274.0103. DESIGNATION OF COUNTRY AS THREAT TO CRITICAL INFRASTRUCTURE. (a) The governor, after consultation with the public safety director of the Department of Public Safety, may designate a country as a threat to critical infrastructure for purposes of this chapter.

(b) The governor may consult the Homeland Security Council, established under Subchapter B, Chapter 421, to assess a threat to critical infrastructure for purposes of making a designation under this section.

SECTION 4. Chapter 113, Business & Commerce Code, as added by this Act, and Chapter 2274, Government Code, as added by this Act, apply to a contract or agreement entered into on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2021.

Floor Amendment No. 1

Amend **CSSB 2116** (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Title 2, Parks and Wildlife Code, is amended by adding Chapter 15 to read as follows:

CHAPTER 15. POWERS AND DUTIES RELATING TO WIND-POWERED ENERGY DEVICES

Sec. 15.0101. DEFINITIONS. In this chapter:

(1) "Protected lands" means state or federal parks or recreational areas with environmental, recreational, historical, aesthetic, ecological, or cultural value.

(2) "Wind-powered energy device" means an apparatus designed or adapted to:

(A) convert the energy available in the wind into thermal, mechanical, or electrical energy;

(B) store the energy converted under Paragraph (A), either in the form to which originally converted or another form; or

(C) distribute the energy converted under Paragraph (A).

Sec. 15.0102. PURPOSE. The purpose of this chapter is to enable the department to manage the potential effects of wind-powered energy devices on protected lands so that the natural and cultural values of protected lands continue for the benefit of present and future generations.

Sec. 15.0103. APPLICABILITY. This chapter applies only in a county:

(1) in which all or part of the Devils River State Natural Area is located; or

(2) adjacent to a county described by Subdivision (1).

Sec. 15.0104. DESIGNATION OF CONSTRUCTION AREAS. (a) The commission may adopt rules that designate locations where the installation of a wind-powered energy device in an area to which this chapter applies is not authorized.

(b) In adopting rules under Subsection (a), the commission shall consider:

(1) the protection of natural resources, including the avoidance of visual or acoustic impacts near a national recreational area, state natural area, park, lake, or river;

(2) the protection of public health and safety;

(3) the enjoyment of protected lands; and

(4) other factors the commission determines are necessary to achieve the purpose of this chapter.

(c) A rule adopted under Subsection (a) may not apply to a wind-powered energy device installed before the effective date of the Act enacting this section.

Sec. 15.0105. ENFORCEMENT. (a) A person who violates a rule adopted under Section 15.0104 is subject to a civil penalty of not less than \$100 or more than \$10,000 for each violation and for each day of violation.

(b) If a person has violated, is violating, or is threatening to violate a rule adopted under Section 15.0104, the department may bring suit:

(1) for injunctive relief to restrain the person from continuing the violation or threat of violation; and

(2) to recover the civil penalty under Subsection (a).

(2) Strike SECTION 5 of the bill (page 5, line 25), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b) Chapter 15, Parks and Wildlife Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, that section takes effect September 1, 2021.

(3) Renumber the SECTIONS of the bill accordingly.

Floor Amendment No. 1 on Third Reading

Amend **SB 2116** on third reading as follows:

(1) Strike the SECTIONS of the bill added by the floor amendment by Cyrier on second reading.

Floor Amendment No. 2 on Third Reading

Amend **SB 2116** on third reading to read as follows:

(1) On page 3, line 11, strike "may" and substitute "shall".

(2) On page 5, line 17, strike "may" and substitute "shall".

(3) On page 5, strike line 25 and substitute the following:

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The amendments were read.

Senator Campbell moved to concur in the House amendments to **SB 2116**.

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

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3648 ADOPTED

Senator Hancock called from the President's table the Conference Committee Report on **HB 3648**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1308 ADOPTED**

Senator Blanco called from the President's table the Conference Committee Report on **SB 1308**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 281 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 281**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 601 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **SB 601**. The Conference Committee Report was filed with the Senate on Thursday, May 27, 2021.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Hall.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 383 ADOPTED**

Senator Powell called from the President's table the Conference Committee Report on **SB 383**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Powell, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Springer.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1831 ADOPTED**

Senator Taylor called from the President's table the Conference Committee Report on **SB 1831**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3476 ADOPTED**

Senator Bettencourt called from the President's table the Conference Committee Report on **HB 3476**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Bettencourt, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

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

Nays: Eckhardt, Miles.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2483 ADOPTED**

Senator Hancock called from the President's table the Conference Committee Report on **HB 2483**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1869 ADOPTED**

Senator Bettencourt called from the President's table the Conference Committee Report on **HB 1869**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Bettencourt, the Conference Committee Report was adopted 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.

RECESS

On motion of Senator Whitmire, the Senate at 7:55 p.m. recessed until 9:30 p.m. today.

AFTER RECESS

The Senate met at 9:50 p.m. and was called to order by the President.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 800 ADOPTED**

Senator Nelson called from the President's table the Conference Committee Report on **SB 800**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Nelson, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: West.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1438 ADOPTED**

Senator Bettencourt called from the President's table the Conference Committee Report on **SB 1438**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Bettencourt, the Conference Committee Report was adopted 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, Schwertner, Seliger, Springer, Taylor, West.

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

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 900 ADOPTED**

Senator Springer called from the President's table the Conference Committee Report on **HB 900**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Springer, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Miles.

(Senator Perry in Chair)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1281 ADOPTED**

Senator Schwertner called from the President's table the Conference Committee Report on **HB 1281**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Schwertner, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Springer.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 49 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 49**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1164 ADOPTED**

Senator Campbell called from the President's table the Conference Committee Report on **SB 1164**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

On motion of Senator Campbell, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: West.

SENATE BILL 1827 WITH HOUSE AMENDMENTS

Senator Huffman called **SB 1827** from the President's table for consideration of the House amendments to the bill.

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

Amendment

A BILL TO BE ENTITLED
AN ACT

relating to the creation of the opioid abatement account, an opioid abatement trust fund, and a statewide opioid settlement agreement.

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

SECTION 1. Chapter 403, Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. STATEWIDE OPIOID SETTLEMENT AGREEMENT

Sec. 403.501. DEFINITIONS. In this subchapter:

(1) "Account" means the opioid abatement account established by Section 403.505.

(2) "Council" means the Texas opioid abatement fund council established by Section 403.503 to manage the distribution of money allocated to the council from the opioid abatement trust fund in accordance with a statewide opioid settlement agreement.

(3) "Fund" means the opioid abatement trust fund established by Section 403.506.

(4) "Released entity" means an entity against which a claim is released under a statewide opioid settlement agreement.

(5) "Statewide opioid settlement agreement" means all settlement agreements and related documents entered into by this state through the attorney general, political subdivisions that have brought a civil action for an opioid-related

harm claim against an opioid manufacturer, distributor, or retailer, and opioid manufacturers, distributors, or retailers relating to illegal conduct in the marketing, promotion, sale, distribution, and dispensation of opioids that provide relief for this state and political subdivisions of this state.

(6) "Trust company" means the Texas Treasury Safekeeping Trust Company.

Sec. 403.502. SETTLEMENT RECORDS. The attorney general and comptroller shall maintain a copy of a statewide opioid settlement agreement, including any amendments to the agreement, and make the copy available on the attorney general's and comptroller's Internet websites.

Sec. 403.503. TEXAS OPIOID ABATEMENT FUND COUNCIL. (a) The Texas opioid abatement fund council is established to ensure that money recovered by this state through a statewide opioid settlement agreement is allocated fairly and spent to remediate the opioid crisis in this state by using efficient and cost-effective methods that are directed to regions of this state experiencing opioid-related harms.

(b) The council is composed of the following 14 members:

(1) six regional members, appointed by the executive commissioner of the Health and Human Services Commission, who are from academia or the medical profession with significant experience in opioid interventions and who each are appointed to represent one of the following groups of regional health care partnership regions:

(A) regions 9 and 10;

(B) region 3;

(C) regions 11, 12, 13, 14, 15, and 19;

(D) regions 6, 7, 8, and 16;

(E) regions 1, 2, 17, and 18; and

(F) regions 4, 5, and 20;

(2) four members who are current or retired health care professionals holding or formerly holding a license under Title 3, Occupations Code, with significant experience in treating opioid-related harms and who are appointed as follows:

(A) one member appointed by the governor;

(B) one member appointed by the lieutenant governor;

(C) one member appointed by the speaker of the house of representatives; and

(D) one member appointed by the attorney general;

(3) one member who is employed by a hospital district and is appointed by the governor;

(4) one member who is employed by a hospital district and is appointed by the attorney general;

(5) one member appointed by the governor and who is a member of a law enforcement agency and has experience with opioid-related harms; and

(6) one nonvoting member who serves as the presiding officer of the council and is the comptroller or the comptroller's designee.

(c) In making appointments under Subsection (b)(1), the executive commissioner of the Health and Human Services Commission shall appoint members from a list of two qualified candidates provided by the governing bodies of counties and municipalities that:

(1) brought a civil action for an opioid-related harm against a released entity;

(2) released an opioid-related harm claim in a statewide opioid settlement agreement; and

(3) are located within the regions for which the member is being appointed.

(d) In making appointments under Subsection (b), the governor, lieutenant governor, speaker of the house of representatives, and attorney general shall coordinate to ensure that the membership of the council reflects, to the extent possible, the ethnic and geographic diversity of this state.

(e) The council is administratively attached to the comptroller. The comptroller shall provide the staff and facilities necessary to assist the council in performing its duties.

Sec. 403.504. COUNCIL OPERATION. (a) A council member is not entitled to compensation for council service but is entitled to reimbursement for actual and necessary expenses incurred in performing council duties.

(b) The council may hold public meetings as necessary to fulfill its duties under this subchapter.

(c) The council is subject to Chapters 551 and 552.

Sec. 403.505. OPIOID ABATEMENT ACCOUNT. (a) The opioid abatement account is a dedicated account in the general revenue fund administered by the comptroller.

(b) The account is composed of:

(1) money obtained from a statewide opioid settlement agreement and deposited in the account under Section 403.507;

(2) money received by the state from any other source resulting directly or indirectly from an action by the state against an opioid manufacturer, an opioid distributor, or another person in the opioid industry relating to a violation of state or federal law on the manufacture, marketing, distribution, or sale of opioids, other than money distributed to a political subdivision of the state in accordance with the terms of a settlement agreement or judgment;

(3) money appropriated or transferred to the account by the legislature;

(4) gifts and grants contributed to the account; and

(5) earnings on the principal of the account.

(c) Money in the account may be appropriated only to a state agency for the abatement of opioid-related harms.

(d) A state agency may use money appropriated from the account only to:

(1) prevent opioid use disorder through evidence-based education and prevention, such as school-based prevention, early intervention, or health care services or programs intended to reduce the risk of opioid use by school-age children;

(2) support efforts to prevent or reduce deaths from opioid overdoses or other opioid-related harms, including through increasing the availability or distribution of naloxone or other opioid antagonists for use by health care providers, first responders, persons experiencing an opioid overdose, families, schools, community-based service providers, social workers, or other members of the public;

(3) create and provide training on the treatment of opioid addiction, including the treatment of opioid dependence with each medication approved for that purpose by the United States Food and Drug Administration, medical detoxification, relapse prevention, patient assessment, individual treatment planning, counseling, recovery supports, diversion control, and other best practices;

(4) provide opioid use disorder treatment for youths and adults, with an emphasis on programs that provide a continuum of care that includes screening and assessment for opioid use disorder and co-occurring behavioral health disorders, early intervention, contingency management, cognitive behavioral therapy, case management, relapse management, counseling services, and medication-assisted treatments;

(5) provide patients suffering from opioid dependence with access to all medications approved by the United States Food and Drug Administration for the treatment of opioid dependence and relapse prevention following opioid detoxification, including opioid agonists, partial agonists, and antagonists;

(6) support efforts to reduce the abuse or misuse of addictive prescription medications, including tools used to give health care providers information needed to protect the public from the harm caused by improper use of those medications;

(7) support treatment alternatives that provide both psychosocial support and medication-assisted treatments in areas with geographical or transportation-related challenges, including providing access to mobile health services and telemedicine, particularly in rural areas;

(8) address:

(A) the needs of persons involved with criminal justice; and

(B) rural county unattended deaths; or

(9) further any other purpose related to opioid abatement authorized by appropriation.

(e) Section 404.071 does not apply to the account.

Sec. 403.506. OPIOID ABATEMENT TRUST FUND. (a) The opioid abatement trust fund is a trust fund established outside of the state treasury for the purposes of this subchapter that is administered by the trust company. The trust company may authorize money from the fund to be invested with money from the state treasury.

(b) The fund consists of:

(1) money obtained under a statewide opioid settlement agreement and deposited in the fund under Section 403.507; and

(2) interest, dividends, and other income of the fund.

(c) The trust company shall:

(1) distribute to counties and municipalities to address opioid-related harms in those communities an amount equal to 15 percent of the total amount of money obtained under a statewide opioid settlement agreement and distributed to the fund and the account under Section 403.507; and

(2) allocate to the council an amount equal to 70 percent of the total amount of money obtained under a statewide opioid settlement agreement and distributed to the fund and the account under Section 403.507.

(d) The trust company shall distribute money allocated under Subsection (c)(2) at the direction of the council.

(e) The council shall provide to the trust company an annual forecast of money deposited and withdrawn from the fund and provide updates to the forecast as appropriate to ensure the trust company is able to achieve the council's directives.

(f) In investing money from the fund and subject to the council's direction, the trust company has the same investment authority with respect to the fund as the comptroller has under Sections 404.0241(a) and (c) with respect to the economic stabilization fund.

Sec. 403.507. DEPOSIT AND ALLOCATION OF SETTLEMENT MONEY; EFFECT OF BANKRUPTCY. (a) Money obtained under a statewide opioid settlement agreement must be deposited as provided by this section and further allocated in accordance with the settlement agreement.

(b) Of money obtained under a statewide opioid settlement agreement:

(1) 15 percent shall be deposited into the account; and

(2) 85 percent shall be deposited into the fund.

(c) For the purposes of a statewide opioid settlement agreement in relation to a bankruptcy plan for a released entity, money is distributed in accordance with the bankruptcy plan.

Sec. 403.508. COUNCIL ALLOCATION OF MONEY. (a) Of the money allocated to the council under Section 403.506(c)(2), the council shall allocate:

(1) one percent to the comptroller for the administration of the council and this subchapter;

(2) 15 percent to hospital districts; and

(3) the remaining money based on the opioid abatement strategy developed by the council under Section 403.509.

(b) The comptroller may spend money from the fund for purposes of Subsection (a)(1). If the comptroller determines that the allocation under that subdivision exceeds the amount that is reasonable and necessary for the comptroller to administer the council and this subchapter, the comptroller may reallocate the excess money in accordance with Subsection (a)(3).

Sec. 403.509. COUNCIL POWERS AND DUTIES AND COUNCIL-APPROVED OPIOID ABATEMENT STRATEGY. (a) The council shall:

(1) determine and approve one or more evidence-based opioid abatement strategies that include:

(A) an annual regional allocation methodology to distribute 75 percent of money distributed under Section 403.508(a)(3) based on population health information and prevalence of opioid incidences as provided by law; and

(B) an annual targeted allocation to distribute 25 percent of money distributed under Section 403.508(a)(3) for targeted interventions as identified by opioid incidence information;

(2) wholly or partly reallocate the targeted money between regions if a region for which targeted money is allocated is unable to use all of the targeted money;

(3) develop an application and award process for funding;

(4) review grant funding applications and provide grant awards and funding allocations;

(5) monitor grant agreements authorized by this subchapter and require each grant recipient to comply with the terms of the grant agreement or reimburse the grant to the council; and

(6) determine the percentage of money that may be used for development of education and outreach programs to provide materials on the consequences of opioid drug use and prevention and intervention, including online resources and toolkits.

(b) The council may reallocate money between regions based on the funding needs of all regions if money allocated to a region lapses or is not used in the year that the money is allocated for use in the region.

(c) To approve any decision or strategy, at least four of the members appointed under Section 403.503(b)(1) and four of the members appointed under Sections 403.503(b)(2)-(5) must approve the decision or strategy.

Sec. 403.510. REPORT. Not later than October 1 of each year, the council shall submit a written report to the legislature detailing all expenditures made by the council during the preceding state fiscal year.

Sec. 403.511. RULEMAKING. The council may adopt rules to implement this subchapter.

SECTION 2. The individuals responsible for appointing the Texas opioid abatement fund council under Section 403.503, Government Code, as added by this Act, shall make all appointments under that section not later than the 60th day after the effective date of this Act.

SECTION 3. The comptroller of public accounts 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 comptroller 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

Amend **CSSB 1827** (house committee version), in SECTION 1 of the bill, by striking Section 403.506(c)(2), Government Code, as added by the bill (page 7, line 27, through page 8, line 3) and substituting the following:

(2) allocate an amount equal to 70 percent of the total amount of money obtained under a statewide opioid settlement agreement and distributed to the fund and the account under Section 403.507 as follows:

(A) \$5 million of the amount distributed to the fund to the Texas Access to Justice Foundation to be expended only on the order of the Supreme Court of Texas for the purpose of providing basic civil legal services to indigent persons directly impacted by opioid-use disorders, including children who need basic civil legal services as a result of opioid-use disorders by a parent, legal guardian or caretaker; and

(B) the remainder of that 70 percent to the council.

The amendments were read.

Senator Huffman moved to concur in the House amendments to **SB 1827**.

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

(President in Chair)

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 626 ADOPTED**

Senator Zaffirini called from the President's table the Conference Committee Report on **SB 626**. The Conference Committee Report was filed with the Senate on Friday, May 28, 2021.

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

SENATE RESOLUTION 547

Senator Hughes offered the following resolution:

SR 547, Suspending limitations on conference committee jurisdiction, S.B. No. 7.

The resolution was read and was adopted 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.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 7 ADOPTED**

Senator Hughes called from the President's table the corrected Conference Committee Report on **SB 7**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

Question: Shall the corrected Conference Committee Report on **SB 7** be adopted?

(President Pro Tempore Birdwell in Chair)**AT EASE**

The President at 2:45 a.m. Sunday, May 30, 2021, announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:54 a.m. called the Senate to order as In Legislative Session.

(Senator Kolkhorst in Chair)**AT EASE**

The President at 4:23 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 4:36 a.m. called the Senate to order as In Legislative Session.

Question: Shall the corrected Conference Committee Report on **SB 7** be adopted?

(Senator Perry in Chair)**(President Pro Tempore Birdwell in Chair)****(President in Chair)**

Senator Hughes again called from the President's table the corrected Conference Committee Report on **SB 7**. The Conference Committee Report was filed with the Senate on Saturday, May 29, 2021.

On motion of Senator Hughes, the Conference Committee Report was adopted 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.

REMARKS ORDERED PRINTED

On motion of Senator Hall and by unanimous consent, the remarks by Senators Hall and Hughes regarding **SB 7** were ordered reduced to writing and printed in the *Senate Journal*.

On motion of Senator West and by unanimous consent, the remarks regarding **SR 547** and **SB 7** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks are printed in an addendum to this day's Journal.

**CONFERENCE COMMITTEE REPORT ON
HOUSE JOINT RESOLUTION 4**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 28, 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 **HJR 4** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
BETTENCOURT
HINOJOSA
HUGHES
NELSON
On the part of the Senate

KACAL
CANALES
COOK
MOODY
MURR
On the part of the House

The Conference Committee Report on **HJR 4** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2124**

Senator Blanco submitted the following Conference Committee Report:

Austin, Texas
May 28, 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 2124** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BLANCO
KOLKHORST
NICHOLS
PAXTON
POWELL
On the part of the Senate

LUCIO III
DOMINGUEZ
P. KING
MINJAREZ
OLIVERSON
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the authority of a health benefit plan sponsor to consent to electronic delivery of certain communications on behalf of a party enrolled in the plan.

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

SECTION 1. Section 35.001, Insurance Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Plan sponsor" means a person, other than a regulated entity, who establishes, adopts, or maintains a health benefit plan, including a vision or dental benefit plan, that covers residents of this state, including a plan established, adopted, or maintained by an employer or jointly by an employer and one or more employee organizations, an association, a committee, a joint board of trustees, or any similar group of representatives who establish, adopt, or maintain a plan.

SECTION 2. Chapter 35, Insurance Code, is amended by adding Section 35.0041 to read as follows:

Sec. 35.0041. CONSENT TO ELECTRONIC DELIVERY BY PLAN SPONSOR. (a) The plan sponsor of a health benefit plan, including a vision or dental benefit plan, may, on behalf of a party enrolled in the plan, give the consent required by Section 35.004(c)(1).

(b) Before consenting on behalf of a party, a plan sponsor must:

(1) provide the party with the statements required by Sections 35.004(c)(2) and (c)(3)(A);

(2) confirm that the party routinely uses electronic communications during the normal course of employment; and

(3) provide the party an opportunity to opt out of delivery by electronic means.

SECTION 3. The change in law made by this Act applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2022.

SECTION 4. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 2124** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3752**

Senator Hancock submitted the following Conference Committee Report:

Austin, Texas
May 28, 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 3752** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HANCOCK

NICHOLS

SELIGER

WHITMIRE

On the part of the Senate

FRANK

KLICK

OLIVERSON

BUCKLEY

On the part of the House

The Conference Committee Report on **HB 3752** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 23**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas

May 29, 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 23** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN

HINOJOSA

HUGHES

NELSON

NICHOLS

On the part of the Senate

OLIVERSON

CAIN

GUILLEN

HARLESS

SCHOFIELD

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to an election to approve a reduction or reallocation of funding or resources for certain county law enforcement agencies.

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

SECTION 1. Subtitle B, Title 4, Local Government Code, is amended by adding Chapter 120 to read as follows:

CHAPTER 120. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES
FOR CERTAIN PRIMARY LAW ENFORCEMENT AGENCIES

Sec. 120.001. APPLICABILITY. This chapter applies only to a county with a population of more than one million.

Sec. 120.002. ELECTION REQUIRED. (a) Except as provided by Section 120.003, a county shall hold an election in accordance with this chapter if the county adopts a budget for a fiscal year that, compared to the budget adopted by the county for the preceding fiscal year:

(1) reduces for a law enforcement agency, excluding a 9-1-1 call center, with primary responsibility for policing, criminal investigation, and answering calls for service:

(A) for a fiscal year in which the overall amount of the budget is equal to or greater than the amount for the preceding fiscal year, the appropriation to the agency;

(B) for a fiscal year in which the overall amount of the budget is less than the amount for the preceding fiscal year, the appropriation to the agency as a percentage of the total budget;

(C) as applicable:

(i) if the county has not declined in population since the preceding fiscal year, the number of peace officer positions, excluding detention officer positions; or

(ii) if the county has declined in population since the preceding fiscal year, the number of peace officer positions, excluding detention officer positions, the law enforcement agency is authorized to employ per 1,000 county residents; or

(D) the amount of funding per peace officer for the recruitment and training of new peace officers to fill vacant and new peace officer positions in the agency; or

(2) reallocates funding or resources to another law enforcement agency.

(b) A county may not implement a proposed reduction or reallocation described by Subsection (a) until the county receives voter approval for the proposed reduction or reallocation at an election held for that purpose. The county may, at any time, order the election to be held on the 30th day after the date the county orders the election. Section 41.001, Election Code, does not apply to an election under this subsection.

(c) For purposes of this section, a county budget does not include:

(1) a one-time extraordinary expense, as determined by the comptroller, that is outside the normal costs of operating a law enforcement agency, including purchasing a fleet of law enforcement vehicles or constructing an additional training academy;

(2) revenues used to repay voter-approved bonded indebtedness incurred for a law enforcement purpose;

(3) detention officer compensation; or

(4) a donation or state or federal grant to the county's law enforcement agency.

Sec. 120.003. DISASTER EXCEPTION. Section 120.002 does not apply to a county budget adopted for a fiscal year in which, or the two fiscal years following the fiscal year in which, a significant budget reduction from the preceding fiscal year was caused by a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, epidemic, or pandemic, in an area of the county that was the subject of a disaster declaration by the governor under Chapter 418, Government Code, or by the president of the United States.

Sec. 120.004. BALLOT PROPOSITION REQUIREMENTS. A county holding an election under this chapter shall ensure that the ballot proposition for the election includes, as applicable:

- (1) a detailed explanation of each proposed reduction;
- (2) the amount of each proposed reduction;
- (3) the recipient of reallocated funding or resources;
- (4) the impact on the local tax rate, if any; and
- (5) the expected length of time that the proposed reduction or reallocation

will remain in effect.

Sec. 120.005. USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED. A county holding an election under this chapter may not use public money on promotional campaigns or advocacy related to the proposed reduction or reallocation. This section may not be construed to prevent a county official or employee from communicating factual information about a proposed budget or the reasoning behind a proposed budget to the voters in the county.

Sec. 120.006. COMPLAINT. (a) A person who believes that a county has implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval and who resides in the county may file a complaint with the criminal justice division of the office of the governor.

(b) The criminal justice division of the office of the governor shall determine whether a complaint filed under Subsection (a) is potentially valid or frivolous or false.

(c) The criminal justice division of the office of the governor shall provide written notice of a potentially valid complaint filed under Subsection (a) to the county that is the subject of the complaint. The division shall provide the county an opportunity to correct the action that is the subject of the complaint before referring the complaint to the comptroller.

Sec. 120.007. COMPTROLLER INVESTIGATION; TAX RATE LIMITATION. (a) On request by the criminal justice division of the office of the governor, the comptroller shall determine whether a county has implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval. The comptroller shall issue a written determination to the governor, lieutenant governor, speaker of the house of representatives, and governing body of the county.

(b) The comptroller may require a county to submit information for the current or preceding fiscal year to assist the comptroller's investigation under this section.

(c) Notwithstanding any other law, if the comptroller determines that a county implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval, the county may not adopt an ad valorem tax rate that exceeds the county's no-new-revenue tax rate until the earlier of:

(1) the date the comptroller issues a written determination that the county has, as applicable:

(A) reversed each funding reduction, adjusted for inflation, and personnel reduction that was a subject of the determination; or

(B) restored all reallocated funding and resources that were subjects of the determination to the original law enforcement agency; or

(2) the date on which each reduction and reallocation that was a subject of the determination has been approved in an election held in accordance with this chapter.

(d) For purposes of making the calculation required under Section 26.013, Tax Code, in a tax year the comptroller determines that a county implemented a proposed reduction or reallocation described by Section 120.002(a) without the required voter approval, the difference between the actual tax rate and voter-approval tax rate is considered to be zero.

SECTION 2. This Act takes effect January 1, 2022.

The Conference Committee Report on **SB 23** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 204

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 204** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWERTNER
BETTENCOURT
HUGHES
TAYLOR
POWELL
On the part of the Senate

HUBERTY
BUCKLEY
K. KING
TALARICO
VANDEAVER
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the operation of a public school transportation system.

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

SECTION 1. Section 34.007, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (c) to read as follows:

(a) A board of county school trustees or a school district board of trustees may establish and operate an economical public school transportation system:

(1) in the county or district, as applicable; ~~or~~

(2) outside the county or district, as applicable, if the county or school district enters into an interlocal contract as provided by Chapter 791, Government Code; or

(3) outside the district if students enrolled in the district reside outside the district and the district:

(A) has an active policy adopted by the board that prohibits screening transfer students who reside outside the district based on the student's academic performance, disciplinary history, or attendance record, regardless of any relevant district or innovation plan adopted by the board or authorization to screen transfer students under any other authority; and

(B) certifies that the district has:

(i) an overall performance rating of C or higher under Section 39.054 for the preceding school year or the most recent school year in which a performance rating was assigned;

(ii) an overall accountability score of 70 or higher for the preceding school year or the most recent school year in which a performance rating was assigned as calculated by the agency for purposes of determining the district's overall performance rating under Section 39.054; and

(iii) the same or better overall performance rating under Section 39.054 for the preceding school year or the most recent school year in which a performance rating was assigned as the school district from which the district will transport students under this subdivision.

(a-1) A school district shall make publicly available on the district's Internet website information regarding the district's compliance with the requirements under Subsection (a)(3).

(c) This section may not be construed to prohibit a board of county school trustees or a school district board of trustees from operating a transportation system in another county or district, as applicable, to ensure the most efficient routes for transporting students who reside in the operating county or district.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The Conference Committee Report on **SB 204** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2462**

Senator Paxton submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2462** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PAXTON
NICHOLS
HUFFMAN
CAMPBELL

On the part of the Senate

NEAVE
RAMOS
BUTTON
CAMPOS

On the part of the House

The Conference Committee Report on **HB 2462** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 671**

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 671** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LUCIO
BETTENCOURT
HINOJOSA
PERRY
SPRINGER

On the part of the Senate

MARTINEZ
CANALES
GUILLEN
HULL
SANFORD

On the part of the House

The Conference Committee Report on **HB 671** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 696**

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 696** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

ZAFFIRINI
BIRDWELL
SELIGER
TAYLOR

GUILLEN
LOZANO
MEYER
E. MORALES
RODRIGUEZ

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to authorizing certain counties to impose a hotel occupancy tax, the applicability and rates of that tax in certain counties, and the use of revenue from that tax.

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

SECTION 1. Section 352.002, Tax Code, is amended by amending Subsection (d) and adding Subsections (bb) and (dd) 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).

(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.

