

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-FIRST DAY

(Continued)

(Friday, May 26, 2023)

AFTER RECESS

The Senate met at 11:10 a.m. and was called to order by President Pro Tempore Hancock.

Pastor Kert Prater, First Baptist Church, Georgetown, offered the invocation as follows:

How great You are, sovereign Lord. There is no one like You. In Your wisdom You have appointed these elected officials to govern, to guide, to protect the laws and citizens of our great state. As an all-sufficient God, You do not need anyone's help, but You kindly give us the opportunity to participate in caring for Your most prized creation—people. Thank You for giving these leaders the courage and the willingness to serve in this sacred manner. As these men and women carry out their duties, Lord, would You generously pour out Your wisdom on them? Enlighten them to the needs of our great state. Empower them to work together for solutions that promote the good of the whole. Use this day to draw their hearts closer to You. Revive them as they carry our this weighty call. Use these servants for Your glory, for the good of our fellow Texans, and for the good of those our state influences. Thank You for Your kindness to involve us, though sinners, in Your precious work. In Jesus' name. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 1228 (144 Yeas, 0 Nays, 1 Present, not voting)

HB 1540 (135 Yeas, 0 Nays, 1 Present, not voting)

HB 1649 (114 Yeas, 30 Nays, 1 Present, not voting)

HB 1759 (97 Yeas, 45 Nays, 1 Present, not voting)

HB 2138 (113 Yeas, 30 Nays, 1 Present, not voting)

HB 3009 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 3810 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 4885 (127 Yeas, 13 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1105

House Conferees: Price - Chair/Collier/Cortez/Craddick/Kacal

HB 1500

House Conferees: Holland - Chair/Bell, Keith/Canales/Hunter/Spiller

HB 3440

House Conferees: Canales - Chair/Goldman/Holland/King, Tracy O./Lozano

HB 4443

House Conferees: Cunningham - Chair/Garcia/Lozano/Lujan/Tepper

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 3

House Conferees: Meyer - Chair/Burrows/Hefner/Raymond/Thierry

SJR 3

House Conferees: Meyer - Chair/Burrows/Hefner/Raymond/Thierry

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1277 (139 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 3899

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 3899 to the senate for further consideration.

Respectfully,

/s/Stephen Brown,
Chief Clerk

House of Representatives

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate the Hidalgo Early College High School 2023 UIL 4A state championship boys' soccer team.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Bettencourt was recognized and presented Dr. Jessica Garcia of Houston as the Physician of the Day.

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

GUESTS PRESENTED

Senator West, on behalf of Senator Miles, was recognized and introduced to the Senate Calanthe Historical Society members including Shirley Haywood, Wanda Reverro, Glenda Sirls, Barbara Clemons, Coretha O'Neal, Laurice Sanders Brown, Naomi Lankford, Rita Baldwin, M. M. Wilkins, Willie Mae Phillips, Sundee Smith, Tina Washington, Polly Emerson, Velma Lightfoot, James Lightfoot, and Pam Watson.

The Senate welcomed its guests.

**SENATE RULE 8.02 SUSPENDED
(Motion In Writing)**

Senator Schwertner submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 8.02 to permit the immediate consideration of H.C.R. 112.

SCHWERTNER

The Motion In Writing was read and prevailed without objection.

HOUSE CONCURRENT RESOLUTION 112

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

HCR 112, Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to U.S. Army Sergeant Major Jerry L. Bell.

SCHWERTNER

The resolution was read.

On motion of Senator Schwertner and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

(Senator Flores in Chair)

**SENATE RULE 8.02 SUSPENDED
(Motion In Writing)**

Senator Huffman submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 8.02 to permit the immediate consideration of H.C.R. 115.

HUFFMAN

The Motion In Writing was read and prevailed without objection.

HOUSE CONCURRENT RESOLUTION 115

The Presiding Officer laid before the Senate the following resolution:

HCR 115, Directing the governor of the State of Texas to posthumously award the Texas Legislative Medal of Honor to U.S. Army Master Sergeant Mike C. Peña.

HANCOCK

The resolution was read.