SECTION 2. 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 3. 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 4. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 696** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2658

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2658** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST

BLANCO

CAMPBELL

NELSON

PERRY

On the part of the Senate

FRANK

BONNEN

NEAVE

CAPRIGLIONE

NOBLE

On the part of the House

The Conference Committee Report on **HB 2658** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1267**

Senator West submitted the following Conference Committee Report:

Austin, Texas

May 29, 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 1267** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WEST

POWELL

BETTENCOURT

TAYLOR

PERRY

On the part of the Senate

LOZANO

GUILLEN

KRAUSE

RAYMOND

STEPHENSON

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to continuing education and training requirements for educators and other school district personnel.

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

SECTION 1. Section 7.058, Education Code, is amended to read as follows:

Sec. 7.058. RESEARCH ON MATHEMATICS SKILLS ACQUISITION AND PROGRAM EFFECTIVENESS. From funds appropriated for the purpose, the commissioner shall award to one or more institutions that have demonstrated an ability to conduct science-based research on effective instructional strategies that improve student performance in mathematics a grant to be used to:

(1) develop and identify research on mathematics skills acquisition and student learning in mathematics;

(2) monitor the effectiveness of mathematics achievement academies [~~professional development institutes~~] under Section 21.4553 [~~21.455~~] based on performance in mathematics by the students of teachers who have attended an academy [~~institute~~];

(3) examine the effect of mathematics achievement academies [~~professional development institutes~~] on the classroom performance of teachers who have attended an academy [~~institute~~];

(4) identify common practices used at high-performing school campuses that lead to improved student performance in mathematics; and

(5) develop research on cognitive development in children concerning mathematics skills development.

SECTION 2. Section 11.175, Education Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding Section 2054.5191, Government Code, only the district's cybersecurity coordinator is required to complete the cybersecurity training under that section on an annual basis. Any other school district employee required to complete the cybersecurity training shall complete the training as determined by the district, in consultation with the district's cybersecurity coordinator.

SECTION 3. Section 21.054, Education Code, is amended by adding Subsection (a-1) and amending Subsections (d), (e), and (f) to read as follows:

(a-1) Continuing education requirements for educators must include training regarding educating students with disabilities.

(d) Continuing education requirements for a classroom teacher must provide that not more than [~~at least~~] 25 percent of the training required every five years include instruction regarding:

(1) collecting and analyzing information that will improve effectiveness in the classroom;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into classroom instruction;

(4) educating diverse student populations, including:

(A) [~~students who are eligible to participate in special education programs under Subchapter A, Chapter 29;~~

[(B) ~~students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);~~

[(C) ~~students with mental health conditions or who engage in substance abuse;~~

~~[(D) students with intellectual or developmental disabilities;~~
~~[(E) students who are educationally disadvantaged; and~~
~~(B) [(F) students of limited English proficiency; and~~
~~[(G) students at risk of dropping out of school; and~~

(5) understanding appropriate relationships, boundaries, and communications between educators and students~~;~~ ~~and~~

~~[(6) how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma].~~

(e) Continuing education requirements for a principal must provide that not more than ~~[at least]~~ 25 percent of the training required every five years include instruction regarding:

(1) effective and efficient management, including:

(A) collecting and analyzing information;

(B) making decisions and managing time; and

(C) supervising student discipline and managing behavior;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into campus curriculum and instruction;

(4) effective implementation of a comprehensive school counseling program under Section 33.005;

(5) mental health programs addressing a mental health condition;

(6) educating diverse student populations, including:

(A) ~~[students who are eligible to participate in special education programs under Subchapter A, Chapter 29;~~

~~[(B) students with intellectual or developmental disabilities;~~

~~[(C) students who are eligible to receive educational services required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794);~~

~~[(D) students with mental health conditions or who engage in substance abuse;~~

~~[(E) students who are educationally disadvantaged;~~

~~(B) [(F) students of limited English proficiency; and~~

~~[(C) [(G) students at risk of dropping out of school; and~~

(7) preventing, recognizing, and reporting any sexual conduct between an educator and student that is prohibited under Section 21.12, Penal Code, or for which reporting is required under Section 21.006 of this code~~;~~ ~~and~~

~~[(8) how mental health conditions, including grief and trauma, affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma].~~

(f) Continuing education requirements for a counselor must provide that not more than ~~[at least]~~ 25 percent of training required every five years include instruction regarding:

(1) assisting students in developing high school graduation plans;

(2) implementing dropout prevention strategies;

(3) informing students concerning:

(A) college admissions, including college financial aid resources and application procedures; and

(B) career opportunities;

(4) counseling students concerning mental health conditions and substance abuse, including through the use of grief-informed and trauma-informed interventions and crisis management and suicide prevention strategies; and

(5) effective implementation of a comprehensive school counseling program under Section 33.005.

SECTION 4. Sections 21.451(d), (d-1), and (d-3), Education Code, are amended to read as follows:

(d) The staff development:

(1) may include training in:

(A) technology and digital learning; and

(B) positive behavior intervention and support strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Chapter 37; ~~and~~

~~[(C) digital learning;]~~

(2) subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 U.S.C. Section 7801), and that:

(A) relates to instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and

(B) is designed for educators who work primarily outside the area of special education; and

(3) must include training on:

(A) suicide prevention;

(B) ~~[recognizing signs of mental health conditions and substance abuse;~~

~~[(C)] strategies for establishing and maintaining positive relationships among students, including conflict resolution;~~

~~[(D) how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;]~~ and

(C) [(E)] preventing, identifying, responding to, and reporting incidents of bullying.

(d-1) The training required by Subsection (d)(3):

(1) must:

(A) be provided in accordance with the policy adopted under Section 21.4515;~~;~~

~~[(i) on an annual basis, as part of a new employee orientation, to all new school district and open enrollment charter school educators; and~~

~~[(ii) to existing school district and open enrollment charter school educators on a schedule adopted by the agency by rule;]~~ and

(B) use a best practice-based program recommended by the Health and Human Services Commission in coordination with the agency under Section 38.351; and

(2) may include two or more listed topics together.

(d-3) The technology and digital learning training provided by Subsection (d)(1)(A) [~~(d)(1)(E)~~] must:

(1) discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

(2) assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

SECTION 5. Subchapter J, Chapter 21, Education Code, is amended by adding Sections 21.4514 and 21.4515 to read as follows:

Sec. 21.4514. CONTINUING EDUCATION AND TRAINING CLEARINGHOUSE; ADVISORY GROUP. (a) In this section:

(1) "Board" means the State Board for Educator Certification.

(2) "Clearinghouse advisory group" means the clearinghouse advisory group established under Subsection (d).

(b) The board shall publish a comprehensive clearinghouse of information regarding continuing education and training requirements for:

(1) educators; and

(2) other school personnel.

(c) The clearinghouse must:

(1) include best practices and industry recommendations for the frequency for training of educators and other school personnel; and

(2) be published in consultation with the clearinghouse advisory group.

(d) The board shall establish a clearinghouse advisory group consisting of educators, including classroom teachers, and representatives of organizations that represent educators to review and provide input regarding the best practices and industry recommendations included in the clearinghouse. In publishing the clearinghouse, the board shall ensure the clearinghouse reflects input provided by the clearinghouse advisory group.

(e) Not later than December 1 of each even-numbered year, the clearinghouse advisory group shall complete a review of the clearinghouse and submit a report to the legislature of the group's recommendations regarding whether any required continuing education or training may be reduced, eliminated, or consolidated with other existing continuing education or training.

Sec. 21.4515. ANNUAL ADOPTION OF PROFESSIONAL DEVELOPMENT POLICY. (a) The board of trustees of a school district and the governing body of an open-enrollment charter school, to the extent applicable, shall annually review the clearinghouse published under Section 21.4514 and adopt a professional development policy that must:

(1) be guided by the recommendations for training in the clearinghouse;

(2) note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and

(3) include a schedule of all training required for educators or other school personnel at the district or school.

(b) To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the policy adopted by the board of trustees of a school district or the governing body of an open-enrollment charter school under Subsection (a).

(c) The commissioner may not adopt rules regarding a required frequency for the completion of training unless:

(1) a frequency is provided by statute for that training; and

(2) the commissioner is granted explicit rulemaking authority related to that training.

SECTION 6. Section 21.4552, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (b-1) to read as follows:

(a) The commissioner shall develop and make available literacy achievement academies for teachers who provide reading instruction to students at any grade level [at the kindergarten or first, second, or third grade level].

(b) A literacy achievement academy developed under this section:

(1) for teachers who provide reading instruction to students at the kindergarten or first, second, or third grade level:

(A) [~~1~~] must include training in:

(i) [~~A~~] effective and systematic instructional practices in reading, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(ii) [~~B~~] the use of empirically validated instructional methods that are appropriate for struggling readers; and

(B) [~~2~~] may include training in effective instructional practices in writing;

(2) for teachers who provide reading instruction to students at the fourth or fifth grade level:

(A) must include effective instructional practices that promote student development of reading comprehension and inferential and critical thinking;

(B) must provide training in the use of empirically validated instructional methods that are appropriate for struggling readers; and

(C) may include material on writing instruction;

(3) for teachers who provide reading instruction to students at the sixth, seventh, or eighth grade level, must include training in:

(A) strategies to be implemented in English language arts and other subject areas for multisyllable word reading, vocabulary development, and comprehension of expository and narrative text;

(B) an adaptation framework that enables teachers to respond to differing student strengths and needs, including adaptations for students of limited English proficiency or students receiving special education services under Subchapter A, Chapter 29;

(C) collaborative strategies to increase active student involvement and motivation to read; and

(D) other areas identified by the commissioner as essential components of reading instruction;

(4) for teachers who provide reading instruction to students at the seventh or eighth grade level, must include training in:

(A) administration of the reading instrument required by Section 28.006(c-1); and

(B) interpretation of the results of the reading instrument required by Section 28.006(c-1) and strategies, based on scientific research regarding effective reading instruction, for long-term intensive intervention to target identified student needs in word recognition, vocabulary, fluency, and comprehension; and

(5) for teachers who provide instruction in mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level, must include training in:

(A) strategies for incorporating reading instruction into the curriculum for the subject area taught by the teacher; and

(B) other areas identified by the commissioner.

(b-1) The completion of a literacy achievement academy under this section by an educator who teaches students with dyslexia satisfies:

(1) the training requirement under Section 21.054(b); and

(2) a training requirement adopted by the State Board of Education pursuant to Section 38.003 related to the screening or treatment of a student for dyslexia or a related disorder.

(c) The commissioner shall adopt criteria for selecting teachers who may attend a literacy achievement academy. In adopting selection criteria under this subsection, the commissioner shall:

(1) require a teacher to attend a literacy achievement academy if the teacher provides instruction in reading, mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level at a campus that fails to satisfy any standard under Section 39.054(e) on the basis of student performance on the reading assessment instrument administered under Section 39.023(a) to students in any grade level at the campus;

(2) grant [~~granting a~~] priority to teachers employed by a school district at a campus at which 50 percent or more of the students enrolled are educationally disadvantaged; and

(3) [~~(2)~~] provide a process through which a teacher not employed at a campus described by Subdivision (2) [~~(1)~~] may attend the academy if the academy has available space and the school district employing the teacher pays the costs of the teacher's attendance.

SECTION 7. Sections 21.4553(a) and (b), Education Code, are amended to read as follows:

(a) The commissioner shall develop and make available mathematics achievement academies for teachers who provide mathematics instruction to students at any grade level [the kindergarten or first, second, or third grade level].

(b) A mathematics achievement academy developed under this section must, if appropriate for the grade level at which the teacher provides instruction, include training in:

(1) effective and systematic instructional practices in mathematics, including problem solving, the place value system, whole number operations, and fractions;

(2) the underlying mathematical skills required to be taught; and

(3) mathematical instruction techniques that, through scientific testing, have been proven effective.

SECTION 8. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.4571 to read as follows:

Sec. 21.4571. TEXAS ENGLISH LANGUAGE PROFICIENCY ASSESSMENT SYSTEM TRAINING. (a) The commissioner may not require a school district employee to repeat training or online calibration activities the employee has previously successfully completed related to administering the Texas English Language Proficiency Assessment System, except that the commissioner may require the employee to complete training or online calibration activities if the administration of or assessment using the Texas English Language Proficiency Assessment System has changed significantly since the employee completed the training.

(b) The school district employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System at a district campus may, with discretion, require other district employees involved in administering the Texas English Language Proficiency Assessment System to complete training or online calibration activities described by Subsection (a).

(c) A school district employee may not be required to complete a training or online calibration activity described by Subsection (a) in one sitting.

SECTION 9. Sections 21.458(b) and (b-1), Education Code, are amended to read as follows:

(b) The commissioner shall adopt rules necessary to administer this section, including rules concerning the duties and qualifications of a teacher who serves as a mentor and the number of classroom teachers that may be assigned to a mentor. The rules concerning qualifications must require that to serve as a mentor a teacher must:

(1) complete a research-based mentor and induction training program approved by the commissioner;

(2) complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the training program described by Subdivision (1);

(3) have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and

(4) demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

(b-1) A school district must provide training as described by Subsection (b)(2) to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow a training program approved by the commissioner under Subsection (b)(1) to qualify for the training required by this section. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. The district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices.

SECTION 10. Section 22.902(a), Education Code, is amended to read as follows:

(a) A school district shall, in accordance with the policy adopted under Section 21.4515, [annually] make available to district employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator, as defined by Section 779.001, Health and Safety Code.

SECTION 11. Section 28.006(g-1), Education Code, is amended to read as follows:

(g-1) A school district shall provide additional reading instruction and intervention to each student in seventh grade assessed under Subsection (c-1), as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument. Training and support for activities required by this subsection shall be provided by regional education service centers and teacher literacy achievement [reading] academies established under Section 21.4552 ~~[21.4551]~~, and may be provided by other public and private providers.

SECTION 12. Section 28.0062(a), Education Code, is amended to read as follows:

(a) Each school district and open-enrollment charter school shall:

(1) provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills;

(2) ensure that:

(A) not later than the 2022-2023 ~~[2021-2022]~~ school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Section 21.4552; and

(B) each classroom teacher and each principal initially employed in a grade level or at a campus described by Paragraph (A) for the 2022-2023 ~~[2021-2022]~~ school year or a subsequent school year has attended a teacher literacy achievement academy developed under Section 21.4552 before the teacher's or principal's first year of placement in that grade level or campus; and

(3) certify to the agency that the district or school:

(A) prioritizes placement of highly effective teachers in kindergarten through second grade; and

(B) has integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade.

SECTION 13. Section 29.063, Education Code, is amended by adding Subsection (e) to read as follows:

(e) The agency may not require members of a language proficiency assessment committee to complete training to serve on that committee.

SECTION 14. Section 33.086(b), Education Code, is amended to read as follows:

(b) Each school district shall adopt, in accordance with the policy adopted under Section 21.4515, procedures necessary for administering this section, including procedures for the time and manner in which proof of current certification must be submitted.

SECTION 15. Sections 33.202(b) and (c), Education Code, are amended to read as follows:

(b) The following persons must satisfactorily complete the safety training program in accordance with the policy adopted under Section 21.4515:

(1) a coach, trainer, or sponsor for an extracurricular athletic activity; and

~~(2) [except as provided by Subsection (f), a physician who is employed by a school or school district or who volunteers to assist with an extracurricular athletic activity]; and~~

~~[(3)]~~ a director responsible for a school marching band.

(c) The safety training program must include:

(1) certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;

(2) current training in:

(A) emergency action planning;

~~(B) [cardiopulmonary resuscitation if the person is not required to obtain certification under Section 33.086;~~

~~[(C)]~~ communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

(C) [(D)] recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

(3) ~~[at least once each school year,]~~ a safety drill that incorporates the training described by Subdivision (2) and simulates various injuries described by Subdivision (2)(C) ~~[(2)(D)]~~.

SECTION 16. Section 37.0831(b), Education Code, is amended to read as follows:

(b) A dating violence policy must:

(1) include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code; and

(2) address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade six or higher, counseling for affected students, and awareness education for students and parents.

SECTION 17. Sections 38.0041(c) and (d), Education Code, are amended to read as follows:

(c) The methods under Subsection (b)(1) for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children must include training, as provided by this subsection, concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities. The training:

(1) must be provided:

(A) in accordance with the policy adopted under Section 21.4515; and^[5]

(B) as part of a new employee orientation^[5] to all new school district and open-enrollment charter school employees ~~[and to existing district and open enrollment charter school employees on a schedule adopted by the agency by rule until all district and open enrollment charter school employees have taken the training];~~ and

(2) must include training concerning:

(A) factors indicating a child is at risk for sexual abuse, sex trafficking, or other maltreatment;

(B) likely warning signs indicating a child may be a victim of sexual abuse, sex trafficking, or other maltreatment;

(C) internal procedures for seeking assistance for a child who is at risk for sexual abuse, sex trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;

(D) techniques for reducing a child's risk of sexual abuse, sex trafficking, or other maltreatment; and

(E) community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

(d) For any training under Subsection (c), each school district and open-enrollment charter school shall maintain records that include the ~~[name of each]~~ district or charter school staff members ~~[member]~~ who participated in the training.

SECTION 18. Section 38.030(g), Education Code, is amended to read as follows:

(g) The course of instruction for training described under Subsection (f) may ~~[not]~~ be provided as an online course. The course of instruction must use nationally recognized, evidence-based guidelines for bleeding control and must incorporate instruction on the psychomotor skills necessary to use a bleeding control station in the event of an injury to another person, including instruction on proper chest seal placement.

SECTION 19. Section 38.036, Education Code, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) The methods under Subsection (b)(1) for increasing awareness and implementation of trauma-informed care must include training as provided by this subsection. The training must:

(1) be provided:

(A) [(+)] through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 38.351 ~~[461.325, Health and Safety Code];~~

(B) in accordance with the policy adopted under Section 21.4515; and

(C) [(2)] as part of any new employee orientation for all new school district educators; and

(2) address how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma

~~[(3) to existing school district educators on a schedule adopted by the agency by rule that requires educators to be trained at intervals necessary to keep educators informed of developments in the field].~~

(c-1) The training under Subsection (c) may include two or more listed topics together.

(d) For any training under Subsection (c), each school district shall maintain records that include the ~~[name of each]~~ district staff members ~~[member]~~ who participated in the training.

SECTION 20. Section 38.210(b), Education Code, is amended to read as follows:

(b) Training required under this section must:

(1) include information on:

(A) recognizing the signs and symptoms of anaphylaxis;

(B) administering an epinephrine auto-injector;

(C) implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and

(D) properly disposing of used or expired epinephrine auto-injectors;

~~[and]~~

(2) be provided in a formal training session or through online education; and

(3) be provided in accordance with the policy adopted under Section 21.4515 ~~[and be completed annually].~~

SECTION 21. Section 38.351(h), Education Code, is amended to read as follows:

(h) If a school district provides the training under Subsection (g), the school district shall:

(1) require completion of the training in accordance with the policy adopted under Section 21.4515 ~~[a school district employee described under that subsection must participate in the training at least one time]; and~~

(2) ~~[the school district shall]~~ maintain records that include the ~~[name of each]~~ district employees ~~[employee]~~ who participated in the training.

SECTION 22. Section 39.0304, Education Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) To ensure that each administration of assessment instruments under Section 39.023 is valid, reliable, and in compliance with the requirements of this subchapter, the commissioner may require training for school district employees involved in the administration of the assessment instruments, subject to Subsection (b-1).

(b-1) The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training required under Subsection (a).

(b-2) The school district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training under Subsection (a).

SECTION 23. Section 39.408, Education Code, is amended to read as follows:

Sec. 39.408. ELIGIBILITY CRITERIA FOR CERTAIN GRANT PROGRAMS. A school district or campus is eligible to participate in programs under Sections [~~21.4541;~~] 29.095[;] and 29.096 if the district or campus exhibited during each of the three preceding school years characteristics that strongly correlate with high dropout rates.

SECTION 24. The following provisions of the Education Code are repealed:

(1) Section 21.054(d-2), as amended by Chapter 464 (S.B. 11) and Chapter 352 (H.B. 18), Acts of the 86th Legislature, Regular Session, 2019;

(2) Section 21.054(e-2);

(3) Section 21.454;

(4) Section 21.4541;

(5) Section 21.455;

(6) Section 21.4551;

(7) Section 21.4554;

(8) Section 28.013(d);

(9) Sections 33.202(d), (e), and (f);

(10) Section 34.0021; and

(11) Section 38.036(e).

SECTION 25. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 26. (a) Not later than June 1, 2022, the State Board for Educator Certification shall publish the continuing education and training clearinghouse required by Section 21.4514, Education Code, as added by this Act.

(b) Not later than August 1, 2022, each school district shall adopt a professional development policy for district personnel in accordance with Section 21.4515, Education Code, as added by this Act.

(c) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2021-2022 school year.

SECTION 27. The Texas Education Agency 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 Texas Education Agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 28. 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.

The Conference Committee Report on **SB 1267** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 15

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 15** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS
BLANCO
HANCOCK
NELSON

P. KING
CANALES
ORDAZ PEREZ
ROGERS
E. THOMPSON

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the Texas Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense.

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

SECTION 1. This Act may be cited as the Texas Consumer Privacy Act Phase I.

SECTION 2. Section 11.030, Parks and Wildlife Code, is amended by amending Subsections (a) and (c) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses, or services from the department may not be disclosed, sold, rented, or traded except as authorized under this section or Section 12.0251.

(c) The commission by rule shall adopt policies relating to:

(1) the release of the customer information; and

(2) the use of the customer information by the department ~~[-and~~

~~[(3) the sale of a mailing list consisting of the names and addresses of persons who purchase customer products, licenses, or services].~~

(e-1) The department may disclose statistical data and compilations of customer information described by Subsection (a) if the information does not reveal information identifying a specific department customer or a department customer's address, telephone number, social security number, or driver's license number.

(e-2) The department may disclose customer information described by Subsection (a) only:

(1) to another governmental body, including a law enforcement entity, as needed to carry out a governmental purpose;

(2) if the customer that is the subject of the information consents in writing to the specific disclosure; or

(3) if the information is:

(A) part of a record that is considered to be a public record under Section 31.039; or

(B) authorized to be disclosed under Section 31.0391.

(e-3) This section does not authorize the department to disclose information the department is prohibited from disclosing by other law.

SECTION 3. Section 204.011(a), Transportation Code, is amended to read as follows:

(a) ~~The [Except as provided by this section or a rule adopted by the commission under this section, the]~~ department may not disclose to any person the name, address, telephone number, social security account number, driver's license number, bank account number, credit or debit card number, or charge account number of a person who:

(1) is or has been a subscriber to "Texas Highways"; or

(2) has purchased from the department a promotional item described by Section 204.009.

SECTION 4. Section 548.601(a), Transportation Code, is amended to read as follows:

(a) A person, including an inspector or an inspection station, commits an offense if the person:

(1) submits information to the department's inspection database or issues a vehicle inspection report with knowledge that the submission or issuance is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently represents to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) misrepresents:

(A) material information in an application in violation of Section 548.402 or 548.403; or

(B) information filed with the department under this chapter or as required by department rule;

(4) submits information to the department's inspection database or issues a vehicle inspection report:

(A) without authorization to issue the report or submit the information;

or
(B) without inspecting the vehicle;

(5) submits information to the department's inspection database indicating that a vehicle has passed the applicable inspections or issues a passing vehicle inspection report for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(6) knowingly submits information to the department's inspection database or issues a vehicle inspection report:

(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(7) refuses to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(8) charges for an inspection an amount greater than the authorized fee;

(9) discloses or sells information collected in relation to the vehicle inspection program under this chapter about a unique customer or a unique vehicle owner to a person other than the department or the person who is the subject of the information, including a customer or vehicle owner's name, address, or phone number; or

(10) ~~(9)~~ performs an act prohibited by or fails to perform an act required by this chapter or a rule adopted under this chapter.

SECTION 5. Section 730.003, Transportation Code, is amended by adding Subdivision (1-a) and amending Subdivision (6) to read as follows:

(1-a) "Authorized recipient" means a person who is permitted to receive and use personal information from an agency in a manner authorized by this chapter.

(6) "Personal information" means information that identifies a person, including an individual's photograph or computerized image, social security number, date of birth, driver identification number, name, address, but not the zip code, e-mail address, telephone number, and medical or disability information. The term does not include:

(A) information on vehicle accidents, driving or equipment-related violations, or driver's license or registration status; or

(B) information contained in an accident report prepared under:

(i) Chapter 550; or

(ii) former Section 601.004 before September 1, 2017.

SECTION 6. Section 730.006, Transportation Code, is amended to read as follows:

Sec. 730.006. **REQUIRED DISCLOSURE WITH CONSENT.** Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed to a requestor who:

(1) is the subject of the information; or

(2) demonstrates, in such form and manner as the agency requires, that the requestor has obtained the written consent of the person who is the subject of the information.

SECTION 7. The heading to Section 730.007, Transportation Code, is amended to read as follows:

Sec. 730.007. **PERMITTED DISCLOSURES OF CERTAIN PERSONAL INFORMATION.**

SECTION 8. Section 730.007, Transportation Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (g) to read as follows:

(a) Personal information obtained by an agency in connection with a motor vehicle record may be disclosed to any requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the use of the personal information will be strictly limited to:

(A) use by:

(i) a government agency, including any court or law enforcement agency, in carrying out its functions; or

(ii) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency;

(B) use in connection with a matter of:

(i) motor vehicle or motor vehicle operator safety;

(ii) motor vehicle theft;

(iii) motor vehicle product alterations, recalls, or advisories;

(iv) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; or

(v) ~~motor vehicle market research activities, including survey research; or~~

~~(vi)~~ removal of nonowner records from the original owner records of motor vehicle manufacturers;

(C) use in the normal course of business by a legitimate business or an authorized agent of the business, but only:

(i) to verify the accuracy of personal information submitted by the individual to the business or the agent of the business; and

(ii) if the information is not correct, to obtain the correct information, for the sole purpose of preventing fraud by, pursuing a legal remedy against, or recovering on a debt or security interest against the individual;

(D) use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court;

(E) use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;

(F) use by an insurer, ~~or~~ insurance support organization, or ~~by a~~ self-insured entity, or an authorized agent of an insurer, insurance support organization, or self-insured entity ~~the entity~~, in connection with claims processing or investigation activities, antifraud activities, rating, or underwriting;

(G) use in providing notice to an owner of a vehicle that was towed or impounded and is in the possession of a vehicle storage facility;

(H) use by a licensed private investigator agency or licensed security service for a purpose permitted under this section;

(I) use by an employer or an agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313;

(J) use in connection with the operation of a ~~private~~ toll transportation facility or another type of transportation project described by Section 370.003;

(K) use by a consumer reporting agency, as defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), for a purpose permitted under that Act;

(L) use by a motor vehicle manufacturer, dealership, or distributor, or an agent of or provider of services to a motor vehicle manufacturer, dealership, or distributor, for motor vehicle market research activities, including survey research;

(M) use in the ordinary course of business by a person or authorized agent of a person who:

(i) holds a salvage vehicle dealer license issued under Chapter 2302, Occupations Code;

(ii) holds an independent motor vehicle dealer or wholesale motor vehicle auction general distinguishing number issued under Chapter 503 of this code;

(iii) holds a used automotive parts recycler license issued under Chapter 2309, Occupations Code; or

(iv) is licensed by, registered with, or subject to regulatory oversight by the Texas Department of Motor Vehicles, the Texas Department of Banking, the Department of Savings and Mortgage Lending, the Credit Union Department, the Office of Consumer Credit Commissioner, the Texas Department of Insurance, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Consumer Financial Protection Bureau, or the National Credit Union Administration;
or

(N) use by an employer, principal, general contractor, nonprofit organization, charitable organization, or religious institution to obtain or verify information relating to a person who holds a driver's license or the driving history of a person who holds a driver's license if the person is employed by, works under a contract with, or volunteers for the employer, principal, contractor, organization, or institution [~~(L) use for any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety~~].

(a-1) Personal information obtained by the Texas Department of Motor Vehicles in connection with a motor vehicle record may be disclosed:

(1) when referring potential violations to the Texas Office of Consumer Credit Commissioner, the Department of Public Safety, law enforcement agencies, or the comptroller, if the personal information is necessary for carrying out regulatory functions;

(2) to the attorney general as part of a response by the Texas Department of Motor Vehicles to a subpoena or a discovery request, if the personal information is necessary for litigation purposes; or

(3) to a county assessor-collector if the personal information is related to a finding from an audit or investigation conducted under Section 520.010.

(a-2) Subsection (a)(2)(C) does not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a government agency.

(g) An agency may request that an authorized recipient or other person in possession of personal information disclosed for a use authorized by this section provide to the agency information sufficient for the agency to determine whether the authorized recipient or person has complied with this chapter, agency rules, or other law that applies to the disclosed personal information. The authorized recipient or

person shall provide the requested information not later than the fifth business day after the date the agency submits the request unless the agency extends the deadline to provide a reasonable period to produce the requested information.

SECTION 9. Chapter 730, Transportation Code, is amended by adding Sections 730.0121, 730.0122, and 730.0123 to read as follows:

Sec. 730.0121. DELETION OF INFORMATION REQUIRED IF NOT AUTHORIZED RECIPIENT. An agency by rule shall require a requestor to delete from the requestor's records personal information received from the agency under this chapter if the requestor becomes aware that the requestor is not an authorized recipient of that information.

Sec. 730.0122. SALE PROHIBITED. (a) A person may not sell to a person who is not an authorized recipient personal information obtained by an agency in connection with a motor vehicle record.

(b) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000.

Sec. 730.0123. CIVIL SUIT. (a) A person who sells to a person who is not an authorized recipient personal information obtained by an agency in connection with a motor vehicle record is liable to the person who is the subject of the information for:

(1) actual damages;

(2) if the actual damages to the person are less than \$2,500, an additional amount so that the total amount of damages equals \$2,500; and

(3) court costs incurred by the person who is the subject of the information in bringing the action.

(b) A person whose personal information has been disclosed for compensation to a person who is not an authorized recipient may sue for:

(1) the damages, costs, and fees authorized under Subsection (a);

(2) injunctive relief; and

(3) any other equitable remedy determined to be appropriate by the court.

(c) A district court has exclusive original jurisdiction over a cause of action brought under this section.

SECTION 10. Section 730.013, Transportation Code, is amended to read as follows:

Sec. 730.013. ~~RESALE OR~~ REDISCLOSURE; OFFENSE. (a) An authorized recipient of personal information may not ~~resell or~~ redisclose the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) An authorized recipient of personal information may ~~resell or~~ redisclose the information, including redisclosure for compensation, only for a use permitted under Section 730.007.

(c) An ~~Any~~ authorized recipient who ~~resells or~~ rediscloses personal information obtained from an agency shall be required by that agency to:

(1) maintain for a period of not less than five years records as to any person or entity receiving that information and the permitted use for which it was obtained; and

(2) provide copies of those records to the agency on request.

(c-1) A person who receives personal information under Subsection (b) may not redisclose the personal information, including redisclosure for compensation, to a person who is not an authorized recipient.

(c-2) An authorized recipient shall notify each person who receives personal information from the authorized recipient that the person may not redisclose the personal information to a person who is not an authorized recipient.

(d) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000 [~~\$25,000~~].

SECTION 11. The heading to Section 730.014, Transportation Code, is amended to read as follows:

Sec. 730.014. AGENCY RULES, ~~[- ORGANIZATION OF]~~ RECORDS, AND CONTRACTS.

SECTION 12. Section 730.014, Transportation Code, is amended by adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(c) An agency that provides a requestor access to personal information in motor vehicle records in bulk under a contract under Section 730.007 shall include in the contract:

(1) a requirement that the requestor post a performance bond in an amount of not more than \$1 million;

(2) a prohibition on the sale or redisclosure of the personal information for the purpose of marketing extended vehicle warranties by telephone;

(3) a requirement that the requestor provide proof of general liability and cyber-threat insurance coverage in an amount specified by the contracting agency that is:

(A) at least \$3 million; and

(B) reasonably related to the risks associated with unauthorized access and use of the records;

(4) a requirement that if a requestor experiences a breach of system security, as defined by Section 521.053, Business & Commerce Code, that includes data obtained under Section 730.007, the requestor must notify the agency of the breach not later than 48 hours after the discovery of the breach;

(5) a requirement that the requestor include in each contract with a third party that receives the personal information from the requestor that the third party must comply with federal and state laws regarding the records;

(6) a requirement that the requestor and any third party receiving the personal information from the requestor protect the personal information with appropriate and accepted industry standard security measures for the type of information and the known risks from unauthorized access and use of the information; and

(7) a requirement that the requestor annually provide to the agency a report of all third parties to which the personal information was disclosed under this section and the purpose of the disclosure.

(d) The bond and insurance requirements in Subsections (c)(1) and (3) do not apply to a contract under Section 730.007 between a government agency and another government agency, including a court or law enforcement agency.

(e) An agency that discloses any motor vehicle records in bulk under Section 730.007 shall include in the records at least two records that are created solely for the purpose of monitoring compliance with this chapter and detecting, by receipt of certain forms of communications or actions directed at the subjects of the created records, potential violations of this chapter or contract terms required by this section.

(f) An agency that discloses motor vehicle records shall designate an employee to be responsible for:

(1) monitoring compliance with this chapter and contract terms required by this section;

(2) referring potential violations of this chapter to law enforcement agencies; and

(3) making recommendations to the administrative head of the agency or the designee of the administrative head of the agency on the eligibility of a person under Section 730.016 to receive personal information.

(g) This subsection does not affect any rights or remedies available under a contract or any other law. If an agency determines that a person has violated a term of a contract with the agency for the disclosure under this chapter of personal information obtained by the agency in connection with a motor vehicle record, the agency may:

(1) cease disclosing personal information to that person; and

(2) allow the person to remedy the violation and resume receiving personal information.

SECTION 13. The heading to Section 730.016, Transportation Code, is amended to read as follows:

Sec. 730.016. INELIGIBILITY OF CERTAIN PERSONS TO RECEIVE, RETAIN, OR REDISCLOSE PERSONAL INFORMATION; OFFENSE.

SECTION 14. Section 730.016, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person who is convicted of an offense under this chapter, or who violates a rule adopted by an agency relating to the terms or conditions for a release of personal information, including a rule adopted under Section 730.0121:

(1) ~~[to the person,]~~ is ineligible to receive personal information under Section 730.007;

(2) not later than one year after the date of conviction or the court's final determination under this subsection, shall delete from the person's records all personal information received under this chapter; and

(3) may not redisclose personal information received under this chapter.

(c) A person commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine not to exceed \$100,000.

SECTION 15. The following provisions are repealed:

(1) Section 11.030(d), Parks and Wildlife Code; and

(2) Sections 204.011(c) and (d), Transportation Code.

SECTION 16. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was

committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 17. (a) Section 730.0121, Transportation Code, as added by this Act, applies to a person who received personal information under Chapter 730, Transportation Code, before the effective date of this Act, and is not an authorized recipient, as defined by Section 730.003(1-a), Transportation Code, as added by this Act, of that personal information under Chapter 730, Transportation Code, as amended by this Act.

(b) Notwithstanding Subsection (a) of this section, an agency to which Section 730.0121, Transportation Code, as added by this Act, applies may not require a person who received personal information from the agency before the effective date of this Act and is not an authorized recipient, as defined by Section 730.003(1-a), Transportation Code, as added by this Act, of that information to delete the information before the first anniversary of the effective date of this Act.

SECTION 18. 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.

The Conference Committee Report on **SB 15** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 766

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 766** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN
CAMPBELL
CREIGHTON
JOHNSON
NELSON
On the part of the Senate

LEACH
DUTTON
HULL
MEYER
S. THOMPSON
On the part of the House

A BILL TO BE ENTITLED
AN ACT

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.

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

SECTION 1. Section 51.016, Labor Code, is amended by amending Subsections (a), (b), (c), (d), (e), (h), and (i) and adding Subsection (j) to read as follows:

(a) In this section:

(1) "E-verify program" has the meaning assigned by Section 673.001, Government Code.

(2) "Sexually[, "~~sexually~~"] oriented business" has the meaning assigned by Section 243.002, Local Government Code.

(b) A sexually oriented business may not employ or enter into a contract, other than a contract described by Subsection (g), for the performance of work or the provision of a service with an individual younger than 21 [18] years of age.

(c) A sexually oriented business shall:

(1) maintain at the business a record that contains a copy of a valid proof of identification of each employee and [or] independent contractor working at the premises of the business; and

(2) register and participate in the E-verify program to verify information of all employees and independent contractors.

(d) A proof of identification satisfies the requirements of Subsection (c)(1) [~~(e)~~] if the identification:

(1) contains a physical description and photograph consistent with the person's appearance;

(2) contains the date of birth of the person; and

(3) was issued by a government agency.

(e) The form of identification under Subsection (c)(1) [~~(e)~~] may include:

(1) a driver's license issued by this state or another state;

(2) a passport; or

(3) an identification card issued by this or another state or the federal government.

(h) The commission, the attorney general, or a [~~local~~] law enforcement agency may inspect a record maintained under this section and request proof of E-verify program information verification if there is good reason to believe that an individual younger than 21 [18] years of age is employed or has been employed by, or has entered into a contract, other than a contract described by Subsection (g), for the performance of work or the provision of a service with, the sexually oriented business within the five [two] years preceding the date of the inspection.

(i) A person commits an offense if the person:

(1) fails to maintain a record as required by this section; [~~or~~]

(2) knowingly or intentionally hinders an inspection authorized under Subsection (h); or

(3) violates Subsection (b).

(j) A person commits an offense if the person fails to register and participate in the E-verify program as required by Subsection (c)(2).

SECTION 2. Chapter 106, Alcoholic Beverage Code, is amended by adding Section 106.17 to read as follows:

Sec. 106.17. PRESENCE OR EMPLOYMENT OF CERTAIN PERSONS AT PERMITTED OR LICENSED PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) An individual younger than 18 years of age may not be on premises covered by a permit or license issued under this code if a sexually oriented business, as defined by Section 243.002, Local Government Code, operates on the premises.

(b) The holder of a permit or license covering a premises described by Subsection (a) may not:

(1) knowingly or recklessly allow an individual younger than 18 years of age to be on the premises; or

(2) enter into a contract, other than a contract described by Section 51.016(g), Labor Code, with an individual younger than 21 years of age for the performance of work or the provision of a service on the premises.

(c) Notwithstanding any other provision of this code, if it is found, after notice and hearing, that a permittee or licensee has violated Subsection (b) the commission or administrator shall:

(1) suspend the permit or license for 30 days for the first violation;

(2) suspend the permit or license for 60 days for the second violation; and

(3) cancel the permit or license for the third violation.

SECTION 3. Subchapter A, Chapter 102, Business & Commerce Code, is amended by adding Section 102.0031 to read as follows:

Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY BUSINESS IN RELATION TO A CHILD. A sexually oriented business may not allow an individual younger than 18 years of age to enter the premises of the business.

SECTION 4. Section 102.004(a), Business & Commerce Code, is amended to read as follows:

(a) The attorney general or appropriate district or county attorney, in the name of the state, may bring an action for an injunction or other process against a person who violates or threatens to violate Section 102.002, ~~or~~ 102.003, or 102.0031.

SECTION 5. Section 102.005(b), Business & Commerce Code, is amended to read as follows:

(b) A sexually oriented business commits an offense if the business violates Section 102.003 or 102.0031.

SECTION 6. Section 125.0015(a), Civil Practice and Remedies Code, is amended to read as follows:

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

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

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

- (3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;
- (4) delivery, possession, manufacture, or use of a substance or other item in violation of Chapter 481, Health and Safety Code;
- (5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;
- (6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Penal Code;
- (7) compelling prostitution as prohibited by the Penal Code;
- (8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;
- (9) aggravated assault as described by Section 22.02, Penal Code;
- (10) sexual assault as described by Section 22.011, Penal Code;
- (11) aggravated sexual assault as described by Section 22.021, Penal Code;
- (12) robbery as described by Section 29.02, Penal Code;
- (13) aggravated robbery as described by Section 29.03, Penal Code;
- (14) unlawfully carrying a weapon as described by Section 46.02, Penal Code;
- (15) murder as described by Section 19.02, Penal Code;
- (16) capital murder as described by Section 19.03, Penal Code;
- (17) continuous sexual abuse of young child or children as described by Section 21.02, Penal Code;
- (18) massage therapy or other massage services in violation of Chapter 455, Occupations Code;
- (19) employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed [a minor] at a sexually oriented business as defined by Section 243.002, Local Government Code;
- (20) trafficking of persons as described by Section 20A.02, Penal Code;
- (21) sexual conduct or performance by a child as described by Section 43.25, Penal Code;
- (22) employment harmful to a child as described by Section 43.251, Penal Code;
- (23) criminal trespass as described by Section 30.05, Penal Code;
- (24) disorderly conduct as described by Section 42.01, Penal Code;
- (25) arson as described by Section 28.02, Penal Code;
- (26) criminal mischief as described by Section 28.03, Penal Code, that causes a pecuniary loss of \$500 or more; ~~[or]~~
- (27) a graffiti offense in violation of Section 28.08, Penal Code; or
- (28) permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business as defined by Section 243.002, Local Government Code.

SECTION 7. Section 51.031(b), Labor Code, is amended to read as follows:

(b) An offense under Section 51.014(d), ~~[or Section]~~ 51.0145, or 51.016(i)(3) is a Class A misdemeanor.

SECTION 8. Section 43.251(a)(1), Penal Code, is amended to read as follows:

(1) "Child" means a person younger than 21 [~~18~~] years of age.

SECTION 9. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 10. Section 51.016(c)(2), Labor Code, as added by this Act, applies only to an employee of a sexually oriented business who commences employment with the business on or after the effective date of this Act.

SECTION 11. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 766** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1493

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1493** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA
CAMPBELL
HUGHES
NELSON
ZAFFIRINI

On the part of the Senate

HERRERO
LEACH
MARTINEZ FISCHER
RODRIGUEZ
WALLE

On the part of the House

The Conference Committee Report on **HB 1493** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 14

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 14** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON
 CAMPBELL
 HANCOCK
 LUCIO
 TAYLOR

P. KING
 BOWERS
 LUCIO III
 METCALF

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
 AN ACT

relating to the regulation by a municipality or county of certain employment benefits and policies.

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

SECTION 1. Subtitle D, Title 2, Labor Code, is amended by adding Chapter 83 to read as follows:

CHAPTER 83. PROHIBITION AGAINST LOCAL REGULATION OF
 EMPLOYMENT BENEFITS AND POLICIES

Sec. 83.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual who is employed by an employer for compensation.

(2) "Employer" means a person who employs one or more employees.

(3) "Employment benefit" means anything of value that an employee receives from an employer beyond regular salary or wages.

Sec. 83.002. PROHIBITION AGAINST MUNICIPALITY OR COUNTY REQUIRING CERTAIN EMPLOYMENT BENEFITS OR POLICIES. (a) A municipality or county may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, or scheduling practices.

(b) Any provision of an ordinance, order, rule, regulation, or policy that violates Subsection (a) is void and unenforceable.

(c) This chapter does not affect:

(1) the Texas Minimum Wage Act under Chapter 62;

(2) the authority of a municipality or county to negotiate the terms of employment with employees of the municipality or county, or the employees' designated bargaining agent;

(3) an ordinance, order, rule, regulation, or policy relating to terms of employment for employees of a municipality or county, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after September 1, 2021;

(4) employment and safety protections afforded by state and federal law to employees and prospective employees;

(5) an ordinance, order, rule, regulation, or policy that prohibits discrimination on the basis of hair texture or a protective hair style, including braids, locs, and twists, commonly or historically associated with race, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after September 1, 2021;

(6) an ordinance, order, rule, regulation, or policy relating to terms of employment in contracts or agreements entered into between a private entity, including an organization representing city employees or county employees, and a governmental entity, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after September 1, 2021; or

(7) a contract or agreement relating to terms of employment voluntarily entered into between a private employer or entity and a governmental entity.

SECTION 2. Chapter 83, Labor Code, as added by this Act, applies to an ordinance, order, rule, regulation, or policy adopted before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 14** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1758

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1758** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BIRDWELL
CREIGHTON
HUFFMAN
HUGHES
JOHNSON

On the part of the Senate

KRAUSE
MARTINEZ
TINDERHOLT
PATTERSON

On the part of the House

The Conference Committee Report on **HB 1758** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3578**

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 3578** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

JOHNSON	GUERRA
KOLKHORST	MEYER
PERRY	NOBLE
POWELL	THIERRY
	SANFORD

On the part of the Senate On the part of the House

The Conference Committee Report on **HB 3578** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 155**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 155** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY	KLICK
HALL	CAIN
HUGHES	JETTON
BETTENCOURT	
KOLKHORST	

On the part of the Senate On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the use of certain information regarding voter qualification.

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

SECTION 1. Section 16.0332, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) After the registrar receives notification ~~[a-list]~~ under Subsection (a-1) of this section, Section 18.068 of this code, or Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status or notification of persons who indicate a lack of citizenship status in connection with a motor vehicle or Department of Public Safety record, the registrar shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

(a-1) The secretary of state shall enter into an agreement with the Department of Public Safety under which information in the existing statewide computerized voter registration list is compared against information in the database of the Department of Public Safety on a monthly basis to verify the accuracy of citizenship status information previously provided on voter registration applications.

(d) The secretary of state shall prescribe rules for the administration of this section.

(e) Not later than December 31 of each year, the secretary of state shall provide a report to the legislature of the number of voter registrations canceled under this section during the calendar year.

SECTION 2. Section 18.068(a), Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Sections ~~[Section]~~ 62.113 and 62.114, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen or a resident of the county in which the voter is registered to vote, the secretary shall send notice of the determination to:

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

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

(a-1) The secretary of state is not required to send notice under Subsection (a) for a voter who is subject to an exemption from jury service under Section 62.106, Government Code.

SECTION 3. Section 62.113(b), Government Code, is amended to read as follows:

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

(1) the voter registrar of the county;

(2) the secretary of state; and

(3) the attorney general and the county or district attorney~~[, as applicable,]~~

for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

SECTION 4. Sections 62.114(b) and (c), Government Code, are amended to read as follows:

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

(1) the voter registrar of the county;

(2) the secretary of state; and

(3) the attorney general and the county or district attorney for an

investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The Conference Committee Report on **SB 155** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1123

Senator Perry submitted the following Conference Committee Report:

Austin, Texas

May 29, 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 1123** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY
KOLKHORST
HALL
ALVARADO

KRAUSE
VASUT
SHAHEEN
SANFORD

NICHOLS
On the part of the Senate

SCHAEFER
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the issuance of Family First specialty license plates.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.675 to read as follows:

Sec. 504.675. FAMILY FIRST LICENSE PLATES. (a) The department shall issue specialty license plates that include the words "Family First." The department shall design the plates in consultation with a representative of the Family First nonprofit organization.

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account created by the comptroller in the manner provided by Section 504.6012(b). Money deposited to that account may be used only by the Texas Education Agency to make grants to a nonprofit organization with chapters operating in schools in this state whose primary purpose is promoting the importance of fatherhood.

SECTION 2. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 1123** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4124**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 4124** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY
BETTENCOURT
POWELL
SCHWERTNER
TAYLOR
On the part of the Senate

HINOJOSA
HERNANDEZ
ORTEGA
RAYMOND
PRICE
On the part of the House

The Conference Committee Report on **HB 4124** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 7**

Senator Hughes submitted the following corrected Conference Committee Report:

Austin, Texas
May 29, 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 7** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUGHES
KOLKHORST
BETTENCOURT
BUCKINGHAM
On the part of the Senate

CAIN
JETTON
CLARDY
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. **SHORT TITLE.** This Act may be cited as the Election Integrity Protection Act of 2021.

SECTION 1.02. **PURPOSE.** The purpose of this Act is to exercise the legislature's constitutional authority under Section 4, Article VI, Texas Constitution, to make all laws necessary to detect and punish fraud.

SECTION 1.03. **FINDINGS.** The legislature finds that:

- (1) full, free, and fair elections are the underpinnings of a stable constitutional democracy;
- (2) fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election;
- (3) reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process;
- (4) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitutions, but are enacted solely to prevent fraud in the

electoral process and ensure that all legally cast ballots are counted. Integral to the right to vote is the assurance of voter access and the right for all votes legally cast to be counted;

(5) additionally, preventing a valid vote from being counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution; and

(6) providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election.

SECTION 1.04. Chapter 1, Election Code, is amended by adding Section 1.0015 to read as follows:

Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the legislature that the application of this code and the conduct of elections be uniform and consistent throughout this state to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted.

SECTION 1.05. Section 1.003, Election Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Election officials and other public officials shall strictly construe the provisions of this code to effect the intent of the legislature under Section 1.0015.

SECTION 1.06. Section 1.018, Election Code, is amended to read as follows:

Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to Section 1.03, Penal Code, and to other titles of the Penal Code that may apply to this code, Titles 2 and [Title] 4, Penal Code, apply [applies] to offenses prescribed by this code.

ARTICLE 2. REGISTRATION OF VOTERS

SECTION 2.01. Section 13.002, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The information required under Subsection (c) must be supplied by the person desiring to register to vote.

SECTION 2.02. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the [The] voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter [~~who continues to reside in the county in which the voter is registered~~] may correct information under this section by digital transmission of the information under a program administered by the secretary of state and the Department of Information Resources.

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's original application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter resides in the county and is otherwise eligible under Section 13.001.

SECTION 2.03. Section 15.028, Election Code, is amended to read as follows:

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

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

SECTION 2.04. Section 31.006, Election Code, is amended to read as follows:

Sec. 31.006. REFERRAL ~~[OF COMPLAINT]~~ TO ATTORNEY GENERAL. (a) If, after receiving or discovering information indicating that ~~[a complaint alleging]~~ criminal conduct in connection with an election has occurred, the secretary of state determines that there is reasonable cause to suspect that ~~[the alleged]~~ criminal conduct occurred, the secretary shall promptly refer the information [complaint] to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:

(1) the secretary of state makes a determination that the information [complaint] received does not warrant an investigation; or

(2) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information [complaint] referred does not warrant an investigation.

SECTION 2.05. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.019 to read as follows:

Sec. 31.019. ENFORCEMENT OF VOTER ROLL MAINTENANCE PROVISIONS. (a) In order to ensure compliance with voter roll maintenance provisions, the secretary of state shall monitor each county's list of registered voters to ensure that no county has a number of registered voters in the county equal to or greater than the number of people eligible to register to vote in the county.

(b) If the secretary of state determines that a county has a number of registered voters equal to or greater than the number of people eligible to register to vote in the county, the secretary of state shall notify the appropriate registrar in writing.

(c) Not later than 30 days after receiving notice under Subsection (b), a registrar must:

(1) refute, in writing, that the number of registered voters is equal to or greater than the number of people eligible to register to vote in the county and the failure to comply alleged by the notice; or

(2) develop a remediation plan to address failures to comply with voter roll maintenance provisions and send a copy of the plan to the secretary of state.

(d) If a voter registrar fails to respond to a notice under Subsection (c), refutes an allegation under Subsection (c)(1), or fails to comply with a provision of the remediation plan developed by the registrar under Subsection (c)(2), the secretary of state shall:

(1) require the registrar to attend a training course developed under Subsection (h);

(2) publish notice that the county is undergoing an audit under this subsection on the secretary of state's Internet website;

(3) audit the voter registration list for the county in which the registrar serves; and

(4) identify voter roll maintenance provisions with which the registrar is failing to comply and provide a list to the registrar.

(e) If the secretary of state determines that a voter registrar has not performed any overt actions in pursuance of compliance with the provisions identified under Subsection (d)(4) within 14 days of receiving the list under Subsection (d)(4), the secretary of state shall:

(1) withhold distribution of state funds for financing voter registration to the county until the registrar takes action in pursuance of compliance; and

(2) inform the attorney general that the county which the registrar serves may be subject to a civil penalty under Subsection (f).

(f) A county is liable to this state for a civil penalty of \$1,000 for each day after the 14th day following the receipt of a list under Subsection (d)(4) that the county's voter registrar fails to take overt action to comply with provisions identified under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

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

(h) The secretary of state shall develop and implement a three-hour training course for county clerks and registrars on the maintenance of voter rolls required and permitted by law.

(i) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

ARTICLE 3. CONDUCT AND SECURITY OF ELECTIONS

SECTION 3.01. Section 2.053(a), Election Code, is amended to read as follows:

(a) On receipt of the certification, the governing body of the political subdivision by order or ordinance shall ~~may~~ declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

SECTION 3.02. Section 2.056(c), Election Code, is amended to read as follows:

(c) A certifying authority shall ~~may~~ declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

SECTION 3.03. Section 43.031(b), Election Code, is amended to read as follows:

(b) Each polling place shall be located inside a building. A polling place may not be located in a tent or similar temporary moveable structure or in a facility primarily designed for motor vehicles. No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

SECTION 3.04. Section 52.092(a), Election Code, is amended to read as follows:

(a) Except as provided by Section 2.053(c) or 2.056(e), for ~~[For]~~ an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot, the offices shall be listed in the following order:

- (1) offices of the federal government;
- (2) offices of the state government:
 - (A) statewide offices;
 - (B) district offices;
- (3) offices of the county government:
 - (A) county offices;
 - (B) precinct offices.

SECTION 3.05. Section 64.007(c), Election Code, is amended to read as follows:

(c) An election officer shall maintain a register of spoiled ballots at the polling place, including spoiled ballots from a direct recording electronic voting unit. An election officer shall enter on the register the name of each voter who returns a spoiled ballot and the spoiled ballot's number. The secretary of state shall create and promulgate a form to be used for this purpose.

SECTION 3.06. Subchapter A, Chapter 65, Election Code, is amended by adding Section 65.016 to read as follows:

Sec. 65.016. VOTE TABULATING EQUIPMENT. Beginning January 1, 2024, equipment to tabulate votes may not be used if any wireless connectivity capability of the equipment has not been disabled or removed.

SECTION 3.07. Subchapter A, Chapter 66, Election Code, is amended by adding Section 66.004 to read as follows:

Sec. 66.004. CLOSING POLLING PLACE. The secretary of state shall adopt rules and create a checklist or similar guidelines to assist the presiding judge of a polling place in processing forms and conducting procedures required by this code at the closing of the polling place.

SECTION 3.08. Section 66.052, Election Code, is amended to read as follows:

Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY. (a) A delivery of election records or supplies that is to be performed by the presiding judge may be performed by an election clerk designated by the presiding judge.

(b) If the presiding judge of a polling place designates a clerk to deliver election supplies, the presiding judge shall attest to the designation, and the clerk shall attest to the clerk's acceptance of the responsibility. The secretary of state shall create and promulgate a form to facilitate compliance with this section.

SECTION 3.09. Section 85.005, Election Code, is amended to read as follows:

Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except as provided by Subsection (c), in an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, early voting by personal

appearance at the main early voting polling place shall be conducted on each weekday of ~~[the weekdays of]~~ the early voting period that is not a legal state holiday and for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. ~~[during the hours that the county clerk's or city secretary's main business office is regularly open for business.]~~

(b) In an election to which Subsection (a) does not apply, early voting by personal appearance at the main early voting polling place shall be conducted at least ~~nine~~ ~~[eight]~~ hours each weekday of the early voting period that is not a legal state holiday unless the territory covered by the election has fewer than 1,000 registered voters. In that case, the voting shall be conducted at least ~~four~~ ~~[three]~~ hours each day. The authority ordering the election, or the county clerk if that person is the early voting clerk, shall determine which hours the voting is to be conducted.

(c) In a county with a population of ~~30,000~~ ~~[100,000]~~ or more, the voting in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period. Voting under this subsection may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 30,000 [100,000] on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.067.

(d) A voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time. The secretary of state shall promulgate any materials and provide any training to presiding judges necessary to properly process voters under this subsection ~~[In an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours:~~

~~[(1) on one weekday, if the early voting period consists of less than six weekdays; or~~

~~[(2) on two weekdays, if the early voting period consists of six or more weekdays].~~

SECTION 3.10. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of ~~30,000~~ ~~[100,000]~~ or more, the early voting clerk shall order voting by personal appearance [voting] at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m., [on the last Saturday] and on the last Sunday of the early voting period for at least ~~six~~ ~~[five]~~ hours, except that voting may not be conducted earlier than 1 p.m. or later than 9 p.m [on the last Sunday of the early voting period]. The early voting clerk shall

order voting to be conducted at those times in those elections in a county with a population under 30,000 [~~100,000~~] on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

SECTION 3.11. Section 85.010(a-1), Election Code, is amended to read as follows:

(a-1) In this section, "eligible county polling place" means an early voting polling place [~~other than a polling place established under Section 85.062(e),~~] established by a county.

SECTION 3.12. Section 85.061(a), Election Code, is amended to read as follows:

(a) In a countywide election in which the county clerk is the early voting clerk under Section 83.002, an early voting polling place shall be located inside [~~at~~] each branch office that is regularly maintained for conducting general clerical functions of the county clerk, except as provided by Subsection (b). If a suitable room is unavailable inside the branch office, the polling place may be located in another room inside the same building as the branch office. The polling place may not be located in a tent or similar temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.

SECTION 3.13. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsection (f-1) to read as follows:

(b) A polling place established under this section may be located, subject to Subsection (d), at any place in the territory served by the early voting clerk and may be located inside [~~in~~] any building [~~stationary structure~~] as directed by the authority establishing the branch office. The polling place may not be located in a tent or similar temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles in the general election for state and county officers, general primary election, or runoff primary election. Ropes or other suitable objects may be used at the polling place to ensure compliance with Section 62.004. Persons who are not expressly permitted by law to be in a polling place shall be excluded from the polling place to the extent practicable.

(f-1) Notwithstanding any other provision of this section concerning the location of temporary branch polling places, in an election in which countywide polling places are used, the commissioners court of a county shall employ the same methodology it uses to determine the location of countywide polling places to determine the location of temporary branch polling places.

SECTION 3.14. Section 124.002, Election Code, is amended by adding Subsection (c) to read as follows:

(c) Voting system ballots may not be arranged in a manner that allows a political party's candidates to be selected in one motion or gesture.

SECTION 3.15. Section 127.1232, Election Code, is amended to read as follows:

Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general custodian of election records shall post a licensed peace officer ~~[guard]~~ to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.

(b) The general custodian of election records in a county with a population of less than 100,000 may, and the general custodian of election records in a county with a population of 100,000 or more shall, implement a video surveillance system that retains a record of all areas containing voted ballots:

(1) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and

(2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.

(c) A video from a system implemented under Subsection (b) may be made available to the public by a livestream in a county with a population of less than 100,000, and shall be made available to the public by a livestream in a county with a population of 100,000 or more.