On motion of Senator Hancock and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

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:

HB 25, HB 181, HB 617, HB 755, HB 783, HB 1000, HB 1193, HB 1299, HB 1743, HB 1905, HB 1968, HB 1996, HB 2019, HB 2100, HB 2166, HB 2313, HB 2334, HB 2508, HB 2616, HB 2658, HB 2700, HB 2738, HB 2947, HB 2951, HB 2956, HB 2965, HB 3045, HB 3126, HB 3130, HB 3144, HB 3156, HB 3224, HB 3278, HB 3361, HB 3645, HB 3646, HB 3743, HB 3798, HB 3858, HB 3929, HB 4012, HB 4085, HB 4219, HB 4246, HB 4316, HB 4337, HB 4375, HB 4416, HB 4417, HB 4451, HB 4520, HB 4765, HB 4779, HB 4879, HB 4932, HB 5142, HB 5304, HB 5314, HB 5318, HB 5320, HB 5339, HB 5343, HB 5349, HB 5357, HB 5365, HB 5367, HB 5369, HB 5374, HB 5379, HB 5384, HB 5385, HB 5390, HB 5391, HB 5393, HB 5395, HCR 27, HCR 104, HCR 105.

HB 53, HB 614, HB 729, HB 968, HB 1337, HB 1592, HB 1688, HB 1696, HB 1926, HB 2478, HB 2495, HB 3436, HB 4069, HB 4233, HB 4372, HB 4494, HB 4997, HB 5330, HCR 29.

HB 14, HB 299, HB 400, HB 1486, HB 1603, HB 2188, HB 2442, HB 2969, HB 4835.

HB 8, HB 54, HB 90, HB 420, HB 471, HB 852, HB 900, HB 1034, HB 1217, HB 1527, HB 2102, HB 2194, HB 2800, HB 2879, HB 3137, HB 3310, HB 3323, HB 3414, HB 3536, HB 3708, HB 4034, HB 4082, HB 4510, HB 5010, HB 5202.

SENATE RESOLUTION 633

Senator Alvarado offered the following resolution:

SR 633, In memory of Harold Lee Cook.

ALVARADO
BLANCO
ECKHARDT
GUTIERREZ

LAMANTIA
MENÉNDEZ
MILES
WEST

HINOJOSA
JOHNSONWHITMIRE
ZAFFIRINI

The resolution was read.

On motion of Senator Alvarado, **SR 633** was adopted by a rising vote of the Senate.

In honor of the memory of Harold Lee Cook, the text of the resolution will be printed in the *Senate Journal* upon adjournment of this legislative day.

SENATE RESOLUTIONS

Senator Middleton offered the following resolutions:

SR 669, In memory of the life of Dustin Lee Mortenson.

The resolution was read.

SR 670, In memory of the life of Lucas Maurice Lowe.

The resolution was read.

On motion of Senator Middleton, **SR 669** and **SR 670** were adopted by a rising vote of the Senate.

In honor of the memory of Dustin Lee Mortenson and Lucas Maurice Lowe, the text of the resolutions will be printed in the *Senate Journal* upon adjournment of this legislative day.

SENATE RESOLUTION 658

Senator Huffman offered the following resolution:

BE IT RESOLVED, BY THE Senate of the State of Texas, that Senate Rule 12.03 and 12.04, be suspended in part as provided by Senate Rule 12.08 to enable consideration of, and action on, specific matters which may be contained in the Conference Committee Report on House Bill 1.

The resolution was read and was adopted by the following vote: Yeas 30, Nays 1.

Nays: Gutierrez.

(Senator King in Chair)

(President in Chair)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1 ADOPTED

Senator Huffman called from the President's table the Conference Committee Report on **HB 1**. The Conference Committee Report was filed with the Senate on Wednesday, May 24, 2023.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Gutierrez, Menéndez.

REMARKS ORDERED PRINTED

On motion of Senator Hall and by unanimous consent, the remarks by Senators Hall and Huffman regarding the Conference Committee Report on **HB 1** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Presiding Officer: Senator Hall, for what purpose?

Senator Hall: This would be the right time, a couple of questions on some riders in the bill?

Presiding Officer: Chairman, do you yield?

Senator Huffman: Yes.