(d) The video recorded is an election record under Section 1.012 and shall be retained by the general custodian of election records until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later.

ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

SECTION 4.01. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The purpose of this chapter is to preserve the integrity of elections in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers. To effect that purpose, a watcher appointed under this chapter shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election.

SECTION 4.02. Section 33.051, Election Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section. An offense under this subsection is a Class B misdemeanor.

(h) Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

SECTION 4.03. Section 33.056, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) Except as provided by Section 33.057, a watcher is entitled to observe any activity conducted at the location at which the watcher is serving. A watcher is entitled to sit or stand ~~[conveniently]~~ near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by this chapter.

(e) Except as provided by Section 33.057(b), a watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving.

(f) In this code, a watcher who is entitled to "observe" an election activity is entitled to sit or stand near enough to see and hear the activity.

SECTION 4.04. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.0605 to read as follows:

Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

(a) A watcher appointed to serve at a polling place in an election who is available at the time of the action may observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

(b) Notwithstanding any other provision of this code, a watcher duly accepted for service at a polling location is entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, the central counting station, or any other location designated to process election materials. The authority responsible for administering a regional tabulating center or another location where election materials are processed must accept duly appointed watchers for service in the same manner a watcher is accepted for service under Section 33.051 and must accept the same number of watchers that may serve under Section 33.007(a).

SECTION 4.05. Section 33.061(a), Election Code, is amended to read as follows:

(a) A person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from observing an activity or procedure the person knows the watcher is entitled to observe, including by taking any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective.

SECTION 4.06. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows:

Sec. 33.063. RELIEF. (a) A watcher, or the appointing authority for a watcher, who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

(1) injunctive relief under Section 273.081, including issuance of temporary orders;

(2) a writ of mandamus under Section 161.009 or 273.061; and

(3) any other remedy available under law.

(b) The relief provided by this section is available to a state inspector appointed under Chapter 34 or any other election inspector authorized by law.

SECTION 4.07. Section 61.001, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as permitted by this code and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

(a-1) Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is:

- (1) an election judge or clerk;
- (2) a watcher;
- (3) the secretary of state;
- (4) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
- (5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- (6) a state inspector;
- (7) a person admitted to vote;
- (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- (9) a person providing assistance to a voter under Section 61.032 or 64.032;
- (10) a person accompanying a voter who has a disability;
- (11) a special peace officer appointed by the presiding judge under Section 32.075;
- (12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
- (13) a voting system technician, as authorized by Section 125.010;
- (14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- (15) a person whose presence has been authorized by the presiding judge and alternate presiding judge in accordance with this code.

SECTION 4.08. Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

- (1) mail;
- (2) common or contract carrier; or
- (3) subject to Subsections ~~[Subsection]~~ (a-1) and (a-2), in-person delivery by the voter who voted the ballot.

(a-2) An in-person delivery of a marked ballot voted under this chapter must be received by an election official at the time of delivery. The receiving official shall record the voter's name, signature, and type of identification provided under Section 63.0101 on a roster prescribed by the secretary of state. The receiving official shall attest on the roster that the delivery complies with this section.

SECTION 4.09. Section 87.026, Election Code, is amended to read as follows:

Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in the meeting place of an early voting ballot board during the time of the board's operations.

(b) Under this code, a person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:

- (1) a presiding judge or member of the board;
- (2) a watcher;
- (3) a voting system technician, as authorized by Section 125.010;
- (4) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election;
- (5) the county chair of a political party conducting a primary election or runoff primary election;
- (6) an inspector, as provided for by law; or
- (7) a person whose presence has been authorized by the presiding judge in accordance with this code.

SECTION 4.10. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in a central counting station while ballots are being counted.

(b) Under this code, a person may be lawfully present in the central counting station while ballots are being counted if the person is:

- (1) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
- (2) a watcher;
- (3) a voting system technician, as authorized by Section 125.010;
- (4) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election;
- (5) an inspector, as provided for by law; or
- (6) a person whose presence has been authorized by the presiding judge of the central counting station in accordance with this code.

SECTION 4.11. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. (a) Except as provided by Subsection (b) and notwithstanding any other law, including Chapter 552, Government Code, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

- (1) is not confidential;
 - (2) is public information for purposes of Chapter 552, Government Code;
- and
- (3) is not subject to an exception to disclosure provided by Chapter 552, Government Code.

(b) Subsection (a) does not apply to a written letter, e-mail, or other communication related to the bidding process.

SECTION 4.12. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.009 to read as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is printed and delivered to the secretary of state not later than the fifth day after vote counting is complete.

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.

SECTION 4.13. Section 127.1301, Election Code, is amended to read as follows:

Sec. 127.1301. [~~TALLYING, TABULATING, AND REPORTING~~] CENTRALLY COUNTED OPTICAL SCAN BALLOTS [~~BALLOT UNDERVOTES AND OVERVOTES~~]. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and by election precinct in the form and manner prescribed by the secretary of state.

(b) After January 1, 2024, an authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

SECTION 4.14. Subchapter A, Chapter 129, Election Code, is amended by adding Section 129.003 to read as follows:

Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this section, "auditable voting system" means a voting system that:

(1) uses a paper record; or

(2) produces a paper record by which a voter can verify that the voter's ballot will be counted accurately.

(b) Except as provided by Subsection (e), a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is an auditable voting system.

(c) Except for a recount under Title 13 or an election contest under Title 14, the electronic vote is the official record of the ballot. For a recount of ballots cast on a system involving direct recording electronic voting machines, or in an election contest, the person requesting the recount may request a recount of the electronic vote or the paper record.

(d) An authority that purchased a voting system other than an auditable voting system after September 1, 2016, and before September 1, 2021, may use available federal funding and, if federal funding is not available, available state funding to retrofit the purchased voting system as an auditable voting system in accordance with the following schedule:

(1) if the voting system was retrofitted as an auditable voting system not later than the election taking place November 8, 2022, the authority is eligible to have 100 percent of the cost of retrofitting reimbursed under this section; and

(2) if the authority is not eligible for a 100 percent reimbursement of cost under Subdivision (1) and the voting system was retrofitted as an auditable voting system not later than the election taking place November 3, 2026, the authority is eligible to have 50 percent of the cost of retrofitting reimbursed under this section.

(e) Subsections (a)-(c) do not apply to an election held before September 1, 2026.

(f) Before opening the polls for voting, the presiding election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero. After closing the polls for voting, the presiding election judge shall print the tape that shows the number of votes cast. Each election judge present shall sign a tape printed under this subsection.

SECTION 4.15. Section 129.023, Election Code, is amended by adding Subsections (b-2) and (c-1) to read as follows:

(b-2) If the test is being conducted for an election in which a county election board has been established under Section 51.002, the general custodian of election records shall notify each member of the board of the test at least 48 hours before the date of the test. If the county election board chooses to witness the test, each member shall sign the statement required by Subsection (e)(1).

(c-1) A test conducted under this section must also require the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.

SECTION 4.16. Section 127.131, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

ARTICLE 5. VOTING BY MAIL

SECTION 5.01. Section 82.002, Election Code, is amended to read as follows:

Sec. 82.002. DISABILITY. (a) A qualified voter is eligible for early voting by mail if the voter is not capable of ~~[has a sickness or physical condition that prevents the voter from]~~ appearing at the polling place on election day without ~~[a likelihood of]~~ needing personal assistance or ~~[e]f~~ injuring the voter's health due to the voter's:

(1) illness;

(2) injury;

(3) medical confinement ordered by a health care professional; or

(4) mental or physical disability.

(b) The following do not constitute ~~[Expected or likely confinement for childbirth on election day is]~~ sufficient cause to entitle a voter to vote under Subsection (a):

(1) a lack of transportation;
(2) an illness, injury, or disability that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health; or
(3) a requirement to appear at the voter's place of employment on election day.

(c) An application for a ballot to be voted by mail on the ground of disability must require the applicant to specifically select the grounds on which the voter is eligible under Subsection (a).

SECTION 5.02. Section 84.001(b), Election Code, is amended to read as follows:

(b) An application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

SECTION 5.03. Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(1-a) the following information:

(A) the number of the applicant's driver's license or personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail on the ground of age or disability:

(A) [7] the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote; and

(B) if applicable, the selected specific grounds on which the voter is eligible for a ballot to be voted by mail on the ground of disability, as required by Section 82.002(c);

(4) for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5) for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and

(6) an indication of the ground of eligibility for early voting.

(c) A person may use the number of a driver's license or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

SECTION 5.04. Section 84.011(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(3-a) a space for entering the information required under Section 84.002(a)(1-a); and

(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;

(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H) a statement informing the applicant of the condition prescribed by Section 81.005; and

(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 5.05. Section 84.035, Election Code, is amended to read as follows:

Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early voting clerk cancels an application by an applicant to whom an early voting ballot has been sent, the clerk shall:

(1) remove the applicant's name from the early voting roster; and

(2) make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.

(b) An election judge may permit a person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011.

SECTION 5.06. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

(f) If the information required under Section 84.002(a)(1-a) included on the application does not match the information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

SECTION 5.07. Section 86.002, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1) the number of the voter's driver's license or personal identification card issued by the Department of Public Safety;

(2) if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or

(3) a statement by the applicant that the applicant has not been issued a number described by Subdivision (1) or (2).

(h) A person may use the number of a driver's license or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i) No record associating an individual voter with a ballot may be created.

SECTION 5.08. Section 86.011(c), Election Code, is amended to read as follows:

(c) If the return is not timely, the clerk shall enter the time of receipt on the carrier envelope and retain it in a locked container for the period for preserving the precinct election records. The clerk shall destroy the unopened envelope and its contents after the preservation period.

SECTION 5.09. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any known signature ~~[two or more signatures]~~ of the voter ~~[made within the preceding six years and]~~ on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose

signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 5.10. Section 87.041, Election Code, is amended by amending Subsections (b) and (e) and adding Subsection (d-1) to read as follows:

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly executed;

(2) neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness;

(3) the voter's ballot application states a legal ground for early voting by mail;

(4) the voter is registered to vote, if registration is required by law;

(5) the address to which the ballot was mailed to the voter, as indicated by the application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;

(6) for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011; ~~and~~

(7) the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 86.003; and

(8) the information required under Section 86.002(g) provided by the voter matches the information on the voter's application for voter registration under Section 13.002(c)(8).

(d-1) If a voter provides the information required under Section 86.002(g) and it matches the information on the voter's application for voter registration under Section 13.002(c)(8), the signature on the ballot application and on the carrier envelope certificate shall be rebuttably presumed to be the signatures of the voter.

(e) In making the determination under Subsection (b)(2), to determine whether the signatures are those of the voter, the board:

(1) shall request from the Department of Public Safety any signature of the voter's on file with that department and compare the signatures of the voter on the ballot application and the carrier envelope certificate with any signature provided; and

(2) may also compare the signatures with any known signature ~~two or more signatures~~ of the voter ~~[made within the preceding six years and]~~ on file with the county clerk or voter registrar ~~[to determine whether the signatures are those of the voter].~~

SECTION 5.11. Section 87.0431(b), Election Code, is amended to read as follows:

(b) The early voting clerk shall, not later than the 30th day after election day, deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

(1) the voter was deceased;

(2) the voter already voted in person in the same election;

- (3) the signatures on the carrier envelope and ballot application were not executed by the same person;
- (4) the carrier envelope certificate lacked a witness signature; ~~[or]~~
- (5) the carrier envelope certificate was improperly executed by an assistant;

or

(6) the early voting ballot board or the signature verification committee determined that another violation of the Election Code occurred.

SECTION 5.12. Sections 87.062(a) and (c), Election Code, are amended to read as follows:

(a) On the direction of the presiding judge, the early voting ballot board, in accordance with Section 85.032(b), shall open the containers ~~[container]~~ for the early voting ballots that are to be counted by the board, remove the contents from each ~~[the]~~ container, and remove any ballots enclosed in ballot envelopes from their envelopes.

(c) Ballots voted by mail shall be tabulated and stored separately from the ballots voted by personal appearance and shall be separately reported on the returns ~~[The results of all early voting ballots counted by the board under this subchapter shall be included in the same return].~~

SECTION 5.13. Section 87.103, Election Code, is amended to read as follows:

Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) The early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail shall be tabulated separately ~~[from the ballots cast at precinct polling places]~~ and shall be separately reported on the returns.

(b) The early voting returns prepared at the central counting station must include any early voting results obtained by the early voting ballot board under Subchapter ~~[Subchapters]~~ D ~~[and E]~~.

SECTION 5.14. Section 87.126, Election Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Electronic records made under this section shall record both sides of any application, envelope, or ballot recorded, and all such records shall be provided to the early voting ballot board, the signature verification committee, or both.

SECTION 5.15. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.128 to read as follows:

Sec. 87.128. NOTES. Each member of an early voting ballot board and each member of a signature verification committee is entitled to take and keep any notes reasonably necessary to perform the member's duties under this chapter.

ARTICLE 6. ASSISTANCE OF VOTERS

SECTION 6.01. Section 64.009, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1), (e), (f), (f-1), (g), and (h) to read as follows:

(b) The regular voting procedures, except those in Subchapter B, may be modified by the election officer to the extent necessary to conduct voting under this section.

(b-1) A person other than a voter is only permitted to be inside a motor vehicle while a voter votes from the motor vehicle if the person would be entitled to accompany the voter to the voting station under other law.

(e) Except as provided by Section 33.057, a poll watcher is entitled to observe any activity conducted under this section.

(f) A person who simultaneously assists three or more voters voting under this section by providing the voters with transportation to the polling place must complete and sign a form, provided by an election officer, that contains the person's name and address and whether the person is providing assistance solely under this section or under both this section and Subchapter B.

(f-1) Subsection (f) does not apply if the person is related to each voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

(g) A form completed under Subsection (f) shall be delivered to the secretary of state as soon as practicable. The secretary shall retain a form delivered under this section for the period for preserving the precinct election records and shall make the form available to the attorney general for inspection upon request.

(h) The secretary of state shall prescribe the form described by Subsection (f).

SECTION 6.02. Section 64.031, Election Code, is amended to read as follows:

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is eligible to receive assistance in marking or reading the ballot, as provided by this subchapter, if the voter cannot prepare or read the ballot because of:

- (1) a physical disability that renders the voter unable to write or see; or
- (2) an inability to read the language in which the ballot is written.

SECTION 6.03. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0322 to read as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A person, other than an election officer, who assists a voter in accordance with this chapter is required to complete a form stating:

- (1) the name and address of the person assisting the voter;
- (2) the relationship to the voter of the person assisting the voter; and
- (3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.

(b) The secretary of state shall prescribe the form required by this section. The form must be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010, or must be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 6.04. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person, other than an election officer, selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive assistance because of a physical disability that renders the voter unable to write or see or an inability to read the language in which the ballot is written; I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter's ballot, or directing the voter to mark the ballot; ~~answering the voter's questions, to stating propositions on~~

~~the ballot, and to naming candidates and, if listed, their political parties;~~ I will prepare the voter's ballot as the voter directs; I did not encourage, pressure, or coerce the voter into choosing me to provide assistance; ~~and~~ I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is provided to a voter who is not eligible for assistance, the voter's ballot may not be counted."

SECTION 6.05. Sections 86.010(e), (h), and (i), Election Code, are amended to read as follows:

(e) A person who assists a voter to prepare a ballot to be voted by mail shall enter on the official carrier envelope of the voter:

- (1) the person's signature, printed name, and residence address;
- (2) the relationship of the person providing the assistance to the voter; and
- (3) whether the person received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee in exchange for providing assistance ~~[on the official carrier envelope of the voter].~~

(h) Subsection (f) does not apply to:

(1) a violation of Subsection (c), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event; or

(2) a violation of Subsection (e), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

(i) An offense under this section for a violation of Subsection (c) is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

- (1) the defendant was previously convicted of an offense under this code;
- (2) the offense involved a voter 65 years of age or older; or
- (3) the defendant committed another offense under this section in the same election.

SECTION 6.06. Sections 86.0105(a), (c), and (e), Election Code, are amended to read as follows:

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

(1) compensates or offers to compensate another person for assisting voters as provided by Section 86.010~~[as part of any performance based compensation scheme based on the number of voters assisted or in which another person is presented with a quota of voters to be assisted as provided by Section 86.010]; or~~

(2) solicits, receives, or ~~[engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voters assisted as provided by Section 86.010; or~~

~~[(3) with knowledge that accepting compensation for such activity is illegal,~~ accepts compensation for an activity described by Subdivision (1) ~~[or (2)].~~

(c) An offense under this section is a state jail felony ~~[if it is shown on the trial of an offense under this section that the defendant was previously convicted two or more times under this section].~~

(e) For purposes of this section, compensation means an economic benefit as defined by Section 38.01, Penal Code [~~any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for assisting voters~~].

SECTION 6.07. Section 86.013(b), Election Code, is amended to read as follows:

(b) Spaces must appear on the reverse side of the official carrier envelope for:

(1) indicating the identity and date of the election; [~~and~~]

(2) entering the signature, printed name, and residence address of a person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier; and

(3) indicating the relationship of that person to the voter.

ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

SECTION 7.01. Chapter 63, Election Code, is amended by adding Section 63.0111 to read as follows:

Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a) An election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit required by Section 63.001 if the form contains information that the judge entered on the form knowing it was false.

(b) An offense under this section is a state jail felony.

SECTION 7.02. Sections 276.004(a) and (b), Election Code, are amended to read as follows:

(a) A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:

(1) refuses to permit the other person to be absent from work on election day or while early voting is in progress for the purpose of attending the polls to vote; or

(2) subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote.

(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

SECTION 7.03. Sections 276.013(a) and (b), Election Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly or intentionally makes any effort to:

(1) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process, including by altering the ballot of another or by otherwise causing a ballot to not reflect the intent of the voter;

(2) cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; [~~or~~]

(3) count votes that are invalid, or should otherwise not be counted, fail to count votes that were lawfully cast, or alter a report to include invalid votes;

(4) fail to count valid votes or alter a report to exclude valid votes;

(5) ~~(3)~~ cause any intentionally misleading statement, representation, or information to be provided:

(A) to an election official; or

(B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document;

(6) prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote; or

(7) provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote.

(b) An offense under this section is a Class A misdemeanor, except that an offense under this section is a state jail felony if the person committed the offense while acting in the person's official capacity as an election officer.

SECTION 7.04. Chapter 276, Election Code, is amended by adding Sections 276.014, 276.015, 276.016, 276.017, 276.018, and 276.019 to read as follows:

Sec. 276.014. VOTE HARVESTING. (a) In this section and in Section 276.015:

(1) "Benefit" means anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor, or an official act of discretion, whether to a person or another party whose welfare is of interest to the person.

(2) "Vote harvesting services" means in-person interaction with one or more voters, involving an official ballot, a ballot voted by mail, or an application for ballot by mail, intended to deliver votes for a specific candidate or measure.

(b) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide vote harvesting services in exchange for compensation or other benefit.

(c) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide compensation or other benefit to another person in exchange for vote harvesting services.

(d) A person commits an offense if the person knowingly collects or possesses a mail ballot or official carrier envelope in connection with vote harvesting services.

(e) This section does not apply to:

(1) an activity not performed in exchange for compensation or a benefit;

(2) interactions that do not directly involve an official ballot, ballot by mail, or an application for ballot by mail;

(3) interactions that are not conducted in-person with a voter; or

(4) activity that is not designed to deliver votes for or against a specific candidate or measure.

(f) In this section, compensation in exchange for vote harvesting services is inferred if a person who performed vote harvesting services for a candidate or campaign solicits, receives, or is offered compensation from the candidate or campaign, directly or through a third party, for services other than vote harvesting services provided.

(g) An offense under this section is a felony of the third degree.

(h) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(i) Records necessary to investigate an offense under this section or any other section of this code shall be provided by an election officer in an unredacted form to a law enforcement officer upon request. Records obtained under this subsection are not subject to public disclosure.

Sec. 276.015. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A person who is shown by a preponderance of the evidence to have violated Section 276.014 is civilly liable to any candidate or political party who suffers harm from the vote harvesting services for damages and penalties that may be awarded under Subsection (c).

(b) A person is harmed by the vote harvesting services if the person can demonstrate that:

(1) the person has standing to seek relief; and

(2) the liable party violated Section 276.014.

(b-1) To establish standing under this section, a person is not required to demonstrate that the vote harvesting services successfully delivered votes for a specific candidate or measure, but must demonstrate that:

(1) the vote harvesting services were intended to deliver votes for a specific candidate or measure; and

(2) the person opposed the candidate or measure in the person's capacity as a candidate or political party.

(c) A party who prevails in an action under this section may recover damages in an amount including any or all of:

(1) the amount of compensation paid to or received by a party in exchange for vote harvesting services;

(2) the fair market value of any benefit given or received in exchange for vote harvesting services;

(3) a penalty in the amount of \$35,000; ãor

(4) reasonable and necessary attorney's fees, court costs, witness fees, and discovery costs.

(d) A party who is a candidate for office who prevails in an action under this section and shows that the number of voters contacted by the vote harvesting activity exceeds the number of votes by which the party lost the election shall recover damages in an amount including any or all of:

(1) the party's campaign expenditures properly filed on a campaign finance report in connection with the election; or

(2) any fees and expenses incurred by the party in filing and securing a place on the ballot.

(e) A person who commits an offense under Section 276.014 and is found civilly liable, including by vicarious liability, under this chapter or other law for any amount of damages arising from the vote harvesting services is jointly liable with any other defendant for the entire amount of damages arising from the vote harvesting services.

(f) The cause of action created by this section is cumulative of any other remedy provided by common law or statute.

(g) Rules applicable to a party's access to election records under Chapter 231 or 232 apply to a cause of action under this section.

(h) A party to an action under this section may compel a voter to reveal the voter's vote in the same manner established under Section 221.009 to compel a voter to reveal the voter's vote in an election contest.

(i) The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section.

(j) Chapter 27, Civil Practice and Remedies Code, does not apply to a cause of action under this section.

(k) A cause of action under this section may be brought in the county where any element of a violation under Section 276.014 occurred, or where any part of the vote harvesting services occurred.

(l) This section shall be liberally construed and applied to promote its underlying purpose to protect candidates and the voting public from unlawful vote harvesting and provide an efficient and economical remedy to secure that protection.

Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF APPLICATION TO VOTE BY MAIL. (a) A public official commits an offense if the official, while acting in an official capacity, knowingly:

(1) solicits the submission of an application to vote by mail from a person who did not request an application;

(2) distributes an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized by another provision of this code;

(3) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application; or

(4) completes any portion of an application to vote by mail and distributes the application to an applicant.

(b) An offense under this section is a state jail felony.

(c) Subsection (a)(2) does not apply if the public official engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website.

(d) Subsection (a)(4) does not apply if the public official engaged in the conduct described by Subsection (a)(4) while lawfully assisting the applicant under Section 84.003.

(e) Subsection (a) does not apply if the public official provided general information about voting by mail, the vote by mail process, or the timelines associated with voting to a person or the public.

(f) The remedy provided under this chapter is cumulative, and does not restrict any other remedies provided by this code or by law. A violation of this section is subject to injunctive relief or mandamus as provided by this code.

Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS AND BALLOTING MATERIALS. (a) The early voting clerk or other election official commits an offense if the clerk or official knowingly mails or otherwise provides an early voting ballot by mail or other early voting by mail ballot materials to a person who did not submit an application for a ballot to be voted by mail under Section 84.001.

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

Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION PROCEDURES. (a) A person commits an offense if the person makes a false statement or swears to the truth of a false statement previously made while making the oath described by Section 64.034.

(b) An offense under this section is a state jail felony.

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A public official may not create, alter, modify, waive, or suspend any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by this code.

ARTICLE 8. ENFORCEMENT

SECTION 8.01. Section 18.065, Election Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:

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

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

(1) correct the violation on behalf of the registrar; and

(2) notify the attorney general that the registrar failed to correct a violation under this subsection.

(f) A county served by a registrar who fails to correct a violation under Subsection (e) is liable to this state for a civil penalty of \$1,000 for each violation corrected by the secretary of state under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

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

SECTION 8.02. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.126 to read as follows:

Sec. 31.126. RESTRICTION ON ELIGIBILITY. (a) In this section, "election official" means:

(1) a county clerk;

(2) a permanent or temporary deputy county clerk;

(3) an elections administrator;

(4) a permanent or temporary employee of an elections administrator;

(5) an election judge;

(6) an alternate election judge;

(7) an early voting clerk;

(8) a deputy early voting clerk;

(9) an election clerk;

(10) the presiding judge of an early voting ballot board;

(11) the alternate presiding judge of an early voting ballot board;

(12) a member of an early voting ballot board;

(13) the chair of a signature verification committee;

(14) the vice chair of a signature verification committee;

(15) a member of a signature verification committee;

- (16) the presiding judge of a central counting station;
- (17) the alternate presiding judge of a central counting station;
- (18) a central counting station manager;
- (19) a central counting station clerk;
- (20) a tabulation supervisor; and
- (21) an assistant to a tabulation supervisor.

(b) A person may not serve as an election official if the person has been finally convicted of an offense under this code.

SECTION 8.03. Section 232.006(a), Election Code, is amended to read as follows:

(a) The venue of an election contest for a statewide office is in Travis County or any county where a contestee resided at the time of the election. For purposes of this section, a contestee's residence is determined under Section 411.0257, Government Code.

SECTION 8.04. Sections 232.008(b), (c), and (d), Election Code, are amended to read as follows:

(b) Except as provided by Subsection (c), a contestant must file the petition not later than the later of the 45th ~~30th~~ day after the date the election records are publicly available under Section 1.012 or the official result of the contested election is determined.

(c) A contestant must file the petition not later than the later of the 15th ~~10th~~ day after the date the election records are publicly available under Section 1.012 or the official result is determined in a contest of:

(1) a primary or runoff primary election; or

(2) a general or special election for which a runoff is necessary according to the official result or will be necessary if the contestant prevails.

(d) A contestant must deliver, electronically or otherwise, a copy of the petition to the secretary of state by the same deadline prescribed for the filing of the petition.

SECTION 8.05. Chapter 232, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter applies to an election contest in which the contestant alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge violated any of the following sections of this code:

(1) Section 13.007;

(2) Section 64.012;

(3) Section 64.036;

(4) Section 84.003;

(5) Section 84.0041;

(6) Section 86.0051;

(7) Section 86.006;

(8) Section 86.010; or

(9) Section 276.013.

Sec. 232.062. EVIDENTIARY STANDARD. A contestant must prove an allegation described by Section 232.061 by a preponderance of the evidence.

Sec. 232.063. OVERTURNING ELECTION. If the number of votes illegally cast in the election is equal to or greater than the number of votes necessary to change the outcome of an election, the court may declare the election void without attempting to determine how individual voters voted.

Sec. 232.064. DAMAGES. (a) If a contestee, an agent of the contestee, or a person acting on behalf of the contestee with the contestee's knowledge committed one or more violations of a section described by Section 232.061, the contestee is liable to the contestant for damages in an amount of \$1,000 for each violation.

(b) Notwithstanding Section 41.004(a), Civil Practice and Remedies Code, a court shall award damages under Subsection (a) to the contestant irrespective of whether the contestant is awarded actual damages.

Sec. 232.065. ATTORNEY'S FEES. In an election contest to which this subchapter applies, the court may award reasonable attorney's fees to the prevailing party.

SECTION 8.06. Section 273.061, Election Code, is amended to read as follows:

Sec. 273.061. JURISDICTION. (a) The supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) The court of criminal appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.

SECTION 8.07. Subchapter D, Chapter 22, Government Code, is amended by adding Sections 22.304 and 22.305 to read as follows:

Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION PROCEEDINGS; CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, a court proceeding entitled to priority under Section 22.305 and filed in the supreme court, the court of criminal appeals, or a court of appeals shall be docketed by the clerk of the court and assigned to a panel of three justices determined using an automated assignment system.

(b) A person, including a public official, commits an offense if the person communicates with a court clerk with the intention of influencing or attempting to influence the composition of a three-justice panel assigned a specific proceeding under this section.

(c) An offense under this section is a state jail felony.

(d) If a court clerk does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a) The supreme court, the court of criminal appeals, or a court of appeals shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief or for a writ of mandamus under Chapter 273, Election Code, pending or filed in the court on or after the 120th day before a general or special election.

(b) If granted, oral argument for a proceeding described by Subsection (a) may be given in person or through electronic means.

SECTION 8.08. Section 23.101, Government Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) Except as provided by Subsection (b-1), the [The] trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

- (1) temporary injunctions;
- (2) criminal actions, with the following actions given preference over other criminal actions:
 - (A) criminal actions against defendants who are detained in jail pending trial;
 - (B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.004, Family Code;
 - (C) an offense under:
 - (i) Section 21.02 or 21.11, Penal Code;
 - (ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;
 - (iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age;
 - (iv) Section 25.06, Penal Code;
 - (v) Section 43.25, Penal Code; or
 - (vi) Section 20A.02(a)(7), 20A.02(a)(8), or 20A.03, Penal Code;
 - (D) an offense described by Article 62.001(6)(C) or (D), Code of Criminal Procedure; and
 - (E) criminal actions against persons who are detained as provided by Section 51.12, Family Code, after transfer for prosecution in criminal court under Section 54.02, Family Code;
- (3) election contests and suits under the Election Code;
- (4) orders for the protection of the family under Subtitle B, Title 4, Family Code;
- (5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;
- (6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;
- (7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

(b-1) Except for a criminal case in which the death penalty has been or may be assessed or when it would otherwise interfere with a constitutional right, the trial courts of this state shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 120th day before a general or special election.

(b-2) A hearing in a proceeding described by Subsection (b-1) may be held in person or through electronic means.

SECTION 8.09. Chapter 23, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. GENERAL PROVISIONS

Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS; CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, the clerk of a district court in which a proceeding entitled to priority under Section 23.101(b-1) is filed shall docket the proceeding and, if more than one district court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a district court using an automated assignment system.

(b) Notwithstanding any other law or rule, the clerk of a county court or statutory county court in which a proceeding entitled to priority under Section 23.101(b-1) is filed shall docket the proceeding and, if more than one court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a court using an automated assignment system.

(c) Notwithstanding any other law or rule, a proceeding entitled to priority under Section 23.101(b-1) relating to a temporary injunction shall have a court assigned under Subsection (b) not later than 24 hours after the proceeding is filed and, if a temporary injunction is granted, the injunction may not remain in effect for longer than four days.

(d) A person, including a public official, commits an offense if the person communicates with a county or district clerk with the intention of influencing or attempting to influence the court or judge assigned to a proceeding under this section.

(e) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the person committed the offense while acting in the person's official capacity as an election official.

(f) If a district or county clerk does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS. (a) Not later than 24 hours after the proceeding is filed, a judge to whom a case is assigned under Section 23.301(b) who wishes to be recused from the proceeding must, before recusal:

- (1) hear an application for any emergency temporary relief sought;
- (2) grant or deny any emergency temporary relief sought; and

(3) set a scheduling order that provides:

(A) a date for a hearing on any injunction sought not later than five days after the date on which the proceeding was filed; and

(B) discovery and deposition deadlines before the expiration of any emergency relief order entered.

(b) The presiding judge of an administrative region shall assign a new judge to a proceeding assigned under Section 23.301(b) not later than 12 hours after the original judge assigned to the proceeding is recused under Subsection (a).

(c) A final order in a proceeding filed under Section 273.081, Election Code, shall be submitted in writing to the parties not later than 24 hours after the judge makes a final determination in the proceeding.

(d) If a district judge does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

(e) Notwithstanding Section 23.101(b-1), a proceeding relating to a permanent injunction being sought in connection to a challenge under Section 141.034, Election Code, may be heard after the primary election has been canvassed.

ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS

SECTION 9.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0194 to read as follows:

Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the trial of a felony offense, if the defendant is 18 years of age or older and is adjudged guilty of the offense, the court shall:

(1) make an affirmative finding that the person has been found guilty of a felony and enter the affirmative finding in the judgment of the case; and

(2) instruct the defendant regarding how the felony conviction will impact the defendant's right to vote in this state.

SECTION 9.02. Article 42.01, Code of Criminal Procedure, is amended by amending Section 4 and adding Section 16 to read as follows:

Sec. 4. The Court of Criminal Appeals [~~Office of Court Administration of the Texas Judicial System~~] shall promulgate a standardized felony judgment form that conforms to the requirements of Section 1 of this article. A court entering a felony judgment [~~judgment~~] shall use the form promulgated under this section.

Sec. 16. In addition to the information described by Section 1, the judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.

SECTION 9.03. Section 64.012, Election Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

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

(1) votes or attempts to vote in an election in which the person knows the person is not eligible to vote;

(2) knowingly votes or attempts to vote more than once in an election;

(3) knowingly votes or attempts to vote a ballot belonging to another person, or by impersonating another person; [✗]

(4) knowingly marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or

(5) knowingly votes or attempts to vote in an election in this state after voting in another state in an election in which a federal office appears on the ballot and the election day for both states is the same day.

(c) A person may not be convicted solely upon the fact that the person signed a provisional ballot affidavit under Section 63.011 unless corroborated by other evidence that the person knowingly committed the offense.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 9.04. The change in law made by this article in adding Section 64.012(c), Election Code, applies to an offense committed before, on, or after the effective date of this Act, except that a final conviction for an offense under that section that exists on the effective date of this Act remains unaffected by this article.

ARTICLE 10. INTERNET POSTING AND DATABASE

SECTION 10.01. Chapter 4, Election Code, is amended by adding Section 4.009 to read as follows:

Sec. 4.009. INTERNET POSTING. (a) Not later than the 21st day before election day, a county that holds or provides election services for an election and maintains an Internet website shall post on its public Internet website for an election administered by the county:

- (1) the date of the election;
- (2) the location of each polling place;
- (3) each candidate for an elected office on the ballot; and
- (4) each measure on the ballot.

(b) Not later than the 21st day before election day, a city or independent school district that holds an election and maintains an Internet website shall post on the public Internet website for the city or independent school district, as applicable:

- (1) the date of the next election;
- (2) the location of each polling place;
- (3) each candidate for an elected office on the ballot; and
- (4) each measure on the ballot.

SECTION 10.02. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017 and 31.018 to read as follows:

Sec. 31.017. INTERNET DATABASE OF ELECTION INFORMATION. (a) The secretary of state shall post on the secretary of state's public Internet website a database containing information provided by each authority responsible for giving notice of an election in this state. The database must include the following information:

- (1) the name of the authority;
- (2) each office to be filled at the election;
- (3) whether the office is elected at large or by district; and
- (4) the dates of the preceding and next election for the office.

(b) The secretary of state shall adopt rules as necessary to implement this section.

Sec. 31.018. INTERNET DATABASE FOR INCUMBENTS AND CANDIDATES. (a) The secretary of state shall post on the secretary of state's Internet website a database containing information about each holder of and candidate for any elected office in this state.

(b) The database must include the following information about a holder of an elected office:

- (1) name;
- (2) office title, including any district, place, or position;
- (3) if the office is elected at large or by district;
- (4) date of the previous and next election for the office; and
- (5) public mailing address.

(c) The database must include the following information about a candidate for an elected office:

- (1) name;
- (2) office sought, including any district, place, or position;
- (3) if the office is elected at large or by district;
- (4) date of the election;
- (5) public mailing address;
- (6) public telephone number, if available;
- (7) name of the incumbent; and
- (8) if the candidate has filed as a write-in candidate.

(d) The authority with whom a declaration of candidacy is filed, a state chair of a political party, or the presiding officer of a political party's convention shall provide information about a candidate or officeholder to the secretary of state.

(e) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 10.03. Section 141.032, Election Code, is amended by adding Subsection (h) to read as follows:

(h) The authority with whom the application is filed shall provide the secretary of state with the candidate's information required for the secretary of state's Internet website under Section 31.018. The secretary of state shall adopt rules as necessary to implement this subsection.

ARTICLE 11. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 11.01. The following provisions of the Election Code are repealed:

- (1) Section 85.062(e);
- (2) Section 86.0052(b);
- (3) Section 86.0105(b); and
- (4) Section 127.201(f).

SECTION 11.02. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 11.03. (a) Except as otherwise provided by this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act apply only to an election contest for which the associated election occurred after the effective date of this Act.

(d) The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

(e) The changes in law made by this Act apply only to an application for voter registration submitted on or after the effective date of this Act.

SECTION 11.04. Not later than January 1, 2022, the secretary of state shall develop the training course required by Section 31.019, Election Code, as added by this Act.

SECTION 11.05. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 11.06. 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.

The corrected Conference Committee Report on **SB 7** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1929**

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1929** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BUCKINGHAM
BETTENCOURT
HALL
PAXTON
SPRINGER

On the part of the Senate

WILSON
BUCY
CYRIER
DARBY
RODRIGUEZ

On the part of the House

The Conference Committee Report on **HB 1929** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3720**

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 3720** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST
BETTENCOURT
BUCKINGHAM
PERRY
POWELL

On the part of the Senate

FRANK
KLICK
GUILLEN
M. GONZÁLEZ
NOBLE

On the part of the House

The Conference Committee Report on **HB 3720** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 794**

Senator Campbell submitted the following Conference Committee Report:

Austin, Texas
May 28, 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 794** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CAMPBELL
BLANCO
HINOJOSA
NELSON

On the part of the Senate

MEYER
BONNEN
BUTTON
MARTINEZ FISCHER
THIERRY

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to eligibility for the exemption from ad valorem taxation of the residence homestead of a totally disabled veteran.

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

SECTION 1. Section 11.131(b), Tax Code, is amended to read as follows:

(b) A disabled veteran who has been awarded by ~~[receives from]~~ the United States Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead.

SECTION 2. The change in law made by this Act applies only to an ad valorem tax year that begins on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2022.

The Conference Committee Report on **SB 794** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2154**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2154** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWERTNER

PADDIE

CREIGHTON

HARLESS

HUFFMAN

HERNANDEZ

HUGHES

LUCIO III

JOHNSON

METCALF

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the membership of the Public Utility Commission of Texas.

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

SECTION 1. Section 12.051(a), Utilities Code, is amended to read as follows:

(a) The commission is composed of five [~~three~~] commissioners appointed by the governor with the advice and consent of the senate.

SECTION 2. Section 12.053, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) To be eligible for appointment, a commissioner must:

(1) be a qualified voter;

(2) be a citizen of the United States;

(3) be a resident of this state;

(4) be a competent and experienced administrator;

~~[(4) be well informed and qualified in the field of public utilities and utility regulation;]~~ and

(5) have at least five years of experience:

(A) in the administration of business or government; or

(B) as a practicing attorney, ~~or~~ certified public accountant, or professional engineer.

(a-1) At least two commissioners must be well informed and qualified in the field of public utilities and utility regulation.

(b) A person is not eligible for appointment as a commissioner if the person:

(1) at any time during the one year [~~two years~~] preceding appointment:

(A) personally served as an officer, director, commission, owner, employee, partner, or legal representative of a public utility regulated by the commission or of an affiliate or direct competitor of a public utility regulated by the commission; ~~or~~

(B) owned or controlled, directly or indirectly, more than a 10 percent interest in a public utility regulated by the commission or in an affiliate or direct competitor of a public utility regulated by the commission; or

(C) served as an executive officer listed under Section 1, Article IV, Texas Constitution, other than the secretary of state, or a member of the legislature; or

(2) is not qualified to serve under Section 12.151, 12.152, or 12.153.

SECTION 3. 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 first anniversary of the date the member ceases to be a member of the commission, engage in an activity before the commission that requires registration under Chapter 305, Government Code.

SECTION 4. (a) Not later than the 30th day after the effective date of this Act, the governor shall appoint a person to the Public Utility Commission of Texas to serve as the presiding officer of the commission in accordance with Section 12.053, Utilities Code, as amended by this Act.

(b) In making appointments of commissioners to the Public Utility Commission of Texas under Section 12.051, Utilities Code, as amended by this Act, the governor shall assign staggered terms to the commissioners appointed to fill vacancies and to the commissioners appointed to new positions to ensure that the requirements of Section 30a, Article XVI, Texas Constitution, are met.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The Conference Committee Report on **SB 2154** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 22

Senator Springer submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 22** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SPRINGER
BETTENCOURT
BLANCO
HUGHES
ZAFFIRINI
On the part of the Senate

PATTERSON
BURROWS
CANALES
HUNTER
C. TURNER
On the part of the House

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, CUSTODIAL OFFICERS, 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) "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.

(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, custodial officer, firefighter, peace officer, or emergency medical technician who:

(1) on becoming employed or during employment as a detention officer, custodial officer, 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, custodial officer, 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, custodial officer, 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, custodial officer, 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, custodial officer, 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, custodial officer, 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, custodial officer, firefighter, peace officer, or emergency medical technician who 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, custodial officer, firefighter, peace officer, or emergency medical technician if the detention officer, custodial officer, 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, custodial officer, firefighter, peace officer, or emergency medical technician on a full-time basis;

(2) is diagnosed with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19):

(A) using a test authorized, approved, or licensed by the United States Food and Drug Administration; or

(B) if the person is deceased:

(i) using a test described by Paragraph (A); or

(ii) by another means, including by a physician; and

(3) was last on duty:

(A) not more than 15 days before the date the person is diagnosed with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) using a test described by Subdivision (2)(A); or

(B) if the person is deceased, not more than 15 days before the date the person:

(i) was diagnosed with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) using a test described by Subdivision (2)(A);

(ii) began to show symptoms of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) as determined by a licensed physician;

(iii) was hospitalized for symptoms related to severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19); or

(iv) died if severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) was a contributing factor in the person's death.

(c) This section does not affect the right of a detention officer, custodial officer, 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.

(e) This section expires September 1, 2023.

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, custodial officer'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, custodial officer, 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, custodial officer, 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, custodial officer, 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, custodial officer, firefighter, peace officer, or emergency medical technician resides. This subsection expires September 1, 2023.

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 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.

(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.

(d) This section expires September 1, 2023.

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

(d) In this subsection, the terms "custodial officer," "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 custodial officer'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 pending on or filed on or after the effective date of this Act. A claim for benefits filed before 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 subject to Section 607.0545, Government Code, as added by this Act, 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 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, 409.007, 410.169, or 410.205, Labor Code, a person subject to Section 607.0545, Government Code, as added by this Act, 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 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.

The Conference Committee Report on **SB 22** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 248

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 248** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JOHNSON
BUCKINGHAM
KOLKHORST
MILES
PERRY
On the part of the Senate

THIERRY
BURROWS
MEYER
NOBLE
SANFORD
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the sale of cigarettes, tobacco products, and e-cigarettes; requiring occupational permits; imposing fees; providing civil and administrative penalties; creating criminal offenses.

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

SECTION 1. Subtitle G, Title 2, Health and Safety Code, is amended by adding Chapter 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 2. 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 3. 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 4. 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; and

(2) the comptroller for the purpose of administering and enforcing this subchapter and Subchapters K and N.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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 10. Section 154.1015, Tax Code, is amended by amending Subsections (c), (d), and (e) 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.

(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 11. 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 12. 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 13. 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 14. Section 154.1135(b), Tax Code, is amended to read as follows:

(b) The payment must be made in cash or by money order, ~~or~~ check, or credit card.

SECTION 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. Section 155.050(b), Tax Code, is amended to read as follows:

(b) The payment must be made in cash or by money order, ~~or~~ check, or credit card.

SECTION 30. 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 31. 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 32. 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 33. 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 34. 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 35. (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 36. 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 37. (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.

SECTION 38. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 248** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2593

Senator Johnson submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2593** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

JOHNSON
HUGHES
KOLKHORST
PERRY
SCHWERTNER
On the part of the Senate

MOODY
BIEDERMANN
DUTTON
KRAUSE
SLATON
On the part of the House

The Conference Committee Report on **HB 2593** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1315**

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1315** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LUCIO
BETTENCOURT
HINOJOSA
NICHOLS
TAYLOR
On the part of the Senate

DOMINGUEZ
LUCIO III
MARTINEZ FISCHER
MURPHY
SCHOFIELD
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the determination that certain property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce for purposes of the application of certain ad valorem tax laws.

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

SECTION 1. Section 25.07, Tax Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) For purposes of Subsection (b)(6)(B) of this section, property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce if the property:

(1) is leased to a person:

(A) engaged in the business of navigation-related commerce; or

(B) for a purpose described by Section 60.101, 61.162, or 63.153,

Water Code, or for the placement on the property of an improvement described by those sections;

(2) is located:

(A) adjacent to a federal navigation project; or

(B) in a foreign trade zone established and operated under federal law;

or

(3) includes part of a rail facility that serves the tenants and users of the port or waterway.

(e) In this section, "navigation-related commerce" includes the following if engaged in by a person:

(1) an activity that requires the person to hold a maritime-related license or permit issued by a navigation district, including providing stevedoring, steamship agency, towing, tugboat, or line handling services;

(2) an activity that requires the person to hold a franchise issued by a navigation district;

(3) possessing a leasehold interest in property owned by a navigation district that connects infrastructure to a public dock;

(4) hauling cargo into or across a public dock;

(5) commercial fishing;

(6) constructing, fabricating, cleaning, repairing, dismantling, or recycling vessels;

(7) pilotage; or

(8) an activity described by Section 60.101, 61.162, or 63.153, Water Code.

SECTION 2. This Act applies only to the taxation of property for a tax year beginning on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 1315** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1776

Senator Campbell submitted the following Conference Committee Report:

Austin, Texas

May 29, 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 1776** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CAMPBELL
ALVARADO
HALL
HINOJOSA
TAYLOR

On the part of the Senate

K. BELL
TOTH
HARRIS

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the display of the national motto and the founding documents of the United States in public schools and the inclusion of an elective course on the founding principles of the United States in the curriculum for public high school students.

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

SECTION 1. Section 1.004, Education Code, is amended to read as follows:

Sec. 1.004. DISPLAY OF NATIONAL MOTTO AND FOUNDING DOCUMENTS. (a) In this section, "founding documents of the United States" means:

- (1) the United States Declaration of Independence;
- (2) the United States Constitution; and
- (3) Essays 10 and 57 of the Federalist Papers.

(b) A public elementary or secondary school shall [or an institution of higher education as defined by Section 61.003 may] display in a conspicuous place in each building of the school a durable poster or framed copy of the United States national motto, "In God We Trust," and the founding documents of the United States if the poster or copy is:

- (1) donated for display at the school; or
- (2) purchased from private donations and made available to the school [in each classroom, auditorium, and cafeteria].

(c) A public elementary or secondary school may accept and use private donations for the purposes of Subsection (b).

SECTION 2. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0111 to read as follows:

Sec. 28.0111. FOUNDING PRINCIPLES ELECTIVE. (a) Each school district and open-enrollment charter school that offers a high school program shall provide an elective course on the founding principles of the United States that meets the requirements for a one-half elective credit under Section 28.025.

(b) The course must focus on the principles underlying the United States form of government, the Declaration of Independence, the United States Constitution, the Federalist Papers, and the writings of the Founding Fathers of the United States.

SECTION 3. Section 28.0111, Education Code, as added by this Act, applies beginning with the 2022-2023 school year.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The Conference Committee Report on **SB 1776** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 2038**

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2038** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MENÉNDEZ
WHITMIRE
HANCOCK
SCHWERTNER
PAXTON
On the part of the Senate

DEAN
OLIVERSON
GUILLEN
ALLISON
J. E. JOHNSON
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to prices and fees charged by certain freestanding emergency medical care facilities, including prices and fees charged during a declared state of disaster; providing administrative penalties.

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

SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. PRICES AND FEES CHARGED BY FREESTANDING
EMERGENCY MEDICAL CARE FACILITIES ASSOCIATED WITH CERTAIN
HOSPITALS

Sec. 241.221. APPLICABILITY. (a) This subchapter applies only to a freestanding emergency medical care facility, as that term is defined by Section 254.001, that is:

(1) exempt from the licensing requirements of Chapter 254 under Section 254.052(5), (7), or (8); and

(2) associated with a hospital licensed under this chapter that does not meet the conditions of participation for certification under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.).

(b) This subchapter does not apply to a freestanding emergency medical care facility associated with a hospital licensed under this chapter that:

(1) has been operating as a hospital for less than one year;

(2) has submitted an application to a federally recognized accreditation program for certification under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.); and

(3) has not failed an accreditation for certification.

Sec. 241.222. CERTAIN FEES PROHIBITED. (a) A facility described by Section 241.221 that provides a health care service, including testing or vaccination, to an individual accessing the service from the individual's vehicle may not charge the individual or a third-party payor a facility or observation fee.

(b) This section may not be construed as expanding the type of health care services a facility described by Section 241.221 is authorized to provide.

Sec. 241.223. DISCLOSURE OF CERTAIN PRICES AND FEES DURING DECLARED DISASTER; CONSTRUCTION. (a) A facility described by Section 241.221 that provides testing or vaccination for an infectious disease for which a state of disaster has been declared under Chapter 418, Government Code, shall disclose to each patient the prices the facility charges for the test or vaccine and any facility fees, supply costs, and other costs associated with the test or vaccine in accordance with the disclosure requirements described by Section 254.156, as added by Chapter 1093 (H.B. 2041), Acts of the 86th Legislature, Regular Session, 2019.

(b) This section may not be construed as expanding the type of health care services a facility described by Section 241.221 is authorized to provide.

Sec. 241.224. PROHIBITED PRICING PRACTICES DURING DECLARED STATE OF DISASTER. (a) In this section, "unconscionable price" means a price that is more than 200 percent of the average price for the same or a substantially similar product or service provided to other individuals by health care facilities located in the same county or nearest county to the county in which the facility described by Section 241.221 is located, as applicable, according to data collected by the department under Chapter 108.

(b) During a state of disaster declared by the governor under Chapter 418, Government Code, a facility described by Section 241.221 may not:

(1) charge an individual an unconscionable price for a product or service provided at the facility; or

(2) knowingly or intentionally charge a third-party payor, including a health benefit plan insurer, a price higher than the price charged to an individual for the same product or service based on the payor's liability for payment or partial payment of the product or service.

(c) Subsection (b)(2) does not prohibit a facility described by Section 241.221 from:

(1) offering an uninsured individual a cash discount for a particular product or service; or

(2) accepting directly from an individual full payment for a health care product or service in lieu of submitting a claim to the individual's health benefit plan.

Sec. 241.225. ENFORCEMENT. Notwithstanding any conflicting provision in this subchapter and except for good cause shown, the commission shall impose the following penalty on a person licensed under this chapter who violates Section 241.224 or a rule adopted under that section:

(1) for the first violation, an administrative penalty in an amount equal to \$10,000;

(2) for the second violation:

(A) an administrative penalty in an amount equal to \$50,000; and

(B) a suspension of the person's license for 30 days; and

(3) for the third violation, a permanent revocation of the person's license.

SECTION 2. Subchapter D, Chapter 254, Health and Safety Code, is amended by adding Sections 254.1555 and 254.1556 to read as follows:

Sec. 254.1555. CERTAIN FEES PROHIBITED. (a) A facility that provides a health care service, including testing or vaccination, to an individual accessing the service from the individual's vehicle may not charge the individual or a third-party payor a facility or observation fee.

(b) This section may not be construed as expanding the type of health care services a facility is authorized to provide under this chapter.

Sec. 254.1556. DISCLOSURE OF CERTAIN PRICES AND FEES DURING DECLARED DISASTER; CONSTRUCTION. (a) A facility that provides testing or vaccination for an infectious disease for which a state of disaster has been declared under Chapter 418, Government Code, shall disclose the price the facility charges for the test or vaccine and any facility fees, supply costs, and other costs associated with the test or vaccine in accordance with the disclosure requirements described by Section 254.156, as added by Chapter 1093 (H.B. 2041), Acts of the 86th Legislature, Regular Session, 2019.

(b) This section may not be construed as expanding the type of health care services a facility is authorized to provide under this chapter.

SECTION 3. Subchapter D, Chapter 254, Health and Safety Code, is amended by adding Section 254.160 to read as follows:

Sec. 254.160. PROHIBITED PRICING PRACTICES DURING DECLARED STATE OF DISASTER. (a) In this section, "unconscionable price" means a price that is more than 200 percent of the average price for the same or a substantially similar product or service provided to other individuals by health care facilities located in the same county or nearest county to the county in which the freestanding emergency medical care facility is located, as applicable, according to data collected by the department under Chapter 108.

(b) During a state of disaster declared by the governor under Chapter 418, Government Code, a facility may not:

(1) charge an individual an unconscionable price for a product or service provided at the facility; or

(2) knowingly or intentionally charge a third-party payor, including a health benefit plan insurer, a price higher than the price charged to an individual for the same product or service based on the payor's liability for payment or partial payment of the product or service.

(c) Subsection (b)(2) does not prohibit a facility from:

(1) offering an uninsured individual a cash discount for a particular product or service; or

(2) accepting directly from an individual full payment for a health care product or service in lieu of submitting a claim to the individual's health benefit plan.

SECTION 4. Subchapter E, Chapter 254, Health and Safety Code, is amended by adding Section 254.207 to read as follows:

Sec. 254.207. ENFORCEMENT. Notwithstanding any conflicting provision in this subchapter and except for good cause shown, the Health and Human Services Commission shall impose the following on a person licensed under this chapter who violates Section 254.160 or a rule adopted under that section:

(1) for the first violation, an administrative penalty in an amount equal to \$10,000;

(2) for the second violation:

(A) an administrative penalty in an amount equal to \$50,000; and

(B) a suspension of the person's license for 30 days; and

(3) for the third violation, a permanent revocation of the person's license.

SECTION 5. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 2038** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2315

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2315** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN

BETTENCOURT

JOHNSON

NELSON

NICHOLS

On the part of the Senate

J. TURNER

ROSE

MEYER

COLLIER

MURR

On the part of the House

The Conference Committee Report on **HB 2315** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 713

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 713** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BUCKINGHAM
CAMPBELL
HALL
LUCIO
SCHWERTNER

On the part of the Senate

CYRIER
CANALES
GOLDMAN
LAMBERT
PADDIE

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the sunset review process and certain governmental entities subject to that process.

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

ARTICLE 1. ENTITIES GIVEN 2023 SUNSET DATE

SECTION 1.01. TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE. Section 481.003, Government Code, is amended to read as follows:

Sec. 481.003. SUNSET PROVISION. The Texas Economic Development and Tourism Office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 1.02. OFFICE OF STATE-FEDERAL RELATIONS. Section 751.003, Government Code, is amended to read as follows:

Sec. 751.003. SUNSET PROVISION. The Office of State-Federal Relations is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 1.03. ANATOMICAL BOARD OF THE STATE OF TEXAS. Section 691.003, Health and Safety Code, is amended to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2023 [~~2021~~].

SECTION 1.04. TEXAS COMMISSION OF LICENSING AND REGULATION; TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002(a), Occupations Code, is amended to read as follows:

(a) The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2023 [~~2024~~].

SECTION 1.05. TEXAS COMMISSION ON LAW ENFORCEMENT. (a) Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2023 [~~2024~~].

(b) For purposes of Section 1701.002, Occupations Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the Texas Commission on Law Enforcement for the 88th Legislature.

(c) In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the appropriateness of the Sunset Advisory Commission's recommendations for the Texas Commission on Law Enforcement made to the 87th Legislature.

(d) The Sunset Advisory Commission's recommendations to the 88th Legislature may include any recommendation the commission considers appropriate based on the limited-scope review conducted under this section.

SECTION 1.06. PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter or by Chapter 39, the commission is abolished and this title expires September 1, 2023 [~~2025~~].

SECTION 1.07. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of Public Utility Counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2023 [~~2025~~].

SECTION 1.08. SAN JACINTO RIVER AUTHORITY. Section 1A(a), Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended to read as follows:

(a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2023 [~~2024~~], and every 12th year after that year.

ARTICLE 2. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 2.01. TEXAS DEPARTMENT OF INSURANCE AND DIVISION OF WORKERS' COMPENSATION, TEXAS DEPARTMENT OF INSURANCE. Section 31.004, Insurance Code, is amended to read as follows:

Sec. 31.004. SUNSET PROVISION. (a) The Texas Department of Insurance is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2025 [~~2023~~].

(b) Unless continued as provided by Chapter 325, Government Code, the duties of the division of workers' compensation of the Texas Department of Insurance under Title 5, Labor Code, expire September 1, 2025 [~~2023~~], or another date designated by the legislature.

SECTION 2.02. OFFICE OF PUBLIC INSURANCE COUNSEL. Section 501.003, Insurance Code, is amended to read as follows:

Sec. 501.003. SUNSET PROVISION. The office is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished September 1, 2025 [~~2023~~].

SECTION 2.03. OFFICE OF INJURED EMPLOYEE COUNSEL. Section 404.003, Labor Code, is amended to read as follows:

Sec. 404.003. SUNSET PROVISION. The office of injured employee counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2025 [~~2023~~].

ARTICLE 3. ENTITIES GIVEN 2027 SUNSET DATE

SECTION 3.01. TEXAS PUBLIC FINANCE AUTHORITY. Section 1232.072, Government Code, is amended to read as follows:

Sec. 1232.072. SUNSET PROVISION. The Texas Public Finance Authority is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 3.02. TEXAS STATE AFFORDABLE HOUSING CORPORATION. Section 2306.5521, Government Code, is amended to read as follows:

Sec. 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, 2027 [~~2023~~].

SECTION 3.03. COMMISSION ON STATE EMERGENCY COMMUNICATIONS. Section 771.032, Health and Safety Code, is amended to read as follows:

Sec. 771.032. APPLICATION OF SUNSET ACT. The Commission on State Emergency Communications is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2027 [~~2023~~].

SECTION 3.04. TEXAS RACING COMMISSION. (a) Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2027 [~~2021~~].

(b) Not later than December 1, 2021, the Texas Racing Commission shall replace all employees who were employed by the Texas Racing Commission on August 31, 2021, in:

(1) an exempt position; or

(2) a position at or above salary group B27 in the Texas Position Classification Plan, 1961.

(c) The Texas Racing Commission may not hire or rehire an individual to fill a position described by Subsection (b) of this section if the individual was employed by the commission in a position described by Subsection (b) of this section during the six months preceding the effective date of this Act.

ARTICLE 4. ENTITIES GIVEN 2029 SUNSET DATE

SECTION 4.01. CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS. Section 102.003, Health and Safety Code, is amended to read as follows:

Sec. 102.003. SUNSET PROVISION. The Cancer Prevention and Research Institute of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the institute is abolished and this chapter expires September 1, 2029 [~~2023~~].

SECTION 4.02. STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) Section 801.003, Occupations Code, is amended to read as follows:

Sec. 801.003. APPLICATION OF SUNSET ACT. The State Board of Veterinary Medical Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished [~~and this chapter expires~~] September 1, 2029 [~~2021~~].