Senator Hall: First of all, I want to thank you, Chairwoman, for working with us on these riders. They're a very important part of the budget because it's quite often hard to determine exactly what we intend. And so, we did amend a couple to it. One I'd like to clarify to make sure we all understand and that is in the section on the Secretary of State. That's on page I-95.

Senator Huffman: Okay.

Senator Hall: And it's instruction number 15. And this came about because we know that we all, we all want accurate voter rolls, that's extremely important to everyone that's involved in voting process. And in a previous session, we had allocated funds and directed those funds to a single vendor, previously. And since then, we have learned things that many other states have learned that that is probably not the best way to go about making sure we have accurate voter rolls. So, this rider was put in there so that the Secretary of State will have the latitude to be able to select the process, the technique, and use whatever tools the Secretary of State thinks are the right ones to ensure that we do have an accurate voter roll without dictating a single vendor.

Senator Huffman: That is correct. It gives her, or the Secretary of State, flexibility in how they want to implement the program. Yes.

Senator Hall: Yeah. And they will be able to use any funds left over from previous budget that had been allocated with a single vendor to use that freely with however they come about.

Senator Huffman: That's correct. Yes, there is—

Senator Hall: Okay.

Senator Huffman: —flexibility in the funding.

Senator Hall: Right.

Senator Huffman: Yes.

Senator Hall: And I've got a second one here.

Senator Huffman: Okay.

Senator Hall: This book is thick in case you didn't know.

Senator Huffman: Yeah.

Senator Hall: Let me get to it.

Senator Huffman: Take your time.

Senator Hall: Okay. This is in the miscellaneous provisions. It's Section 17.36 and it has to do with the Lottery Commission and their rules changes. You know, after the session started, we learned that the Lottery Commission back in 2020 changed its rules on how it was wrought to operate. The original intent when the lottery came into being was that these tickets would be sold through legitimate brick and mortar facilities, they'd be sold for cash, and they must be purchased by the person making a personal appearance in that brick and, legitimate brick and mortar establishment.

Senator Huffman: That, those are the rules, yes.

Senator Hall: That was what, that's what the—

Senator Huffman: Supposed to be.

Senator Hall: —Legislature had it intended.

Senator Huffman: Yes.

Senator Hall: And they operated that way for decades. And then, in June of 2020, they made some significant changes to the rules in those, in that they moved away from that requirement for an individual to go into a legitimate brick and mortar store and purchase the tickets. They arranged for a third party to insert themselves between the brick and mortar facility and the people who are actually playing the lottery.

Senator Huffman: Yes.

Senator Hall: And therefore, we lost any ability to ensure that those people playing the lottery were actually using cash. And they did it in a clever way by having a courier service actually make the purchase for the person playing the lottery as opposed to the person actually going in.

Senator Huffman: That is correct. Yeah.

Senator Hall: And that is a clear circumvention by a tortuous interpretation of the way we wrote the law to allow folks to play any, without having going into a legitimate brick and mortar facility, and we have found that there are folks that have set up so that it's highly questionable how legitimate they are in their actual sales of products in that they only have maybe one or two things in there, but they had a multitude of lottery machines. And so, this rider is intended to instruct the Lottery Commission to go back to operating the lottery like the Legislature had intended when it was first written.

Senator Huffman: That is the intention of the rider, yes, to instruct the Commission to knock off these practices that have been occurring. Correct.

Senator Hall: Okay. Very good. Well, thank you.

Senator Huffman: Thank you. Thanks for working on this. Yeah.

Senator Hall: Mr. President, I'd like to move that the discussion between Senator Huffman and myself on these two be reduced to writing and included.