(b) The Sunset Advisory Commission shall conduct a special-purpose review of the State Board of Veterinary Medical Examiners for the 88th Legislature. In conducting the special-purpose review under this subsection:

(1) the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the implementation of the State Board of Veterinary Medical Examiners' database system and the board's processes and procedures for collecting and analyzing data as recommended by the commission to the 87th Legislature; and

(2) the commission's recommendations to the 88th Legislature may include any recommendation the commission considers appropriate based on the special-purpose review.

(c) The state auditor shall conduct an effectiveness audit of the State Board of Veterinary Medical Examiners to evaluate:

(1) the board's implementation of the data-related recommendations made in the report on the board submitted by the Sunset Advisory Commission to the 85th Legislature and identified as not fully implemented in the report on the board submitted by the commission to the 87th Legislature; and

(2) any additional recommendation made in the Sunset Advisory Commission's report on the special-purpose review under Subsection (b) of this section.

(d) The state auditor may not begin the audit required by Subsection (c) of this section before December 1, 2023, and shall prepare and submit a report of the findings of the audit to the chair and executive director of the Sunset Advisory Commission not later than December 1, 2024.

(e) The state auditor shall include the auditor's duties under this section in each audit plan under Section 321.013, Government Code, that governs the auditor's duties for the period specified by Subsection (d) of this section.

ARTICLE 5. ENTITIES GIVEN 2031 SUNSET DATE

SECTION 5.01. TEXAS REAL ESTATE COMMISSION. Section 1101.006, Occupations Code, is amended to read as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. The Texas Real Estate Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter, Chapter 1102, and Chapter 1303 of this code and Chapter 221, Property Code, expire September 1, 2031 [~~2025~~].

SECTION 5.02. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. Section 1103.006, Occupations Code, is amended to read as follows:

Sec. 1103.006. APPLICATION OF SUNSET ACT. The Texas Appraiser Licensing and Certification Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter and Chapter 1104 expire September 1, 2031 [~~2025~~].

ARTICLE 6. ENTITIES REMOVED FROM SUNSET REVIEW

SECTION 6.01. TEXAS A&M FOREST SERVICE. Section 88.1016, Education Code, is repealed.

ARTICLE 7. LIMITED REVIEWS REMOVED FROM SUNSET REVIEW

SECTION 7.01. HEALTH AND HUMAN SERVICES COMMISSION, DEPARTMENT OF STATE HEALTH SERVICES, AND DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 531.0206, Government Code, is repealed.

SECTION 7.02. THE HEALTH AND HUMAN SERVICES COMMISSION'S OFFICE OF INSPECTOR GENERAL. Section 531.102(y), Government Code, is repealed.

ARTICLE 8. SUNSET REVIEW PROCESS

SECTION 8.01. PROCEDURES DURING DECLARED DISASTER. Section 325.0125(b), Government Code, is amended to read as follows:

(b) The commission may only exempt agencies that have been inactive for a period of two years preceding the date the agency is scheduled for abolition, ~~[or]~~ that have been rendered inactive by an action of the legislature, or that the commission determines are unable to participate in the review due to a declared disaster.

SECTION 8.02. 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 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).

ARTICLE 9. TRANSITION

SECTION 9.01. CONFLICT WITH OTHER LAWS. If a conflict exists between this Act and another Act of the 87th Legislature, Regular Session, 2021, that amends or repeals the sunset date of a governmental entity, the provisions of the other Act control without regard to the relative dates of enactment.

ARTICLE 10. EFFECTIVE DATE

SECTION 10.01. 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.

The Conference Committee Report on **SB 713** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2

Senator Hancock submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HANCOCK
JOHNSON
MENÉNDEZ
NICHOLS
SCHWERTNER
On the part of the Senate

PADDIE
HARLESS
HERNANDEZ
P. KING
LUCIO III
On the part of the House

A BILL TO BE ENTITLED AN ACT

relating to the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region.

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

SECTION 1. Subchapter B, Chapter 12, Utilities Code, is amended by adding Section 12.0521 to read as follows:

Sec. 12.0521. PRESIDING OFFICER QUALIFICATIONS. The commissioner designated as the presiding officer must be a resident of this state.

SECTION 2. Section 13.022(a), Utilities Code, is amended to read as follows:

(a) The counsellor must:

- (1) be licensed to practice law in this state and a resident of this state;
- (2) have demonstrated a strong commitment to and involvement in efforts to safeguard the rights of the public; and
- (3) possess the knowledge and experience necessary to practice effectively in utility proceedings.

SECTION 3. Section 39.151, Utilities Code, is amended by amending Subsections (d), (g), and (g-1) and adding Subsections (g-2), (g-3), (g-4), (g-5), and (g-6) to read as follows:

(d) The commission shall adopt and enforce rules relating to the reliability of the regional electrical network and accounting for the production and delivery of electricity among generators and all other market participants, or may delegate to an independent organization responsibilities for adopting ~~establishing~~ or enforcing such rules. Rules ~~Any such rules~~ adopted by an independent organization and ~~any~~ enforcement actions taken by the organization under delegated authority from the commission are subject to commission oversight and review and may not take effect before receiving commission approval. An independent organization certified by the commission is directly responsible and accountable to the commission. The commission has complete authority to oversee and investigate the organization's finances, budget, and operations as necessary to ensure the organization's accountability and to ensure that the organization adequately performs the organization's functions and duties. The organization shall fully cooperate with the commission in the commission's oversight and investigatory functions. The commission may take appropriate action against an organization that does not adequately perform the organization's functions or duties or does not comply with this section, including decertifying the organization or assessing an administrative penalty against the organization. The commission by rule shall adopt procedures governing decertification of an independent organization, selecting and certifying a successor organization, and transferring assets to the successor organization to ensure continuity of operations in the region. The commission may not implement, by order or by rule, a requirement that is contrary to an applicable federal law or rule.

(g) To maintain certification as an independent organization for the ERCOT power region under this section, an organization's governing body must be composed of persons selected by the ERCOT board selection committee ~~specified by this section and selected in accordance with formal bylaws or protocols of the organization~~.

(g-1) The independent organization's bylaws or protocols must be approved by the commission and must reflect the input of the commission. ~~The bylaws must specify the process by which appropriate stakeholders elect members and, for unaffiliated members, prescribe professional qualifications for selection as a member.~~

The bylaws must require that every member of the governing body be a resident of this state and must prohibit a legislator from serving as a member ~~[the use of a professional search firm to identify candidates for membership of unaffiliated members. The process must allow for commission input in identifying candidates].~~

The governing body must be composed of:

- (1) the chairman of the commission as an ex officio nonvoting member;
- (2) the counsellor as an ex officio voting member representing residential and small commercial consumer interests;
- (3) the chief executive officer of the independent organization as an ex officio nonvoting ~~[voting]~~ member; and
- (4) eight members selected by the selection committee under Section 39.1513 with executive-level experience in any of the following professions:

(A) finance;

(B) business;

(C) engineering, including electrical engineering;

(D) trading;

(E) risk management;

(F) law; or

(G) electric market design [six market participants elected by their respective market segments to serve one year terms, with:

~~[(A) one representing independent generators;~~

~~[(B) one representing investor-owned utilities;~~

~~[(C) one representing power marketers;~~

~~[(D) one representing retail electric providers;~~

~~[(E) one representing municipally owned utilities; and~~

~~[(F) one representing electric cooperatives;~~

~~[(5) one member representing industrial consumer interests and elected by the industrial consumer market segment to serve a one year term;~~

~~[(6) one member representing large commercial consumer interests selected in accordance with the bylaws to serve a one year term; and~~

~~[(7) five members unaffiliated with any market segment and selected by the other members of the governing body to serve three year terms].~~

(g-2) Members [(g-1) The presiding officer] of the governing body are entitled to receive a salary for their service [must be one of the members described by Subsection (g)(7)].

(g-3) A person does not qualify for selection as a member of the governing body of an independent organization for the ERCOT power region if the person has a fiduciary duty or assets in the electricity market for that region.

(g-4) To maintain certification as an independent organization under this section, the organization's governing body may not include more than two members who are employed by an institution of higher education, as defined by Section 61.003, Education Code, in a professorial role.

(g-5) A former member of the governing body of an independent organization certified under this section may not, before the second anniversary of the date the member ceases to be a member of the governing body, engage in an activity that requires registration under Chapter 305, Government Code.

(g-6) To maintain certification as an independent organization under this section, the organization's governing body must establish and implement a formal process for adopting new protocols or revisions to existing protocols. The process must require that new or revised protocols may not take effect until the commission approves a market impact statement describing the new or revised protocols.

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1513 to read as follows:

Sec. 39.1513. ERCOT BOARD SELECTION COMMITTEE. (a) The ERCOT board selection committee is composed of:

- (1) one member appointed by the governor;
- (2) one member appointed by the lieutenant governor; and
- (3) one member appointed by the speaker of the house of representatives.

(b) A person may not be appointed as a member of the committee unless the person is a resident of this state.

(c) A member of the committee is not entitled to compensation for serving as a member but is entitled to reimbursement for actual and necessary expenses incurred in performing the official duties of office.

(d) The committee shall select members eligible under Section 39.151 to serve on the governing body of an independent organization certified under that section for the ERCOT power region and shall designate the chair and vice chair of the governing body from those members.

(e) The ERCOT board selection committee shall retain an outside consulting firm to help select members of the governing body under Subsection (d).

SECTION 5. An independent organization certified under Section 39.151, Utilities Code, by the Public Utility Commission of Texas before September 1, 2021, shall modify the organization to comply with Section 39.151, Utilities Code, as amended by this Act. After September 1, 2021, the Public Utility Commission of Texas may decertify an independent organization that does not comply with Section 39.151, Utilities Code, as amended by this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

The Conference Committee Report on **SB 2** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 828

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 828** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUGHES
BIRDWELL
ZAFFIRINI

PADDIE
METCALF
CLARDY
HUBERTY
E. MORALES

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the use of municipal hotel occupancy tax revenue in certain municipalities, the entitlement of certain municipalities to certain tax revenue related to certain hotel and other projects, and the rates and applicability of and use of revenue from the hotel occupancy tax in certain counties.

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

SECTION 1. Section 351.101, Tax Code, is amended by amending Subsection (n) and adding Subsection (v) to read as follows:

(n) In addition to other authorized uses, a municipality that has a population of not more than 1,500 and is located in a county that borders Arkansas and Louisiana may use revenue from the municipal hotel occupancy tax for the promotion of tourism by the enhancement and upgrading of an existing sports facility or field as specified by Subsection (a)(7), provided that the requirements of Subsection [Subsections] (a)(7)(A) ~~and (C)~~ and Section 351.1076 are met.

(v) In addition to other authorized uses, a municipality described by Section 351.152(33) may use revenue from the municipal hotel occupancy tax for the promotion of tourism by the enhancement and upgrading of an existing sports facility or field as specified by Subsection (a)(7), provided that the requirements of Subsection (a)(7)(A) and Section 351.1076 are met.

SECTION 2. Chapter 351, Tax Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. RECEIPT OF CERTAIN REVENUE BY CERTAIN MUNICIPALITIES

Sec. 351.201. EXTENSION OF PERIOD OF ENTITLEMENT TO CERTAIN REVENUE FOR CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality or nonprofit corporation acting on behalf of a municipality that, on February 29, 2020, was receiving a rebate, refund, or payment of taxes under Section 151.429(h), 351.102, 351.156, or 351.157 relating to a hotel project or qualified hotel, convention center facility, or establishment, as applicable.

(b) Notwithstanding any other law, a municipality or nonprofit corporation acting on behalf of a municipality to which this section applies and that is otherwise entitled to receive revenue under Section 151.429(h), 351.102, 351.156, or 351.157 for the 10-year period following the date on which the qualifying hotel to which the entitlement relates is open for initial occupancy is entitled to receive that revenue for an additional 12-month period immediately following the expiration of the 10-year period.

(c) A municipality or nonprofit corporation acting on behalf of a municipality must request the extension of the period of entitlement provided under Subsection (b) from the comptroller in the manner the comptroller specifies. The comptroller is not required to extend the period of entitlement under Subsection (b) unless the municipality or nonprofit corporation requests the extension.

Sec. 351.202. EXPIRATION OF SUBCHAPTER. This subchapter expires January 1, 2033.

SECTION 3. Section 352.002(d), Tax Code, is amended 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.

SECTION 4. Section 352.003, Tax Code, is amended by adding Subsection (y) 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.

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

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. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 828** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1704**

Senator Blanco submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1704** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BLANCO
NICHOLS
HINOJOSA
PERRY
WEST

On the part of the Senate

MOODY
M. GONZÁLEZ
ORDAZ PEREZ

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the designation of the portion of United States Highway 54 in El Paso County as the Korean War Veterans Memorial Highway.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.190 to read as follows:

Sec. 225.190. KOREAN WAR VETERANS MEMORIAL HIGHWAY. (a) The portion of United States Highway 54 in El Paso County between its intersection with State Highway Loop 375 and the New Mexico state border is designated as the Korean War Veterans Memorial Highway. This designation is in addition to any other designation.

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

(1) design and construct markers indicating the designation as the Korean War Veterans Memorial Highway and any other appropriate information; and

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

SECTION 2. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 1704** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3774**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 3774** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
CAMPBELL
NELSON
HUGHES
HINOJOSA

LEACH
J. E. JOHNSON
MOODY
SCHOFIELD
SMITH

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 3774** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 321**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 321** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HUFFMAN
CAMPBELL
NELSON

BONNEN
GERVIN-HAWKINS
GOLDMAN

NICHOLS
TAYLOR
On the part of the Senate

MURPHY
SLAWSON
On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to contributions to, benefits from, and the administration of the Employees Retirement System of Texas.

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

SECTION 1. Section 803.202, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A member of the Employees Retirement System of Texas who is subject to Chapter 820 is eligible to participate in the program provided by this chapter.

SECTION 2. Chapter 805, Government Code, is amended by adding Section 805.0015 to read as follows:

Sec. 805.0015. APPLICABILITY. This chapter does not apply to a member of the employees retirement system who is subject to Chapter 820.

SECTION 3. Section 811.001, Government Code, is amended by adding Subdivision (5-a) and amending Subdivision (16) to read as follows:

(5-a) "Cash balance group member" means a member subject to Chapter 820.

(16) "Service credit" means the amount of membership and, if applicable, military service ascribed to a person's account in the retirement system for which all required contributions have been made to, and are being held by, the retirement system.

SECTION 4. Section 812.101(c), Government Code, is amended to read as follows:

(c) For a law enforcement or custodial officer, the withdrawal of accumulated contributions under Subsection (a) includes all of the officer's contributions made under Section 815.402(h) or 820.101(b), as applicable.

SECTION 5. Section 813.001, Government Code, is amended to read as follows:

Sec. 813.001. TYPES OF CREDITABLE SERVICE. The types of service creditable in the retirement system are membership service and, if applicable, military service[;] and equivalent membership service.

SECTION 6. Subchapter A, Chapter 813, Government Code, is amended by adding Section 813.0015 to read as follows:

Sec. 813.0015. PROVISIONS APPLICABLE TO CASH BALANCE GROUP MEMBERS. The following provisions of this chapter do not apply to a cash balance group member:

(1) Sections 813.102, 813.104, 813.106, 813.202, 813.402, 813.403, 813.404, 813.502, 813.504, 813.505, 813.506, 813.509, 813.511, 813.513, and 813.514; and

(2) Subchapter D.

SECTION 7. Section 813.401, Government Code, is amended to read as follows:

Sec. 813.401. SERVICE CREDITABLE IN ELECTED CLASS. Service creditable in the elected class of membership is:

- (1) membership service in an office included in that class; and
- (2) for members other than cash balance group members:

(A) military service established as provided by Subchapter D; and

(B) [3] equivalent membership service specifically made creditable in that class.

SECTION 8. Section 814.009(a), Government Code, is amended to read as follows:

(a) A person who receives an annuity under this subtitle [~~subchapter~~] may, on a form prescribed by and filed with the retirement system, authorize the retirement system to deduct from the person's monthly annuity payment the amount of a fee for the person's membership in a state employee organization that:

(1) is a certified eligible state employee organization under Section 403.0165; or

(2) has at least 2,500 retirees as members on January 1 preceding the fiscal year for which the deduction is made.

SECTION 9. Section 814.0095(a), Government Code, is amended to read as follows:

(a) Except as provided by Section 814.0096(c), a person who receives an annuity under this subtitle [~~subchapter~~] may, on a printed or electronic form filed with the retirement system, authorize the retirement system to deduct from the person's monthly annuity payment the amount of a contribution to the state employee charitable campaign in the manner and for the same purposes for which a state employee may authorize deductions to that campaign under Subchapter I, Chapter 659.

SECTION 10. Subchapter B, Chapter 814, Government Code, is amended by adding Section 814.1005 to read as follows:

Sec. 814.1005. INAPPLICABILITY OF SUBCHAPTER TO CASH BALANCE GROUP MEMBERS. This subchapter does not apply to a cash balance group member.

SECTION 11. Sections 815.311(a) and (b), Government Code, are amended to read as follows:

(a) The retirement system shall deposit in a member's individual account in the employees saving account the following amounts, as applicable:

(1) the amount of contributions to the retirement system that is deducted from the member's compensation;

(2) the portion of a deposit required to reinstate service credit previously canceled that represents only the amount withdrawn;

(3) the portion of a deposit required to establish service credit not previously established that represents only the required contribution; [~~and~~]

(4) the portion of a deposit required to establish military service credit that represents only the member's contribution for that credit; and

(5) interest and gain sharing interest in accordance with Sections 820.102 and 820.103, respectively.

(b) Except as provided by Section 820.102 or 820.103, interest ~~[interest]~~ on money in an individual account in the employees saving account is earned monthly and is computed at the rate of two percent a year on the mean balance of the member's account for the fiscal year.

SECTION 12. Section 815.314, Government Code, is amended to read as follows:

Sec. 815.314. INTEREST ACCOUNT. Except as provided by Section 815.317, 820.102, or 820.103, the retirement system shall deposit in the interest account all income, interest, and dividends from deposits and investments of assets of the retirement system.

SECTION 13. Section 815.317(d), Government Code, is amended to read as follows:

(d) Member contributions to the fund deducted under Section 815.402(h) or 820.101(b), as applicable:

(1) earn interest at the same rate as money in an individual account in the employees saving account under Section 815.311; and

(2) are subject to the same computations and limitations that apply to member contributions under Section 815.311.

SECTION 14. Section 815.401(a), Government Code, is amended to read as follows:

(a) Each member annually shall pay a membership fee of \$2. A contributing member shall pay the fee with the member's first contribution to the retirement system in each fiscal year in the manner provided by Section 815.402 or 820.101, as applicable, for payment of the member's contribution to the retirement system.

SECTION 15. The heading to Section 815.402, Government Code, is amended to read as follows:

Sec. 815.402. COLLECTION OF CERTAIN MEMBER CONTRIBUTIONS.

SECTION 16. Section 815.402(a), Government Code, is amended to read as follows:

(a) Except as provided by Section 813.201, each payroll period, each department or agency of the state shall cause to be deducted from the [each member's] compensation of each member, other than a cash balance group member, a contribution of:

(1) 9.5 percent of the compensation if the member is not a member of the legislature, for service rendered after August 31, 2015, and before September 1, 2017;

(2) for service by a member who is not a member of the legislature rendered on or after September 1, 2017, the lesser of:

(A) 9.5 percent of the ~~[member's annual]~~ compensation; or

(B) a percentage of the ~~[member's annual]~~ compensation equal to 9.5 percent reduced by one-tenth of one percent for each one-tenth of one percent that the state contribution rate for the fiscal year to which the service relates is less than the state contribution rate established for the 2017 fiscal year; or

(3) 9.5 percent of the compensation if the member is a member of the legislature.

SECTION 17. Section 815.403(a), Government Code, is amended to read as follows:

(a) During each fiscal year, the state shall contribute to the retirement system:

(1) an amount equal to 9.5 [~~7.4~~] percent of the total compensation of all members of the retirement system for that year;

(2) money to pay lump-sum death benefits for retirees under Section 814.501;

(3) an amount for the law enforcement and custodial officer supplemental retirement fund equal to 2.13 percent of the aggregate state compensation of all custodial and law enforcement officers for that year;

(4) money necessary for the administration of the law enforcement and custodial officer supplemental retirement fund; and

(5) money for service credit not previously established, as provided by Section 813.202(c) or 813.302(d).

SECTION 18. Sections 815.406(a) and (c), Government Code, are amended to read as follows:

(a) The state shall pick up the employee contribution required of each of its employees by Section 815.402 or 820.101, as applicable, for all compensation earned [~~after December 31, 1987~~]. The state shall pay to the retirement system the picked-up contributions from the same source of funds that is used in paying earnings to the employees. Such payments shall be in lieu of contributions by the employees. The state shall pick up these contributions by a corresponding reduction in the cash salary of the employees, by an offset against a future salary increase, or by a combination of a salary reduction and offset against a future salary increase. Employees do not have the option of choosing to receive the contributed amounts directly instead of having them paid by the state to the retirement system.

(c) Employee contributions picked up as provided by Subsection (a) shall be transmitted to the retirement system in the manner required by Section 815.402 or 820.101, as applicable. Employee contributions picked up by the state and credited to the employee's account shall be treated for all other purposes as if the amount were a part of the member's compensation and had been deducted pursuant to Section 815.403(a).

SECTION 19. Subchapter E, Chapter 815, Government Code, is amended by adding Section 815.407 to read as follows:

Sec. 815.407. LEGACY PAYMENTS. (a) In addition to the state contributions required by this subtitle, each fiscal year the state shall make an actuarially determined payment in the amount necessary to amortize the system's unfunded actuarial liabilities by not later than the fiscal year ending August 31, 2054.

(b) Before each regular legislative session, the retirement system shall provide the Legislative Budget Board with the amount necessary to make the actuarially determined payment required under Subsection (a). The director of the Legislative Budget Board, under the direction of the Legislative Budget Board, shall include that payment in the general appropriations bill prepared for introduction at each regular legislative session under Section 322.008. This subsection expires September 1, 2055.

SECTION 20. Subtitle B, Title 8, Government Code, is amended by adding Chapter 820 to read as follows:

CHAPTER 820. CASH BALANCE BENEFIT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 820.001. DEFINITION. In this chapter, "accumulated account balance" means the total of amounts in a member's individual account in the employees saving account, including:

- (1) amounts deducted from the compensation of the member;
- (2) other member deposits required to be placed in the member's individual account; and
- (3) interest credited to amounts in the member's individual account, including interest and gain sharing interest credited in accordance with Sections 820.102 and 820.103, respectively.

Sec. 820.002. APPLICABILITY. This chapter applies only to a member of the employee or elected class of membership who:

- (1) was hired or took office on or after September 1, 2022; and
- (2) was not a member on the date the member was hired or took office.

Sec. 820.003. CONFLICT OF LAW. To the extent of a conflict between this chapter, including a rule adopted by the retirement system under authority of this chapter, and any other law, this chapter prevails.

Sec. 820.004. RULES. The board of trustees may adopt rules necessary to implement this chapter.

SUBCHAPTER B. CASH BALANCE BENEFITS

Sec. 820.051. APPLICATION FOR CASH BALANCE BENEFIT. (a) A member may apply for a cash balance annuity by filing an application for retirement with the board of trustees.

(b) An application for a cash balance annuity may not be made:

- (1) after the date the member wishes to retire; or
- (2) more than 90 days before the date the member wishes to retire.

Sec. 820.052. ELIGIBILITY FOR CASH BALANCE BENEFIT. A member:

(1) who has service credit in the employee class of membership is eligible to retire and receive a cash balance annuity if the member:

(A) is at least 65 years old and has five years of service credit in that class; or

(B) has at least five years of service credit in that class and the sum of the member's age and amount of service credit in that class, including months of age and credit, equals or exceeds the number 80;

(2) who:

(A) has at least 20 years of service credit as a law enforcement or custodial officer is eligible to retire regardless of age and receive a cash balance annuity in an amount computed and funded as provided by Section 820.053; or

(B) is at least 55 years old and has at least 10 years of service credit as a law enforcement or custodial officer is eligible to retire and receive a cash balance annuity in an amount computed and funded as provided by Section 820.053, provided that the member is only entitled to the enhanced benefit described by Section 820.053(a)(2)(B) if the member has at least 20 years of service as a law enforcement or custodial officer; or

(3) who has service credit in the elected class of membership is eligible to retire and receive a cash balance annuity if the member:

(A) is at least 60 years old and has eight years of service credit in that class; or

(B) is at least 50 years old and has 12 years of service credit in that class.

Sec. 820.053. CASH BALANCE BENEFITS FOR MEMBERS. (a) The state match for the cash balance benefit for:

(1) service credited to the employee class of membership is an amount computed by multiplying the member's accumulated account balance by 150 percent;

(2) service credited to the employee class of membership by a member eligible to retire under this chapter as a law enforcement or custodial officer is an amount computed by multiplying the member's accumulated account balance by:

(A) except as provided by Paragraph (B), 150 percent; and

(B) for the portion of the accumulated account balance based on the member's additional two percent contribution under Section 820.101(b), including interest, attributable to service as a law enforcement or custodial officer, 300 percent, paid from the law enforcement and custodial officer supplemental retirement fund; and

(3) subject to Subsection (c), service credited to the elected class of membership is an amount computed by multiplying the member's accumulated account balance by 150 percent.

(b) The retirement system shall compute a member's cash balance annuity under this section by taking the sum of the member's accumulated account balance and the state match computed under Subsection (a) and annuitizing that amount over the life expectancy of the member as of the effective date of the member's retirement using mortality and other tables adopted by the board for that purpose under Section 815.105.

(c) For purposes of this section, a member of the elected class of membership under Section 812.002(a)(2) shall have the member's accumulated account balance computed as if the contributions to the account were based on the state base salary, excluding longevity pay payable under Section 659.0445, being paid a district judge as set by the General Appropriations Act in accordance with Section 659.012(a).

Sec. 820.054. DEATH AND DISABILITY BENEFITS. (a) Notwithstanding any other law, a member subject to this chapter, a retiree receiving a cash balance annuity under this chapter, or the beneficiary of a member or retiree described by this subsection, who qualifies for a death or survivor benefit annuity or a disability retirement annuity under Chapter 814 is entitled to a cash balance annuity under Section 820.053 instead of the annuity otherwise provided under Chapter 814.

(b) The board of trustees may enter into contracts to provide additional death and disability benefits under this chapter.

SUBCHAPTER C. CONTRIBUTIONS AND INTEREST

Sec. 820.101. COLLECTION OF MEMBER CONTRIBUTIONS. (a) Each payroll period, each department or agency of the state shall cause to be deducted from the compensation of a member subject to this chapter a contribution of six percent of the compensation of the member.

(b) In addition to the contribution under Subsection (a), each department or agency of the state that employs a law enforcement or custodial officer who is a member subject to this chapter shall deduct an additional two percent contribution from the member's compensation, to be deposited in the law enforcement and custodial officer supplemental retirement fund.

Sec. 820.102. ANNUAL INTEREST ADJUSTMENT. Each fiscal year, the retirement system shall deposit for a member subject to this chapter an amount equal to four percent of the member's accumulated account balance deposited into the member's individual account in the employees saving account.

Sec. 820.103. GAIN SHARING INTEREST ADJUSTMENT. (a) Each fiscal year and subject to Subsection (b), the retirement system shall compute the gain sharing interest rate applicable to the subsequent fiscal year by:

(1) determining the average return on the investment of the system's cash and securities during the preceding five fiscal years, expressed as a percentage rate;

(2) subtracting four percentage points from the percentage rate determined under Subdivision (1); and

(3) multiplying the sum determined under Subdivision (2) by 50 percent.

(b) Subject to Subsection (c), in addition to the amount deposited under Section 820.102, each fiscal year, the retirement system shall:

(1) deposit into each member's individual account in the employees saving account an amount equal to the gain sharing interest rate determined under Subsection (a) for the fiscal year multiplied by the member's accumulated account balance; and

(2) recalculate the annuity of a retiree or annuitant under this chapter by multiplying the annuity by an amount equal to the gain sharing interest rate determined under Subsection (a).

(c) The gain sharing interest rate applied under Subsection (b) may not be less than zero or more than three percent.

(d) Subsection (b) applies only to a retiree who is receiving a cash balance annuity under Section 820.053.

SECTION 21. Section 1551.102(b), Insurance Code, is amended to read as follows:

(b) An individual is eligible to participate in the group benefits program as provided by Subsection (a) if:

(1) the individual retires under the jurisdiction of the Employees Retirement System of Texas; and

(2) the individual:

(A) receives or is eligible to receive an annuity under Section 814.104(a)(2), Government Code, and has at least 10 years of eligible service credit;

(B) receives or is eligible to receive an annuity under Chapter 803 or Section 814.104(a)(1), Government Code, has at least 10 years of eligible service credit, and is at least 65 years of age; ~~or~~

(C) receives or is eligible to receive an annuity that is based on eligibility under Section 814.002, 814.102, 814.104(b), 814.107(a), 834.101, or 839.101, Government Code; or

(D) receives or is eligible to receive an annuity under Subchapter B, Chapter 820, Government Code, and has at least 10 years of eligible service credit.

SECTION 22. The Employees Retirement System of Texas 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 Employees Retirement System of Texas may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 23. 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.