REASON FOR VOTE

Senator Blanco submitted the following reason for vote on **HB 1**:

I commend Chairwoman Huffman, Chairman Bonnen, the conferees, and the Finance Committee staff on crafting a thoughtful and deliberative state budget that invests in our future and represents many of our shared values. However, I would be remiss if I did not express my disagreement with specific provisions in the bill, such as prohibiting the implementation of Diversity, Equity, and Inclusion (DEI) programming in our higher education institutions, diverting public school dollars to private vouchers or ESAs, increasing border security spending and the contingency funding for a Border Force, lacking teacher pay raises, and prioritizing alternatives to abortion programming while neglecting comprehensive, evidence-based reproductive healthcare and family planning services. With that said, the conference committee report for House Bill 1 will make big and bold investments in our state's future, with its historic and unprecedented \$321.3 billion spending plan to invest in property tax cuts, critical mental health infrastructure, broadband, water, state parks, and public/higher education to address Texans' most essential needs. CSHB 1 also contains hundreds of millions of dollars in funding priorities for El Paso and Far West Texas, paving the way for a healthier, wealthier, and brighter future for our communities and families. Our only constitutional duty in a legislative session is to pass a state budget to fund state government. Therefore, I will vote AYE on the conference committee report for CSHB 1.

BLANCO

REASON FOR VOTE

Senator Menéndez submitted the following reason for vote on **HB 1**:

Thank you to Chairwoman Huffman and all members of the Senate Finance Committee. While I appreciate you and our colleagues' tireless work, many key priorities were left out of this budget.

Having a historic \$32.7 Billion surplus provided us a tremendous opportunity. We had the ability to make needed investments in areas that have been historically underfunded, in addition to strategic funding that could improve the lives of millions of Texans.

It is difficult to vote for a plan that has about \$5.35 Billion wrapped up in bills that have not yet passed, including half a Billion tax dollars that are earmarked for ESA's aka vouchers. Our Foundation School Program is \$8.8 Billion less than last session, in spite of the surplus. Aside from the minimal increase in the basic allotment, contingent upon passage of another bill still in conference, there are no provisions outlining the possibility for teacher pay raises.

There are additional concerns about our financial support of school safety and student well-being this session. We are on the horizon of a loss of Federal Elementary and Secondary School Emergency Relief (ESSER) funding from the pandemic. Our

schools have relied on over \$19 Billion in ESSER funding over the last 3 years, providing the ability for groups like Communities in Schools to provide wrap-around services to our students. This funding allowed for flexibility after the horrific mass shooting at Robb Elementary, to shift resources to the community the next day. The loss of ESSER funds combined with no increase in funding from the state leaves 441 campuses at risk of losing services. This, along with a possible \$0.28 cent increase to the school safety allotment will not bridge the gap for schools in my district to be in compliance with all of the additional school safety measures we are putting onto them.

Moreover, the budget declined to appropriate any sort of cost-of-living adjustment or extra paychecks this year for our state retirees who have worked decades for our great State in a variety of agencies and sectors. These retirees have not seen a cost of living adjustment since 2001.

Much of the money that could have been put into our public education system was instead used at the border. While border security is needed for our State, the amount allocated to border operations is disproportionately greater than what we allocate to our veterans, our schools, and other necessities. The State has already spent billions on the border. Furthermore, if HB 7 is signed, we will be allocating an additional estimated \$64 Million to the Texas Border Force when we have already been spending over \$4 billion on Operation Lone Star (and have diverted funds from other areas of the budget to do so).

Not only did our public education system incur losses, but so did our foster care system. The inclusion of Riders 42 and 44 would have allowed us to understand where improvements are needed in our system, which has been under a federal lawsuit for non-compliance for over a decade. Instead, the state allocated \$140 Million for the Alternatives to Abortion program, despite abortion being outlawed in this state. Substantive alternatives to abortion would be investing in our communities by funding our public education system, foster care rate modernization, and funding prevention and early intervention programs, so that we can keep families together in the first place. We are not funding the programs that have, time and time again, shown that they are in need.

CASHB 1 does not deliver in the way it needed to for our children, families, and teachers. Money for our public schools and teacher pay raises should not be held hostage contingent on passage of a contentious voucher bill. In the 86th session, we put them first by ensuring their pay raises in the basic allotment. Teachers could have had their raises guaranteed this session as well. In the coming school years, we shouldn't be surprised if there aren't enough teachers.

The wellness and safety of our children and teachers should not be contingent on anything. I voted no on the budget because we missed an opportunity to use this historic budget surplus in a way that helps all Texans especially those who need it most.

MENÉNDEZ

GUESTS PRESENTED

Senator Hancock was recognized and introduced to the Senate Don Ward, accompanied by his wife, Leslie Ward, and congratulated him on his retirement as Executive Director of the One Call Board of Texas.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Texas League of United Latin American Citizens Director Robert Tellez and national General Counsel Gloria Leal.

The Senate welcomed its guests.

SENATE RESOLUTION 657

Senator Huffman offered the following resolution:

BE IT RESOLVED, BY THE Senate of the State of Texas, that Senate Rule 12.03 and 12.04, be suspended in part as provided by Senate Rule 12.08 to enable consideration of, and action on, specific matters which may be contained in the Conference Committee Report on Senate Bill 30.

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

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 30 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **SB 30**. The Conference Committee Report was filed with the Senate on Wednesday, May 24, 2023.

On motion of Senator Huffman, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

(Senator Flores in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 114

Vasut

In memory of Arch Hartwell Aplin Jr.

HCR 122

Craddick

Congratulating Don Ward on his retirement as executive director of the One-Call Board of Texas.

SCR 52

Gutierrez

Sponsor: Kuempel

In memory of U.S. Air Force Lieutenant Colonel (Ret.) James D. Kniker.

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 55 (139 Yeas, 0 Nays, 1 Present, not voting)

HB 108 (138 Yeas, 2 Nays, 2 Present, not voting)

HB 2323 (137 Yeas, 1 Nays, 2 Present, not voting)

HB 3456 (118 Yeas, 15 Nays, 2 Present, not voting)

HB 4183 (126 Yeas, 10 Nays, 2 Present, not voting)

HB 4500 (137 Yeas, 1 Nays, 2 Present, not voting)

HB 5180 (138 Yeas, 1 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 18

House Conferees: Slawson - Chair/Burrows/González, Mary/Hull/Patterson

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 7

House Conferees: Hunter - Chair/Geren/Holland/Raymond/Slawson

SB 17

House Conferees: Kuempel - Chair/Burrows/Gervin-Hawkins/Meyer/Shaheen

SB 29

House Conferees: Lozano - Chair/Guillen/Hull/Hunter/Landgraf

SB 1418

House Conferees: Lopez, Janie - Chair/Canales/Lujan/Ordaz/Raney

SB 1727

House Conferees: Canales - Chair/Bell, Keith/Clardy/Goldman/Holland

SB 1933

House Conferees: Smith - Chair/Bucy/DeAyala/Metcalf/Schofield

SJR 81

House Conferees: Wilson - Chair/Howard/Kuempel/Manuel/VanDeaver

Respectfully,

/s/Stephen Brown,

Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Alvarado was recognized and introduced to the Senate Project Chrysalis Middle School students.

The Senate welcomed its guests.

CONFERENCE COMMITTEE ON HOUSE BILL 30 (Motion In Writing)

Senator King called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 30** and submitted a Motion In Writing that the request be granted.

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 **HB 30** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators King, Chair; Kolkhorst, Flores, Huffman, and Hinojosa.

CONFERENCE COMMITTEE ON HOUSE BILL 1500 (Motion In Writing)

Senator Schwertner called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1500** and submitted a Motion In Writing that the request be granted.

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 **HB 1500** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; King, Nichols, Johnson, and Middleton.

CONFERENCE COMMITTEE ON HOUSE BILL 3297 (Motion In Writing)

Senator Middleton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3297** and submitted a Motion In Writing that the request be granted.

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 **HB 3297** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Middleton, Chair; Nichols, Huffman, Hall, and Hughes.

CONFERENCE COMMITTEE ON HOUSE BILL 3372
(Motion In Writing)

Senator Parker called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3372** and submitted a Motion In Writing that the request be granted.

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 **HB 3372** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Parker, Chair; Hughes, Creighton, Zaffirini, and Campbell.

CONFERENCE COMMITTEE ON HOUSE BILL 3699
(Motion In Writing)

Senator Bettencourt called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3699** and submitted a Motion In Writing that the request be granted.

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 **HB 3699** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Springer, Hall, Paxton, and West.

CONFERENCE COMMITTEE ON HOUSE BILL 4443
(Motion In Writing)

Senator Kolkhorst called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4443** and submitted a Motion In Writing that the request be granted.

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 **HB 4443** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Kolkhorst, Chair; Springer, Middleton, Nichols, and Alvarado.