The Conference Committee Report on **SB 321** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1560**

Senator Buckingham submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1560** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BUCKINGHAM

CAMPBELL

LUCIO

PAXTON

SCHWERTNER

On the part of the Senate

GOLDMAN

CANALES

CYRIER

PADDIE

S. THOMPSON

On the part of the House

The Conference Committee Report on **HB 1560** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1281**

Senator Hancock submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1281** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HANCOCK
CAMPBELL
JOHNSON
NICHOLS

On the part of the Senate

P. KING
DARBY
HARLESS
ZWIENER

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to a reliability assessment of the ERCOT power grid and certificates of public convenience and necessity for certain transmission projects.

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

SECTION 1. Section 37.052, Utilities Code, is amended by adding Subsection (c) to read as follows:

(c) An electric utility is not required to amend the utility's certificate of public convenience and necessity to construct a transmission line that connects the utility's existing transmission facilities to a substation or metering point if:

(1) the transmission line does not exceed:

(A) three miles in length, if the line connects to a load-serving substation or metering point; or

(B) two miles in length, if the line connects to a generation substation or metering point;

(2) each landowner whose property would be directly affected by the transmission line, as provided by commission rules, provides written consent for the transmission line; and

(3) all rights-of-way necessary for construction of the transmission line have been purchased.

SECTION 2. Section 37.056, Utilities Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) In considering the need for additional service under Subsection (c)(2) for a reliability transmission project that serves the ERCOT power region, the commission must consider the historical load, forecasted load growth, and additional load currently seeking interconnection.

(d) The commission by rule shall establish criteria, in addition to the criteria described by Subsection (c), for granting a certificate for a transmission project that serves the ERCOT power region, that is not necessary to meet state or federal reliability standards, and that is not included in a plan developed under Section 39.904(g) [~~does not serve a competitive renewable energy zone~~]. The criteria must include a comparison of the estimated cost of the transmission project for consumers and the estimated congestion cost savings for consumers that may result from the

transmission project, considering both current and future expected congestion levels and the transmission project's ability to reduce those congestion levels. The commission shall include with its decision on an application for a certificate to which this subsection applies findings on the criteria.

SECTION 3. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. GRID RELIABILITY ASSESSMENT. (a) The independent organization certified under Section 39.151 for the ERCOT power region shall conduct a bi-annual assessment of the ERCOT power grid to assess the grid's reliability in extreme weather scenarios.

(b) Each assessment must:

(1) consider the impact of different levels of thermal and renewable generation availability; and

(2) recommend transmission projects that may increase the grid's reliability in extreme weather scenarios.

SECTION 4. The changes in law made by this Act apply only to a proceeding affecting a certificate of public convenience and necessity that commences on or after the effective date of this Act. A proceeding affecting a certificate of public convenience and necessity that commenced before the effective date of this Act is governed by the law in effect on the date the proceeding is commenced, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 1281** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4305

Senator Blanco submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 4305** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BLANCO
BIRDWELL
GUTIERREZ
PERRY

On the part of the Senate

E. MORALES
T. KING
BURROWS
ZWIENER

On the part of the House

The Conference Committee Report on **HB 4305** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 572**

Senator Lucio submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 572** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LUCIO
BETTENCOURT
BUCKINGHAM
POWELL

On the part of the Senate

DUTTON
K. BELL
HUBERTY
K. KING

On the part of the House

The Conference Committee Report on **HB 572** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1987**

Senator Taylor submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1987** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

TAYLOR
ALVARADO
HUGHES
LUCIO
CAMPBELL

VASUT
BURROWS
PADDIE
GOLDMAN
GEREN

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 1987** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1468**

Senator Taylor submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1468** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

TAYLOR
BETTENCOURT
HALL
PAXTON
WEST

K. BELL
HUBERTY
DUTTON
VANDEAVER
K. KING

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 1468** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 492**

Senator West submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 492** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WEST
HUFFMAN
NELSON

WU
COLLIER
P. KING

NICHOLS

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 492** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 3**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas

May 29, 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 3** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWERTNER

HUFFMAN

HUGHES

MENÉNDEZ

NICHOLS

On the part of the Senate

PADDIE

HERNANDEZ

HOWARD

HUNTER

P. KING

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) The Public Utility Commission of Texas by rule shall adopt criteria for the content, activation, and termination of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Sec. 411.302. ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. The rules and directives must include the procedures to be used by the Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, to communicate with the director about the power outage alert.

Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the power outage alert system.

Sec. 411.304. STATE AGENCIES. (a) A state agency participating in the power outage alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the power outage alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When the Public Utility Commission of Texas or an independent organization certified under Section 39.151, Utilities Code, notifies the department that the criteria adopted under Section 411.301(b) for the activation of the alert has been met, the department shall confirm the accuracy of the information and, if confirmed, immediately issue a power outage alert under this subchapter in accordance with department rules.

(b) In issuing the power outage alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals.

Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power outage alert must include a statement that electricity customers may experience a power outage.

Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The director shall terminate any activation of the power outage alert as soon as practicable after the Public Utility Commission of Texas or the Electric Reliability Council of Texas notifies the department that the criteria adopted under Section 411.301(b) for the termination of the alert has been met.

Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.304(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if that department receives notice from the United States Department of Transportation

Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2. Section 418.048, Government Code, is amended to read as follows:

Sec. 418.048. MONITORING WEATHER; DISASTER PREPAREDNESS EDUCATION. (a) The division shall keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster.

(b) The division shall create a list of suggested actions for state agencies and the public to take to prepare for winter storms, organized by severity of storm based on the National Weather Service Winter Storm Severity Index.

(c) The division shall develop disaster preparedness educational materials that include instructions for preparing a disaster kit containing supplies most needed in a disaster or emergency, such as water, nonperishable food, medical supplies, flashlights, and other essential items, to assist families and businesses in adequately preparing for winter storms, hurricanes, floods, drought, fires, and other potential disasters.

(d) The division shall post on the division's Internet website and distribute to local governments and businesses the educational materials and instructions developed under Subsection (c).

SECTION 3. Chapter 418, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEXAS ENERGY RELIABILITY COUNCIL

Sec. 418.301. DEFINITIONS. In this subchapter:

(1) "Chief" means the division's chief.

(2) "Council" means the Texas Energy Reliability Council.

Sec. 418.302. COUNCIL ESTABLISHED. (a) The Texas Energy Reliability Council is established to:

(1) ensure that the energy and electric industries in this state meet high priority human needs and address critical infrastructure concerns; and

(2) enhance coordination and communication in the energy and electric industries in this state.

(b) Chapter 2110 does not apply to the council.

Sec. 418.303. MEMBERSHIP. (a) The council is composed of:

(1) the chairman of the Railroad Commission of Texas;

(2) the presiding officer of the Public Utility Commission of Texas;

(3) the chief executive of the Office of Public Utility Counsel;

(4) the presiding officer of the Texas Commission on Environmental

Quality;

(5) the chair of the Texas Transportation Commission;

(6) a person to represent the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region, appointed by the governor;

(7) the chief;

(8) five persons to represent participants in the natural gas supply chain in this state, appointed by the Railroad Commission of Texas to represent as many types of participants as possible;

(9) five persons to represent the electric industry, appointed by the Public Utility Commission of Texas, including:

(A) one person to represent entities that provide dispatchable electric energy to the power grid in this state;

(B) one person to represent transmission and distribution utilities, as defined by Section 31.002, Utilities Code;

(C) one person to represent retail electric providers, as defined by Section 31.002, Utilities Code;

(D) one person to represent municipally owned utilities, as defined by Section 11.003, Utilities Code; and

(E) one person to represent electric cooperatives;

(10) three persons to represent energy sectors not otherwise represented on the council, appointed by the Public Utility Commission of Texas; and

(11) five persons to represent industrial concerns, appointed by the governor, including:

(A) one person to represent motor fuel producers; and

(B) one person to represent chemical manufacturers.

(b) A member of the council described by Subsection (a)(1), (2), (3), (4), (5), (6), or (7) may designate a person from the member's agency to represent the member in any meeting.

(c) The council may request that a person collaborate with the council to achieve the purposes described by Section 418.302.

Sec. 418.304. OFFICERS. (a) The chief shall serve as presiding officer of the council.

(b) The council may select an assistant presiding officer and secretary from among its members.

Sec. 418.305. COMPENSATION; REIMBURSEMENT. A member of the council is not entitled to compensation or reimbursement of expenses for service on the council.

Sec. 418.306. MEETINGS. (a) After its initial meeting, the council shall meet at least twice each year at a time and place determined by the chief.

(b) The council may meet at other times the council considers appropriate. The presiding officer may call a meeting on the officer's own motion.

Sec. 418.307. ADMINISTRATIVE SUPPORT. The division shall provide administrative support to the council.

Sec. 418.308. GENERAL DUTIES OF COUNCIL. (a) The council shall foster communication and planning to ensure preparedness for making available and delivering energy and electricity in this state to ensure that high priority human needs are met and critical infrastructure needs are addressed.

(b) The council shall foster communication and coordination between the energy and electric industries in this state.

Sec. 418.309. INFORMATION. (a) In this section:

(1) "Gas provider" means:

(A) a natural gas pipeline facility operator;

(B) an operator of a natural gas well; or

(C) an entity that produces, treats, processes, pressurizes, stores, or transports natural gas in this state or otherwise participates in the natural gas supply chain in this state.

(2) "Public utility" means an entity that generates, transmits, or distributes electric energy to the public, including an electric cooperative, an electric utility, a municipally owned utility, or a river authority.

(b) A public utility or gas provider shall provide to the council any information related to a disaster requested by the council. Information obtained by the council under this subsection is confidential and not subject to disclosure by the council if the information is critical energy infrastructure information as defined by the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region or federal law.

(c) Except as provided by Subsection (d), the meetings of the council and information obtained or created by the council are not subject to the requirements of Chapter 551 or 552.

(d) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008 in the same manner as public information.

Sec. 418.310. REPORT. (a) Not later than November 1 of each even-numbered year, the council shall submit to the legislature a report on the reliability and stability of the electricity supply chain in this state.

(b) The report must include recommendations on methods to strengthen the electricity supply chain in this state and to decrease the frequency of extended power outages caused by a disaster in this state.

SECTION 4. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.073 to read as follows:

Sec. 81.073. CRITICAL NATURAL GAS FACILITIES AND ENTITIES. (a) The commission shall collaborate with the Public Utility Commission of Texas to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies.

(b) The rules must:

(1) establish criteria for designating persons who own or operate a facility under the jurisdiction of the commission under Section 81.051(a) or engage in an activity under the jurisdiction of the commission under Section 81.051(a) who must provide critical customer and critical gas supply information, as defined by the commission, to the entities described by Section 38.074(b)(1), Utilities Code;

(2) consider essential operational elements when defining critical customer designations and critical gas supply information for the purposes of Subdivision (1), including natural gas production, processing, and transportation, related produced water handling and disposal facilities, and the delivery of natural gas to generators of electric energy; and

(3) require that only facilities and entities that are prepared to operate during a weather emergency may be designated as a critical customer under this section.

SECTION 5. Subchapter C, Chapter 86, Natural Resources Code, is amended by adding Section 86.044 to read as follows:

Sec. 86.044. WEATHER EMERGENCY PREPAREDNESS. (a) In this section, "gas supply chain facility" means a facility that is:

(1) used for producing, treating, processing, pressurizing, storing, or transporting natural gas;

(2) not primarily used to support liquefied natural gas pretreatment, liquefaction, or regasification facilities in the business of exporting or importing liquefied natural gas to or from foreign countries;

(3) otherwise regulated by the commission under this subtitle; and

(4) not regulated by the commission under Chapter 121, Utilities Code.

(b) This section applies only to a gas supply chain facility that is:

(1) included on the electricity supply chain map created under Section 38.203, Utilities Code; and

(2) designated as critical by the commission in the manner provided by Section 81.073.

(c) The commission by rule shall require a gas supply chain facility operator to implement measures to prepare to operate during a weather emergency. In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.

(d) The commission shall:

(1) inspect gas supply chain facilities for compliance with rules adopted under Subsection (c);

(2) provide the owner of a facility described by Subdivision (1) with a reasonable period of time in which to remedy any violation the commission discovers in an inspection; and

(3) report to the attorney general any violation that is not remedied in a reasonable period of time.

(e) The commission shall prioritize inspections conducted under Subsection (d)(1) based on risk level, as determined by the commission.

(f) The commission by rule shall require an operator of a gas supply chain facility that experiences repeated weather-related or major weather-related forced interruptions of production to:

(1) contract with a person who is not an employee of the operator to assess the operator's weatherization plans, procedures, and operations; and

(2) submit the assessment to the commission.

(g) The commission may require an operator of a gas supply chain facility to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (f).

(h) If the commission determines that a person has violated a rule adopted under this section, the commission shall notify the attorney general of a violation that is not remedied in a reasonable amount of time. The attorney general shall initiate a suit to recover a penalty for the violation in the manner provided by Subchapter G.

SECTION 6. Section 86.222, Natural Resources Code, is amended by adding Subsections (a-1), (c), and (d) to read as follows:

(a-1) Notwithstanding Subsection (a), a person who violates a provision of a rule adopted under Section 86.044 is liable for a penalty of not more than \$1,000,000 for each offense.

(c) The commission by rule shall establish a classification system to be used by a court under this subchapter for violations of rules adopted under Section 86.044 that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act;

and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(d) The classification system established under Subsection (c) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 7. Section 15.023, Utilities Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), the penalty for a violation of a provision of Section 35.0021 or 38.075 may be in an amount not to exceed \$1,000,000 for a violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 8. Section 17.002, Utilities Code, is amended by adding Subdivisions (3-a) and (3-b) to read as follows:

(3-a) "Critical care residential customer" means a residential customer who has a person permanently residing in the customer's home who has been diagnosed by a physician as being dependent upon an electric-powered medical device to sustain life.

(3-b) "Critical load industrial customer" means an industrial customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition on the customer's premises.

SECTION 9. Section 17.003, Utilities Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An electric utility providing electric delivery service for a retail electric provider, as defined by Section 31.002, shall provide to the retail electric provider, and the retail electric provider shall periodically provide to the retail electric provider's retail customers together with bills sent to the customers, information about:

(1) the electric utility's procedures for implementing involuntary load shedding initiated by the independent organization certified under Section 39.151 for the ERCOT power region;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.076;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.076; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 10. Section 17.005, Utilities Code, is amended to read as follows:

Sec. 17.005. PROTECTIONS FOR CUSTOMERS OF MUNICIPALLY OWNED UTILITIES. (a) A municipally owned utility may not be deemed to be a "service provider" or "billing agent" for purposes of Sections 17.156(b) and (e).

(b) The governing body of a municipally owned utility shall adopt, implement, and enforce rules that shall have the effect of accomplishing the objectives set out in Sections 17.004(a) and (b) and 17.102, as to the municipally owned utility within its certificated service area.

(c) The governing body of a municipally owned utility or its designee shall perform the dispute resolution function provided for by Section 17.157 for disputes arising from services provided by the municipally owned utility to electric customers served within the municipally owned utility's certificated service area.

(d) With respect to electric customers served by a municipally owned utility outside its certificated service area or otherwise served through others' distribution facilities, after retail competition begins as authorized by the legislature, the provisions of this chapter as administered by the commission apply.

(e) Nothing in this chapter shall be deemed to apply to a wholesale customer of a municipally owned utility.

(f) A municipally owned utility shall periodically provide with bills sent to retail customers of the utility information about:

(1) the utility's procedure for implementing involuntary load shedding;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.076;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.076; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 11. Section 17.006, Utilities Code, is amended to read as follows:

Sec. 17.006. PROTECTIONS FOR CUSTOMERS OF ELECTRIC COOPERATIVES. (a) An electric cooperative shall not be deemed to be a "service provider" or "billing agent" for purposes of Sections 17.156(b) and (e).

(b) The electric cooperative shall adopt, implement, and enforce rules that shall have the effect of accomplishing the objectives set out in Sections 17.004(a) and (b) and 17.102.

(c) The board of directors of the electric cooperative or its designee shall perform the dispute resolution function provided for by Section 17.157 for electric customers served by the electric cooperative within its certificated service area.

(d) With respect to electric customers served by an electric cooperative outside its certificated service area or otherwise served through others' distribution facilities, after the legislature authorizes retail competition, the provisions of this chapter as administered by the commission shall apply.

(e) Nothing in this chapter shall be deemed to apply to a wholesale customer of an electric cooperative.

(f) An electric cooperative shall periodically provide with bills sent to retail customers of the cooperative information about:

(1) the cooperative's procedure for implementing involuntary load shedding;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.076;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.076; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 12. The heading to Chapter 35, Utilities Code, is amended to read as follows:

CHAPTER 35. ~~[ALTERNATIVE]~~ ENERGY PROVIDERS

SECTION 13. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0021 to read as follows:

Sec. 35.0021. WEATHER EMERGENCY PREPAREDNESS. (a) This section applies only to a municipally owned utility, electric cooperative, power generation company, or exempt wholesale generator that sells electric energy at wholesale in the ERCOT power region.

(b) The commission by rule shall require each provider of electric generation service described by Subsection (a) to implement measures to prepare the provider's generation assets to provide adequate electric generation service during a weather emergency according to reliability standards adopted by the commission. In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.

(c) The independent organization certified under Section 39.151 for the ERCOT power region shall:

(1) inspect generation assets in the ERCOT power region for compliance with the reliability standards;

(2) provide the owner of a generation asset with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and

(3) report to the commission any violation.

(c-1) The independent organization certified under Section 39.151 for the ERCOT power region shall prioritize inspections conducted under Subsection (c)(1) based on risk level, as determined by the organization.

(d) The commission by rule shall require a provider of electric generation service described by Subsection (a) for a generation asset that experiences repeated or major weather-related forced interruptions of service to:

(1) contract with a person who is not an employee of the provider to assess the provider's weatherization plans, procedures, and operations for that asset; and

(2) submit the assessment to the commission and the independent organization certified under Section 39.151 for the ERCOT power region.

(e) The commission may require a provider of electric generation service described by Subsection (a) to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (d).

(f) The independent organization certified under Section 39.151 for the ERCOT power region shall review, coordinate, and approve or deny requests by providers of electric generation service described by Subsection (a) for a planned power outage during any season and for any period of time.

(g) The commission shall impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section and does not remedy that violation within a reasonable period of time.

SECTION 14. Section 35.004, Utilities Code, is amended by amending Subsection (e) and adding Subsections (f), (g), and (h) to read as follows:

(e) In this section, "ancillary services" means services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the commission may determine by rule.

(f) The commission shall ensure that ancillary services necessary to facilitate the transmission of electric energy are available at reasonable prices with terms and conditions that are not unreasonably preferential, prejudicial, discriminatory, predatory, or anticompetitive. [~~In this subsection, "ancillary services" means services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the commission may determine by rule.~~] On the introduction of customer choice in the ERCOT power region, acquisition of generation-related ancillary services on a nondiscriminatory basis by the independent organization in ERCOT on behalf of entities selling electricity at retail shall be deemed to meet the requirements of this subsection.

(g) The commission shall:

(1) review the type, volume, and cost of ancillary services to determine whether those services will continue to meet the needs of the electricity market in the ERCOT power region; and

(2) evaluate whether additional services are needed for reliability in the ERCOT power region while providing adequate incentives for dispatchable generation.

(h) The commission shall require the independent organization certified under Section 39.151 for the ERCOT power region to modify the design, procurement, and cost allocation of ancillary services for the region in a manner consistent with cost-causation principles and on a nondiscriminatory basis.

SECTION 15. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. FACILITATING CERTAIN INTERCOMPANY LANDFILL GAS-TO-ELECTRICITY USE. (a) This section only applies in a county with a population of more than one million in which a national wildlife refuge is wholly or partly located.

(b) Notwithstanding any other provision of this title, and for the purposes of reducing environmental emissions, putting to a beneficial purpose landfill gas as an electric generation fuel that would otherwise be flared, enabling the operation of electric generation to a greater degree, and enhancing the reliability and resilience of electric service in this state, a person who is not an electric utility and who owns and operates equipment or facilities to produce, generate, transmit, distribute, store, sell, or furnish electricity produced by the use of landfill methane gas may:

(1) use the equipment or facilities to provide electricity and electric service to the person and to the person's affiliates without being considered to be an electric utility, a public utility, a retail electric provider, a power marketer, or a person providing aggregation;

(2) interconnect the equipment or facilities in a timely manner and on reasonable and nondiscriminatory terms and conditions with any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the equipment or facilities; and

(3) receive backup, supplemental, or other electric service for any of the person's or the person's affiliates' facilities that consume electricity from any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the person's facilities or equipment that are interconnected regardless of whether those facilities are in the same retail service area as the location of the interconnection point.

(c) Backup, supplemental, or other electric service provided under this section through an interconnection for a person's electricity-consuming facilities that are connected to the person's interconnected equipment or facilities does not constitute a service area encroachment or other violation of law by the electric utility, municipally owned utility, or electric cooperative supplying the backup, supplemental, or other electric service.

SECTION 16. Subchapter D, Chapter 38, Utilities Code, is amended by adding Sections 38.074, 38.075, 38.076, and 38.077 to read as follows:

Sec. 38.074. CRITICAL NATURAL GAS FACILITIES AND ENTITIES. (a) The commission shall collaborate with the Railroad Commission of Texas to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during energy emergencies.

(b) The rules must:

(1) ensure that the independent organization certified under Section 39.151 for the ERCOT power region and each electric utility, municipally owned utility, and electric cooperative providing service in the ERCOT power region is provided with the information required by Section 81.073, Natural Resources Code;

(2) provide for prioritizing for load-shed purposes during an energy emergency the facilities and entities designated under Subsection (a); and

(3) provide discretion to an electric utility, municipally owned utility, or electric cooperative providing service in the ERCOT power region to prioritize power delivery and power restoration among the facilities and entities designated under Subsection (a) on the utility's or cooperative's systems, as circumstances require.

Sec. 38.075. WEATHER EMERGENCY PREPAREDNESS. (a) The commission by rule shall require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to implement measures to prepare the cooperative's or utility's facilities to maintain service quality and reliability during a weather emergency according to standards adopted by the commission. In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.

(b) The independent organization certified under Section 39.151 for the ERCOT power region shall:

(1) inspect the facilities of each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region for compliance with the reliability standards;

(2) provide the owner of a facility described by Subdivision (1) with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and

(3) report to the commission any violation that is not remedied in a reasonable period of time.

(c) The independent organization certified under Section 39.151 for the ERCOT power region shall prioritize inspections conducted under Subsection (b)(1) based on risk level, as determined by the organization.

(d) The commission shall impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section and does not remedy that violation within a reasonable period of time.

(e) Notwithstanding any other provision of this subtitle, the commission shall allow a transmission and distribution utility to design and operate a load management program for nonresidential customers to be used where the independent organization certified under Section 39.151 for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load. A transmission and distribution utility implementing a load management program under this subsection shall be permitted to recover the reasonable and necessary costs of the load management program under Chapter 36. A load management program operated under this subsection is not considered a competitive service.

Sec. 38.076. INVOLUNTARY AND VOLUNTARY LOAD SHEDDING. (a) The commission by rule shall adopt a system to allocate load shedding among electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region during an involuntary load shedding event initiated by the independent organization certified under Section 39.151 for the region during an energy emergency.

(b) The system must provide for allocation of the load shedding obligation to each electric cooperative, municipally owned utility, and transmission and distribution utility in different seasons based on historical seasonal peak demand in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility.

(c) The commission by rule shall:

(1) categorize types of critical load that may be given the highest priority for power restoration; and

(2) require electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region to submit to the commission and the independent organization certified under Section 39.151 for the region:

(A) customers or circuits the cooperative or utility has designated as critical load; and

(B) a plan for participating in load shedding in response to an involuntary load shedding event described by Subsection (a).

(d) The commission by rule shall require electric cooperatives and municipally owned utilities providing transmission service in the ERCOT power region to:

(1) maintain lists of customers willing to voluntarily participate in voluntary load reduction; and

(2) coordinate with municipalities, businesses, and customers that consume large amounts of electricity to encourage voluntary load reduction.

(e) This section does not abridge, enlarge, or modify the obligation of an electric cooperative, a municipally owned utility, or a transmission and distribution utility to comply with federal reliability standards.

(f) After each load shedding event, the commission may conduct an examination of the implementation of load shedding, including whether each electric cooperative, municipally owned utility, and transmission and distribution utility complied with its plan as filed with the commission under Subsection (c)(2).

Sec. 38.077. LOAD SHEDDING EXERCISES. (a) The commission and the independent organization certified for the ERCOT power region shall conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the ERCOT power region.

(b) The commission shall ensure that each year at least one simulated or tabletop exercise is conducted during a summer month and one simulated or tabletop exercise is conducted during a winter month.

SECTION 17. Chapter 38, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. TEXAS ELECTRICITY SUPPLY CHAIN SECURITY AND
MAPPING COMMITTEE

Sec. 38.201. TEXAS ELECTRICITY SUPPLY CHAIN SECURITY AND MAPPING COMMITTEE. (a) In this subchapter, "electricity supply chain" means:

(1) facilities and methods used for producing, treating, processing, pressurizing, storing, or transporting natural gas for delivery to electric generation facilities; and

(2) critical infrastructure necessary to maintain electricity service.

(b) The Texas Electricity Supply Chain Security and Mapping Committee is established to:

(1) map this state's electricity supply chain;

(2) identify critical infrastructure sources in the electricity supply chain;

(3) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities; and

(4) designate priority service needs to prepare for, respond to, and recover from an extreme weather event.

(c) The committee is composed of:

(1) the executive director of the commission;

(2) the executive director of the Railroad Commission of Texas;

(3) the president and the chief executive officer of the independent organization certified under Section 39.151 for the ERCOT power region; and

(4) the chief of the Texas Division of Emergency Management.

(d) Each member of the committee may designate a personal representative from the member's organization to represent the member on the committee. A member is responsible for the acts and omissions of the designee related to the designee's representation on the committee.

(e) The executive director of the commission serves as the chair of the committee. The executive director of the Railroad Commission of Texas serves as vice chair of the committee.

Sec. 38.202. ADMINISTRATION. (a) The committee shall meet at least once each calendar quarter at a time determined by the committee and at the call of the chair.

(b) A member who is an ex officio member from a state agency shall be reimbursed for actual and necessary expenses in carrying out committee responsibilities from money appropriated for that purpose in the agency's budget. Other members of the committee may receive reimbursement for actual and necessary expenses in carrying out committee responsibilities from money appropriated for that purpose.

(c) The commission, the Railroad Commission of Texas, and the Texas Division of Emergency Management shall provide staff as necessary to assist the committee in carrying out the committee's duties and responsibilities.

(d) The independent organization certified under Section 39.151 for the ERCOT power region shall provide staff as necessary to assist the committee in carrying out the committee's duties and responsibilities.

(e) Except as otherwise provided by this subchapter, the committee is not subject to Chapters 2001, 551, and 552, Government Code.

(f) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the committee or an officer or employee of the committee is subject to Section 552.008, Government Code. This subsection does not apply to the physical locations of critical facilities, maps created under this subchapter, or proprietary information created or gathered during the mapping process.

Sec. 38.203. POWERS AND DUTIES OF COMMITTEE. (a) The committee shall:

(1) map the state's electricity supply chain in order to designate priority electricity service needs during extreme weather events;

(2) identify and designate the sources in the electricity supply chain necessary to operate critical infrastructure, as defined by Section 421.001, Government Code;

(3) develop a communication system between critical infrastructure sources, the commission, and the independent organization certified under Section 39.151 for the ERCOT power region to ensure that electricity and natural gas supplies in the electricity supply chain are prioritized to those sources during an extreme weather event; and

(4) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities.

(b) The committee shall update the electricity supply chain map at least once each year.

(c) The commission shall:

(1) create and maintain a database identifying critical infrastructure sources with priority electricity needs to be used during an extreme weather event; and

(2) update the database at least once each year.

(d) The information maintained in the database is confidential under Section 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code.

(e) The committee shall provide the Texas Energy Reliability Council with access to the electricity supply chain map.

Sec. 38.204. MAPPING REPORT. (a) Not later than January 1, 2022, the committee shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the Texas Energy Reliability Council on the activities and findings of the committee. The report must:

(1) provide an overview of the committee's findings regarding mapping the electricity supply chain and identifying sources necessary to operate critical infrastructure;

(2) recommend a clear and thorough communication system for the commission, the Railroad Commission of Texas, the Texas Division of Emergency Management, and the independent organization certified under Section 39.151 for the ERCOT power region and critical infrastructure sources in this state to ensure that electricity supply is prioritized to those sources during extreme weather events; and

(3) include a list of the established best practices and recommended oversight and compliance standards adopted under Section 38.203(a)(4).

(b) The report is public information except for portions considered confidential under Chapter 552, Government Code, or other state or federal law.

SECTION 18. Subchapter D, Chapter 39, Utilities Code, is amended by adding Sections 39.159 and 39.160 to read as follows:

Sec. 39.159. DISPATCHABLE GENERATION. (a) For the purposes of this section, a generation facility is considered to be non-dispatchable if the facility's output is controlled primarily by forces outside of human control.

(b) The commission shall ensure that the independent organization certified under Section 39.151 for the ERCOT power region:

(1) establishes requirements to meet the reliability needs of the power region;

(2) periodically, but at least annually, determines the quantity and characteristics of ancillary or reliability services necessary to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production in the power region;

(3) procures ancillary or reliability services on a competitive basis to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production in the power region;

(4) develops appropriate qualification and performance requirements for providing services under Subdivision (3), including appropriate penalties for failure to provide the services; and

(5) sizes the services procured under Subdivision (3) to prevent prolonged rotating outages due to net load variability in high demand and low supply scenarios.