CONFERENCE COMMITTEE ON HOUSE BILL 3452
(Motion In Writing)

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3452** and submitted a Motion In Writing that the request be granted.

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 **HB 3452** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Hinojosa, Creighton, and Bettencourt.

CONFERENCE COMMITTEE ON HOUSE BILL 4390
(Motion In Writing)

Senator Bettencourt called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4390** and submitted a Motion In Writing that the request be granted.

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 **HB 4390** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Bettencourt, Chair; Birdwell, Perry, Hancock, and Kolkhorst.

CONFERENCE COMMITTEE ON HOUSE BILL 4843
(Motion In Writing)

Senator Huffman called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4843** and submitted a Motion In Writing that the request be granted.

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 **HB 4843** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Huffman, Chair; Hughes, Bettencourt, Middleton, and Nichols.

(Senator Sparks in Chair)

**CONFERENCE COMMITTEE ON HOUSE BILL 4635
(Motion In Writing)**

Senator Flores called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4635** and submitted a Motion In Writing that the request be granted.

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 **HB 4635** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Flores, Chair; Hinojosa, King, Blanco, and Birdwell.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 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 CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 114 (136 Yeas, 6 Nays, 1 Present, not voting)

HB 1287 (108 Yeas, 28 Nays, 1 Present, not voting)

HB 1361 (116 Yeas, 25 Nays, 1 Present, not voting)

HB 2129 (117 Yeas, 23 Nays, 1 Present, not voting)

HB 2190 (138 Yeas, 0 Nays, 1 Present, not voting)

HB 2727 (120 Yeas, 21 Nays, 1 Present, not voting)

HB 2815 (129 Yeas, 9 Nays, 1 Present, not voting)

HB 3058 (128 Yeas, 12 Nays, 1 Present, not voting)

HB 3424 (133 Yeas, 7 Nays, 1 Present, not voting)

HB 3453 (116 Yeas, 26 Nays, 1 Present, not voting)

HB 3550 (113 Yeas, 29 Nays, 1 Present, not voting)

HB 3672 (142 Yeas, 0 Nays, 1 Present, not voting)

HB 4123 (140 Yeas, 0 Nays, 1 Present, not voting)

HB 4696 (138 Yeas, 0 Nays, 1 Present, not voting)

HB 5105 (113 Yeas, 29 Nays, 1 Present, not voting)

HB 5183 (133 Yeas, 5 Nays, 2 Present, not voting)

HB 5405 (104 Yeas, 36 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 915

House Conferees: Craddick - Chair/Capriglione/Frank/Price/Rose

HB 1243

House Conferees: Hefner - Chair/Bucy/Burrows/Manuel/Smith

HB 1771

House Conferees: Price - Chair/King, Ken/Klick/Smith/Thierry

HB 4888

House Conferees: Hefner - Chair/Campos/Frank/Shahen/Thierry

HB 5344

House Conferees: Bell, Cecil - Chair/Metcalf/Moody/Muñoz, Jr./Shine

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

(Senator Flores in Chair)

CONFERENCE COMMITTEE ON HOUSE BILL 2729

(Motion In Writing)

Senator Creighton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 2729** and submitted a Motion In Writing that the request be granted.

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 **HB 2729** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Campbell, Parker, King, and West.

CONFERENCE COMMITTEE ON HOUSE BILL 3474
(Motion In Writing)

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3474** and submitted a Motion In Writing that the request be granted.

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 **HB 3474** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Huffman, Hancock, West, and Creighton.

CONFERENCE COMMITTEE ON HOUSE BILL 100
(Motion In Writing)

Senator Creighton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 100** and submitted a Motion In Writing that the request be granted.

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 **HB 100** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Huffman, Bettencourt, Middleton, and Blanco.

CONFERENCE COMMITTEE ON HOUSE BILL 18
(Motion In Writing)

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 18** and submitted a Motion In Writing that the request be granted.

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 **HB 18** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Paxton, Menéndez, Parker, and Hinojosa.

CONFERENCE COMMITTEE ON HOUSE BILL 357
(Motion In Writing)

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 357** and submitted a Motion In Writing that the request be granted.