(c) The commission shall ensure that:

(1) resources that provide services under Subsection (b) are dispatchable and able to meet continuous operating requirements for the season in which the service is procured;

(2) winter resource capability qualifications for a service described by Subsection (b) include on-site fuel storage, dual fuel capability, or fuel supply arrangements to ensure winter performance for several days; and

(3) summer resource capability qualifications for a service described by Subsection (b) include facilities or procedures to ensure operation under drought conditions.

Sec. 39.160. WHOLESALE PRICING PROCEDURES. (a) The commission by rule shall establish an emergency pricing program for the wholesale electric market.

(b) The emergency pricing program must take effect if the high system-wide offer cap has been in effect for 12 hours in a 24-hour period after initially reaching the high system-wide offer cap. The commission by rule shall determine the criteria for the emergency pricing program to cease.

(c) The emergency pricing program may not allow an emergency pricing program cap to exceed any nonemergency high system-wide offer cap.

(d) The commission by rule shall establish an ancillary services cap to be in effect during the period an emergency pricing program is in effect.

(e) Any wholesale pricing procedure that has a low system-wide offer cap may not allow the low system-wide offer cap to exceed the high system-wide offer cap.

(f) The commission shall review each system-wide offer cap program adopted by the commission, including the emergency pricing program, at least once every five years to determine whether to update aspects of the program.

(g) The emergency pricing program must allow generators to be reimbursed for reasonable, verifiable operating costs that exceed the emergency cap.

SECTION 19. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9165 to read as follows:

Sec. 39.9165. DISTRIBUTED GENERATION REPORTING. (a) In this section, "distributed generation" is an electrical generating facility that:

(1) may be located at a customer's point of delivery;

(2) is connected at a voltage less than 60 kilovolts; and

(3) may be connected in parallel operation to the utility system.

(b) An independent organization certified under Section 39.151 shall require an owner or operator of distributed generation to register with the organization and interconnecting transmission and distribution utility information necessary for the interconnection of the distributed generator.

(c) This section does not apply to distributed generation serving a residential property.

SECTION 20. Section 105.023, Utilities Code, is amended by adding Subsections (b-1), (e), and (f) to read as follows:

(b-1) Notwithstanding Subsection (b), a civil penalty under this section shall be in an amount of not less than \$1,000 and not more than \$1,000,000 for each violation of Section 104.258(c).

(e) The railroad commission by rule shall establish a classification system to be used by a court under this subchapter for violations of Section 104.258(c) that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act;

and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(f) The classification system established under Subsection (e) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 21. Section 121.2015, Utilities Code, is amended by amending Subsection (a) and adding Subsections (a-1), (c-1), (c-2), (d), (e), and (f) to read as follows:

(a) The railroad commission shall adopt rules regarding:

(1) public education and awareness relating to gas pipeline facilities; ~~and~~

(2) community liaison for responding to an emergency relating to a gas pipeline facility; and

(3) measures a gas pipeline facility operator must implement to prepare the gas pipeline facility to maintain service quality and reliability during extreme weather conditions if the gas pipeline facility:

(A) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and

(B) is included on the electricity supply chain map created under Section 38.203.

(a-1) In adopting rules under Subsection (a)(3), the railroad commission shall take into consideration weather predictions produced by the office of the state climatologist.

(c-1) The railroad commission shall:

(1) inspect gas pipeline facilities described by Subsection (a)(3) for compliance with rules adopted under Subsection (a)(3);

(2) provide the owner of a facility described by Subsection (a)(3) with a reasonable period of time in which to remedy any violation the railroad commission discovers in an inspection; and

(3) report to the attorney general any violation that is not remedied in a reasonable period of time.

(c-2) The railroad commission shall prioritize inspections conducted under Subsection (c-1)(1) based on risk level, as determined by the railroad commission.

(d) The railroad commission by rule shall require a gas pipeline facility operator described by Subsection (a)(3) that experiences repeated or major weather-related forced interruptions of service to:

(1) contract with a person who is not an employee of the operator to assess the operator's weatherization plans, procedures, and operations; and

(2) submit the assessment to the commission.

(e) The railroad commission may require an operator of a gas pipeline facility described by Subsection (a)(3) to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (d).

(f) The railroad commission shall assess an administrative penalty against a person who violates a rule adopted under Subsection (a)(3) if the violation is not remedied in a reasonable period of time in the manner provided by this subchapter.

SECTION 22. Section 121.206, Utilities Code, is amended by adding Subsections (b-1) and (e) to read as follows:

(b-1) Notwithstanding Subsection (b), the penalty for each violation may not exceed \$1,000,000 for a violation of a rule adopted under Section 121.2015(a)(3). Each day a violation continues may be considered a separate violation for the purpose of penalty assessment.

(e) The guidelines must provide that a penalty in an amount that exceeds \$5,000 for a violation of a rule adopted under Section 121.2015(a)(3) may be assessed only if circumstances justify the enhancement of the penalty.

SECTION 23. The heading to Section 186.007, Utilities Code, is amended to read as follows:

Sec. 186.007. PUBLIC UTILITY COMMISSION WEATHER EMERGENCY PREPAREDNESS REPORTS ~~REPORT~~.

SECTION 24. Sections 186.007(a-1), (b), (d), (e), and (f), Utilities Code, are amended to read as follows:

(a-1) The commission shall analyze emergency operations plans developed by electric utilities as defined by Section 31.002, power generation companies as defined by Section 31.002, municipally owned utilities, and electric cooperatives that operate generation facilities in this state and retail electric providers as defined by Section 31.002 and prepare a weather emergency preparedness report on power ~~generation~~ weatherization preparedness. In preparing the report, the commission shall:

(1) review ~~the~~ emergency operations plans ~~currently~~ on file with the commission;

(2) analyze and determine the ability of the electric grid to withstand extreme weather events in the upcoming year;

(3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and

(4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of electric service.

(b) The commission shall ~~may~~ require an ~~electric generation~~ entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the ~~electric generation~~ entity can provide adequate electric ~~generation~~ services.

(d) The commission shall submit the report described by Subsection (a-1) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 30 of each even-numbered year~~, 2012~~.

(e) The commission may submit additional ~~subsequent~~ weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

(1) March 1 for a summer weather emergency preparedness report; and

(2) September 1 for a winter weather emergency preparedness report.

(f) The emergency operations plans submitted for a ~~the~~ report described by Subsection (a-1) and any additional ~~subsequent~~ plans submitted under Subsection (e) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed. An ~~electric generation~~ entity within the ERCOT power region shall provide the entity's plan to ERCOT in its entirety.

SECTION 25. Subchapter A, Chapter 186, Utilities Code, is amended by adding Section 186.008 to read as follows:

Sec. 186.008. RAILROAD COMMISSION WEATHER EMERGENCY PREPAREDNESS REPORTS. (a) In this section, "commission" means the Railroad Commission of Texas.

(b) The commission shall analyze emergency operations plans developed by operators of facilities that produce, treat, process, pressurize, store, or transport natural gas and are included on the electricity supply chain map created under Section 38.203 and prepare a weather emergency preparedness report on weatherization preparedness of those facilities. In preparing the report, the commission shall:

(1) review any emergency operations plans on file with the commission;

(2) analyze and determine the ability of the electricity supply chain, as mapped under Section 38.203, to withstand extreme weather events in the upcoming year;

(3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and

(4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of natural gas service for the electricity supply chain, as mapped under Section 38.203.

(c) The commission shall require an entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the entity can provide adequate natural gas services.

(d) The commission may adopt rules relating to the implementation of the report described by Subsection (b).

(e) The commission shall submit the report described by Subsection (b) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 30 of each even-numbered year.

(f) The commission may submit additional weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

(1) March 1 for a summer weather emergency preparedness report; and

(2) September 1 for a winter weather emergency preparedness report.

(g) The emergency operations plans submitted for a report described by Subsection (b) and any additional plans submitted under Subsection (f) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed.

SECTION 26. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.1394 to read as follows:

Sec. 13.1394. STANDARDS OF EMERGENCY OPERATIONS. (a) In this section:

(1) "Affected utility" means a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that:

(A) furnishes water service to more than one customer; and

(B) is not an affected utility under Section 13.1395.

(2) "Emergency operations" means the operation of a water system during an extended power outage that impacts the operating affected utility.

(3) "Extended power outage" means a power outage lasting for more than 24 hours.

(b) An affected utility shall:

(1) ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by the commission, as soon as safe and practicable following the occurrence of a natural disaster; and

(2) adopt and submit to the commission for its approval:

(A) an emergency preparedness plan that demonstrates the utility's ability to provide the emergency operations described by Subdivision (1); and

(B) a timeline for implementing the plan described by Paragraph (A).

(c) The commission shall review an emergency preparedness plan submitted under Subsection (b). If the commission determines that the plan is not acceptable, the commission shall recommend changes to the plan. The commission must make its recommendations on or before the 90th day after the commission receives the plan. In accordance with commission rules, an emergency preparedness plan for a provider of potable water shall provide for one or more of the following:

(1) the maintenance of automatically starting auxiliary generators;

(2) the sharing of auxiliary generator capacity with one or more affected utilities, including through participation in a statewide mutual aid program;

(3) the negotiation of leasing and contracting agreements, including emergency mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office;

(4) the use of portable generators capable of serving multiple facilities equipped with quick-connect systems;

(5) the use of on-site electrical generation or distributed generation facilities;

(6) hardening the electric transmission and distribution system serving the water system;

(7) for existing facilities, the maintenance of direct engine or right angle drives;

(8) designation of the water system as a critical load facility or redundant, isolated, or dedicated electrical feeds;

(9) water storage capabilities;

(10) water supplies delivered from outside the service area of the affected utility;

(11) the ability to provide water through artesian flows;

(12) redundant interconnectivity between pressure zones;

(13) emergency water demand rules to maintain emergency operations; or

(14) any other alternative determined by the commission to be acceptable.

(d) Each affected utility that supplies, provides, or conveys raw surface water shall include in its emergency preparedness plan under Subsection (b) provisions for demonstrating the capability of each raw water intake pump station, pump station, and pressure facility to provide raw water service to its wholesale customers during emergencies. This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract.

(e) The commission shall adopt rules to implement this section as an alternative to any rule requiring elevated storage.

(f) The commission shall provide an affected utility with access to the commission's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan submission deadline.

(g) The commission by rule shall create an emergency preparedness plan template for use by an affected utility when submitting a plan under this section. The emergency preparedness plan template shall contain:

(1) a list and explanation of the preparations an affected utility may make under Subsection (c) for the commission to approve the utility's emergency preparedness plan; and

(2) a list of all commission rules and standards pertaining to emergency preparedness plans.

(h) An emergency generator used as part of an approved emergency preparedness plan under Subsection (c) must be operated and maintained according to the manufacturer's specifications.

(i) The commission shall inspect each utility to ensure that the utility complies with the approved plan.

(j) The commission shall consider whether compliance with this section will cause a significant financial burden on customers of an affected utility when making recommended changes under Subsection (c).

(k) An affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations.

(l) Except as specifically required by this section, information provided by an affected utility under this section is confidential and is not subject to disclosure under Chapter 552, Government Code.

(m) The commission shall coordinate with the utility commission in the administration of this section.

SECTION 27. The heading to Section 13.1395, Water Code, is amended to read as follows:

Sec. 13.1395. STANDARDS OF EMERGENCY OPERATIONS IN CERTAIN COUNTIES.

SECTION 28. Section 13.1395(d), Water Code, is amended to read as follows:

(d) This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract. Each affected utility that supplies, provides, or conveys surface water shall include in its emergency preparedness plan under Subsection (b) provisions:

(1) for the actual installation and maintenance of automatically starting auxiliary generators or distributive generation facilities for each raw water intake pump station, water treatment plant, pump station, and pressure facility necessary to provide water to its wholesale customers during emergencies; or

(2) that demonstrate the capability of each raw water intake pump station, water treatment plant, pump station, and pressure facility to provide water to its wholesale customers during emergencies through alternative means acceptable to the commission.

SECTION 29. Section 13.1396, Water Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section applies only to an affected utility, as defined by Section 13.1394 or 13.1395.

SECTION 30. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.151 to read as follows:

Sec. 13.151. BILLING FOR SERVICES PROVIDED DURING EXTREME WEATHER EMERGENCY. (a) In this section, "extreme weather emergency" means a period when the previous day's highest temperature did not exceed 28 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports.

(b) A retail public utility that is required to possess a certificate of public convenience and necessity or a district or affected county that furnishes retail water or sewer utility service shall not impose late fees or disconnect service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers that request to establish a payment schedule for unpaid bills that are due during the extreme weather emergency.

SECTION 31. Section 13.414, Water Code, is amended by adding Subsections (a-1), (d), and (e) to read as follows:

(a-1) Notwithstanding Subsection (a), a retail public utility or affiliated interest that violates Section 13.151 is subject to a civil penalty of not less than \$100 nor more than \$50,000 for each violation.

(d) The utility commission by rule shall establish a classification system to be used by a court under this section for violations of Section 13.151 that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act;

and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(e) The classification system established under Subsection (d) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 32. Section 13.1396(a)(1), Water Code, is repealed.

SECTION 33. (a) The State Energy Plan Advisory Committee is composed of 12 members. The governor, lieutenant governor, and speaker of the house of representatives each shall appoint four members to the advisory committee.

(b) Not later than September 1, 2022, the State Energy Plan Advisory Committee shall prepare a comprehensive state energy plan. The plan must:

(1) evaluate barriers in the electricity and natural gas markets that prevent sound economic decisions;

(2) evaluate methods to improve the reliability, stability, and affordability of electric service in this state;

(3) provide recommendations for removing the barriers described by Subdivision (1) of this subsection and using the methods described by Subdivision (2) of this subsection; and

(4) evaluate the electricity market structure and pricing mechanisms used in this state, including the ancillary services market and emergency response services.

(c) The state energy plan prepared under this section must be submitted to the legislature not later than September 1, 2022.

SECTION 34. The Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, shall annually review statutes, rules, protocols, and bylaws that apply to conflicts of interest for commissioners and for members of the governing body of the independent organization and submit to the legislature a report on the effects the statutes, rules, protocols, and bylaws have on the ability of the commission and the independent organization to fulfill their duties.

SECTION 35. The Public Utility Commission of Texas shall complete the first review required by Section 39.160(f), Utilities Code, as added by this Act, not later than December 31, 2021.

SECTION 36. (a) Not later than November 1, 2021, each affected utility, as defined by Section 13.1394, Water Code, as added by this Act, shall complete the submissions required by Section 13.1396(c), Water Code.

(b) Not later than March 1, 2022, each affected utility shall submit to the Texas Commission on Environmental Quality the emergency preparedness plan required by Section 13.1394, Water Code, as added by this Act.

(c) Not later than July 1, 2022, or upon final approval by the commission, each affected utility shall implement the emergency preparedness plan approved by the Texas Commission on Environmental Quality under Section 13.1394, Water Code, as added by this Act.

(d) An affected utility, as defined by Section 13.1394, Water Code, as added by this Act, may file with the Texas Commission on Environmental Quality a written request for an extension, not to exceed 90 days, of the date by which the affected utility is required under Subsection (b) of this section to submit the affected utility's emergency preparedness plan or of the date by which the affected utility is required under Subsection (c) of this section to implement the affected utility's emergency preparedness plan. The Texas Commission on Environmental Quality shall approve the requested extension for good cause shown.

SECTION 37. The Texas Electricity Supply Chain Security and Mapping Committee shall produce the map required under Section 38.203, Utilities Code, as added by this Act, not later than September 1, 2022.

SECTION 38. Not later than six months after the date the Texas Electricity Supply Chain Security and Mapping Committee produces the map required under Section 38.203, Utilities Code, as added by this Act, the Railroad Commission of Texas shall adopt rules necessary to implement:

- (1) Section 86.044, Natural Resources Code, as added by this Act; and
- (2) Section 121.2015, Utilities Code, as amended by this Act.

SECTION 39. Not later than six months after the effective date of this Act, the Public Utility Commission of Texas shall adopt rules necessary to implement:

- (1) Section 35.0021, Utilities Code, as added by this Act; and
- (2) Section 38.075, Utilities Code, as added by this Act.

SECTION 40. It is the intent of the legislature that this Act not restrict or amend the sole jurisdiction of the Railroad Commission of Texas to establish rules or requirements relating to curtailment orders for facilities and entities in the commission's jurisdiction under the Natural Resources Code or the Utilities Code.

SECTION 41. 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.

The Conference Committee Report on **SB 3** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2233

Senator Menéndez submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2233** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MENÉNDEZ
ZAFFIRINI
NELSON
HUFFMAN
KOLKHORST

On the part of the Senate

HOWARD
MORRISON
MINJAREZ

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the completion of sexual harassment prevention training and ethics training to register as a lobbyist.

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

SECTION 1. Section 305.005(f), Government Code, is amended to read as follows:

(f) The registration must be written and verified and must contain:

(1) the registrant's full name and address;

(2) the registrant's normal business, business phone number, and business address;

(3) the full name and address of each person:

(A) who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; and

(B) on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action;

(4) the subject matter of the legislation or of the administrative action that is the subject of the registrant's direct communication with a member of the legislative or executive branch and, if applicable, the docket number or other administrative designation of the administrative action;

(5) for each person employed or retained by the registrant for the purpose of assisting in direct communication with a member of the legislative or executive branch to influence legislation or administrative action:

(A) the full name, business address, and occupation of the person; and

(B) the subject matter of the legislation or of the administrative action to which the person's activities reportable under this section were related and, if applicable, the docket number or other administrative designation of the administrative action; ~~and~~

(6) the amount of compensation or reimbursement paid by each person who reimburses, retains, or employs the registrant for the purpose of communicating directly with a member of the legislative or executive branch or on whose behalf the registrant communicates directly with a member of the legislative or executive branch;

(7) a certificate evidencing completion of a sexual harassment prevention training course in the previous two years, as required by Section 305.0052; and

(8) a certificate evidencing completion of an ethics training course in the previous two years, as required by Section 305.0053.

SECTION 2. Subchapter A, Chapter 305, Government Code, is amended by adding Sections 305.0052 and 305.0053 to read as follows:

Sec. 305.0052. SEXUAL HARASSMENT PREVENTION TRAINING. (a) Each individual required to register under this chapter shall attend a sexual harassment prevention training course every two years, as approved by the commission, and shall submit to the commission a certificate of completion of the course.

(b) The commission must consult with at least one statewide sexual assault coalition or association regarding the conducting of and material to be included in a sexual harassment prevention training course before approving the course. The course must be trauma informed.

(c) The certificate of completion must be in a form approved by the commission.

(d) The commission shall adopt rules as necessary to implement this section.

Sec. 305.0053. ETHICS TRAINING. (a) Each individual required to register under this chapter shall attend an ethics training course every two years, as approved by the commission, and shall submit to the commission a certificate of completion of the course.

(b) The certificate of completion must be in a form approved by the commission.

(c) The commission shall adopt rules as necessary to implement this section.

SECTION 3. Not later than December 1, 2021, the Texas Ethics Commission shall adopt rules as required by Sections 305.0052 and 305.0053, Government Code, as added by this Act.

SECTION 4. Section 305.005, Government Code, as amended by this Act, applies only to a registration required to be filed under that section on or after January 1, 2022.

SECTION 5. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 2233** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1525

Senator Taylor submitted the following Conference Committee Report:

Austin, Texas

May 29, 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 1525** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

TAYLOR

BETTENCOURT

WEST

PAXTON

LUCIO

On the part of the Senate

HUBERTY

BERNAL

K. KING

DUTTON

VANDEAVER

On the part of the House

The Conference Committee Report on **HB 1525** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2030**

Senator West submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 2030** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

WEST
BIRDWELL
POWELL

C. TURNER
DUTTON
MURPHY
GOLDMAN
S. THOMPSON

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2030** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 20**

Senator Huffman submitted the following corrected Conference Committee Report:

Austin, Texas
May 29, 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 20** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
BETTENCOURT
HINOJOSA
HUGHES
NELSON

MURR
COOK
KACAL
LANDGRAF

On the part of the Senate

On the part of the House

The corrected Conference Committee Report on **HB 20** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1648**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas
May 29, 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 1648** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PERRY
BLANCO
KOLKHORST
NELSON

KRAUSE
PARKER
MINJAREZ
LEACH
OLIVERSON

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the provision of benefits under the Medicaid program, including to recipients with complex medical needs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.024165 to read as follows:

Sec. 531.024165. MEDICAL REVIEW OF MEDICAID SERVICE DENIALS FOR FOSTER CARE YOUTH. (a) Using existing resources, the commission shall coordinate with the Department of Family and Protective Services to develop and implement a process to review a denial of services under the Medicaid managed care program on the basis of medical necessity for foster care youth.

(b) Not later than December 31, 2022, the commission and the Department of Family and Protective Services shall submit a report to the legislature that includes a summary of the process developed and implemented under Subsection (a).

(c) This section expires September 1, 2023.

SECTION 2. Section 531.024172(d), Government Code, is amended to read as follows:

(d) In implementing the electronic visit verification system:

(1) subject to Subsection (e), the executive commissioner shall adopt compliance standards for health care providers; and

(2) the commission shall ensure that:

(A) the information required to be reported by health care providers is standardized across managed care organizations that contract with the commission to provide health care services to Medicaid recipients and across commission programs;

(B) processes required by managed care organizations to retrospectively correct data are standardized and publicly accessible to health care providers; ~~and~~

(C) standardized processes are established for addressing the failure of a managed care organization to provide a timely authorization for delivering services necessary to ensure continuity of care; and

(D) a health care provider is allowed to enter a variable schedule into the electronic visit verification system.

SECTION 3. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0501, 531.0512, and 531.0605 to read as follows:

Sec. 531.0501. MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053 and the STAR Kids Managed Care Advisory Committee, shall study the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list. As part of the study, the commission shall determine the most appropriate and cost-effective automated method for determining the level of need of an individual seeking services through a Medicaid waiver program.

(b) Not later than January 1, 2023, the commission shall prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over health and human services that summarizes the commission's findings and conclusions from the study.

(c) Subsections (a) and (b) and this subsection expire September 1, 2023.

(d) The commission shall develop a protocol in the office of the ombudsman to improve the capture and updating of contact information for an individual who contacts the office of the ombudsman regarding Medicaid waiver programs or services.

Sec. 531.0512. NOTIFICATION REGARDING CONSUMER DIRECTION MODEL. The commission shall:

(1) develop a procedure to:

(A) verify that a Medicaid recipient or the recipient's parent or legal guardian is informed regarding the consumer direction model and provided the option to choose to receive care under that model; and

(B) if the individual declines to receive care under the consumer direction model, document the declination; and

(2) ensure that each Medicaid managed care organization implements the procedure.

Sec. 531.0605. ADVANCING CARE FOR EXCEPTIONAL KIDS PILOT PROGRAM. (a) The commission shall collaborate with the STAR Kids Managed Care Advisory Committee, Medicaid recipients, family members of children with complex medical conditions, children's health care advocates, Medicaid managed care

organizations, and other stakeholders to develop and implement a pilot program that is substantially similar to the program described by Section 3, Medicaid Services Investment and Accountability Act of 2019 (Pub. L. No. 116-16), to provide coordinated care through a health home to children with complex medical conditions.

(b) The commission shall seek guidance from the Centers for Medicare and Medicaid Services and the United States Department of Health and Human Services regarding the design of the program and, based on the guidance, may actively seek and apply for federal funding to implement the program.

(c) Not later than December 31, 2024, the commission shall prepare and submit a report to the legislature that includes:

(1) a summary of the commission's implementation of the pilot program;
and

(2) if the pilot program has been operating for a period sufficient to obtain necessary data, a summary of the commission's evaluation of the effect of the pilot program on the coordination of care for children with complex medical conditions and a recommendation as to whether the pilot program should be continued, expanded, or terminated.

(d) The pilot program terminates and this section expires September 1, 2025.

SECTION 4. The heading to Section 533.038, Government Code, is amended to read as follows:

Sec. 533.038. COORDINATION OF BENEFITS; CONTINUITY OF SPECIALTY CARE FOR CERTAIN RECIPIENTS.

SECTION 5. Section 533.038, Government Code, is amended by amending Subsection (g) and adding Subsections (h) and (i) to read as follows:

(g) The commission shall develop a clear and easy process, to be implemented through a contract, that allows a recipient with complex medical needs who has established a relationship with a specialty provider to continue receiving care from that provider, regardless of whether the recipient has primary health benefit plan coverage in addition to Medicaid coverage.

(h) If a recipient who has complex medical needs wants to continue to receive care from a specialty provider that is not in the provider network of the Medicaid managed care organization offering the managed care plan in which the recipient is enrolled, the managed care organization shall develop a simple, timely, and efficient process to and shall make a good-faith effort to, negotiate a single-case agreement with the specialty provider. Until the Medicaid managed care organization and the specialty provider enter into the single-case agreement, the specialty provider shall be reimbursed in accordance with the applicable reimbursement methodology specified in commission rule, including 1 T.A.C. Section 353.4.

(i) A single-case agreement entered into under this section is not considered accessing an out-of-network provider for the purposes of Medicaid managed care organization network adequacy requirements.

SECTION 6. Section 32.054, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) To prevent serious medical conditions and reduce emergency room visits necessitated by complications resulting from a lack of access to dental care, the commission shall provide medical assistance reimbursement for preventive dental

services, including reimbursement for one preventive dental care visit per year, for an adult recipient with a disability who is enrolled in the STAR+PLUS Medicaid managed care program. This subsection does not apply to an adult recipient who is enrolled in the STAR+PLUS home and community-based services (HCBS) waiver program. This subsection may not be construed to reduce dental services available to persons with disabilities that are otherwise reimbursable under the medical assistance program.

SECTION 7. Section 531.0601(f), Government Code, is repealed.

SECTION 8. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 9. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 10. This Act takes effect September 1, 2021.

The Conference Committee Report on **SB 1648** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4492

Senator Hancock submitted the following corrected Conference Committee Report:

Austin, Texas
May 29, 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 4492** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HANCOCK
WEST
PAXTON

PADDIE
P. KING
DESHOTEL
LUCIO III
METCALF

On the part of the Senate

On the part of the House

The corrected Conference Committee Report on **HB 4492** was filed with the Secretary of the Senate.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SCR 55 by Perry, Congratulating the Brownfield High School Lady Cubs for winning the Class 3A University Interscholastic League basketball state championship title.

SCR 56 by Perry, Recognizing Lubbock Meals on Wheels on its 50th anniversary.

SCR 57 by Perry, Recognizing the Lubbock High School girls' swimming and diving team in winning the University Interscholastic League Class 5A state championship title.

SR 544 by Gutierrez, Recognizing Renee L. Couch for her service as president of the Texas Association of Counties.

HCR 107 (Miles), Congratulating Toni Middleton Lewis on her retirement from Houston Public Works.

HCR 108 (Seliger), Commending Rosalind Redfern Grover for her service as chair of the Midland Memorial Foundation Board of Governors.

HCR 109 (Eckhardt), Honoring the Del Valle Community Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 110 (Eckhardt), Honoring the Austin Latino Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 111 (Eckhardt), Honoring Travis County constable George Morales III and his team for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 6:16 a.m. Sunday, May 30, 2021, adjourned until 1:30 p.m. today.

APPENDIX

BILLS AND RESOLUTIONS ENROLLED

May 28, 2021

SB 165, SB 282, SB 312, SB 313, SB 318, SB 334, SB 415, SB 445, SB 456, SB 464, SB 475, SB 477, SB 576, SB 611, SB 615, SB 642, SB 827, SB 841, SB 860, SB 916, SB 959, SB 1047, SB 1061, SB 1090, SB 1094, SB 1095, SB 1117, SB 1125, SB 1137, SB 1155, SB 1167, SB 1191, SB 1208, SB 1227, SB 1244,

SB 1296, SB 1336, SB 1353, SB 1357, SB 1441, SB 1465, SB 1480, SB 1541, SB 1578, SB 1590, SB 1605, SB 1679, SB 1692, SB 1761, SB 1808, SB 1817, SB 1854, SB 1876, SB 1888, SB 1900, SB 1917, SB 1919, SB 1923, SB 1949, SB 1984, SB 2013, SB 2016, SB 2049, SB 2054, SB 2066, SB 2081, SB 2166, SB 2188, SB 2193, SB 2212, SB 2222, SB 2243, SR 487, SR 489, SR 505, SR 507, SR 513, SR 516, SR 518, SR 521, SR 522, SR 523, SR 524, SR 525, SR 526, SR 527, SR 528, SR 529, SR 530, SR 531, SR 532, SR 533, SR 534, SR 535, SR 536, SR 537, SR 538

SENT TO GOVERNOR

May 29, 2021

SB 73, SB 113, SB 123, SB 149, SB 153, SB 157, SB 160, SB 168, SB 181, SB 198, SB 199, SB 202, SB 224, SB 226, SB 239, SB 286, SB 289, SB 374, SB 474, SB 476, SB 483, SB 507, SB 600, SB 630, SB 709, SB 760, SB 763, SB 804, SB 809, SB 876, SB 877, SB 900, SB 901, SB 904, SB 906, SB 1055, SB 1056, SB 1059, SB 1063, SB 1103, SB 1113, SB 1116, SB 1418, SB 1490, SB 1642, SB 1941, SCR 22, SCR 52, SCR 53