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 **HB 357** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Zaffirini, Birdwell, Paxton, and Menéndez.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 222 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **SB 222**. The Conference Committee Report was filed with the Senate on Sunday, May 21, 2023.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1500 ADOPTED

Senator Nichols called from the President's table the Conference Committee Report on **SB 1500**. The Conference Committee Report was filed with the Senate on Tuesday, May 23, 2023.

On motion of Senator Nichols, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 473 ADOPTED

Senator Sparks called from the President's table the Conference Committee Report on **HB 473**. The Conference Committee Report was filed with the Senate on Wednesday, May 24, 2023.

On motion of Senator Sparks, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Campbell.

Senator Campbell moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, Board of Directors, Brazos River Authority: Jennifer Lee Henderson, Williamson County; Moid Unnabi Khan, Fort Bend County; Judy Ann Krohn, Williamson County; Traci Garrett LaChance, Brazoria County; Catherine Anne Parks, Hamilton County; Jarrod David Smith, Brazoria County; Roger Wilson, Robertson County.

Members, Correctional Managed Health Care Committee: Kristen Sanders Coons, Bexar County; Brian Phillip Edwards, El Paso County; Julia Alexandra Hiner, Harris County.

Members, Board, Department of Information Resources: Michael Dean Bell, Montgomery County; Benjamin Ethan Gatzke, Tarrant County; Jeffrey William Tayon, Harris County.

District Attorney, 118th Judicial District, Howard, Martin, and Glasscock Counties: Joshua Andrew Hamby, Howard County.

Members, Board of Directors, Gulf Coast Authority: Lamont Edward Meaux, Chambers County; Kevin Michael Scott, Galveston County.

Members, Board of Directors, Lower Colorado River Authority: Matthew Lehmann Arthur, Fayette County; Stephen Frank Cooper, Wharton County; Thomas Loran Kelley, Colorado County; Hatch Cummings Smith, Kendall County; David Ray Willmann, Llano County; Nancy Lou Eckert Yeary, Burnet County.

Members, Board of Directors, Nueces River Authority: Fohn Bendele, Medina County; John K. Crow, Edwards County.

Member, Prepaid Higher Education Tuition Board: Sarina Lora Davidson, Tarrant County.

Commissioner, Public Utility Commission of Texas: Kathleen Thea Jackson, Jefferson County.

Member, State Preservation Board: Alethea Swann Bugg, Bexar County.

Member, State Soil and Water Conservation Board: Christine Yturria Buford, Cameron County.

Members, Texas Board of Chiropractic Examiners: Joshua Laine Hollub, Harris County; Matthew Morgan Mix, Bastrop County; Mindy Rae Neal, Parmer County.

Members, Texas Board of Occupational Therapy Examiners: Estrella Barrera, Travis County; Blanca Estella Cardenas, Hidalgo County.

Member, Texas Board of Professional Geoscientists: Mark Norman Varhaug, Dallas County.

Members, Texas Commission of Licensing and Regulation: Sujeeth Draksharam, Fort Bend County; Richard Scott Figueroa, Austin County; Lori K. High, Travis County.

Members, Texas Commission on Law Enforcement: Charon Martina Lemond Dixon, Harris County; Kimberley Ann Lemaux, Tarrant County; Mario Lizcano, Hidalgo County.

Member, Texas Facilities Commission: Eddy Betancourt, Hidalgo County.

Members, Texas Funeral Service Commission: Dianne Walsh Hefley, Randall County; Kristin Deyon Tips, Bexar County.

Member, Texas Juvenile Justice Board: Cynthia McCrann Wheless, Collin County.

Members, Texas Racing Commission: Margaret L. Martin, Kendall County; Michael James Moore, Tarrant County; Robert Carroll Pate, Nueces County.

Members, Board of Regents, Texas State University System: Earl C. Austin, Harris County; Russell D. Gordy, Harris County; Thomas Edward Long, Collin County.

Members, Board of Directors, Trinity River Authority of Texas: Benny Leon Fogleman, Polk County; John Walter Jenkins, Chambers County; Margaret Sutherland Coleman Keliher, Dallas County; Robert Finley McFarlane, Anderson County; William Overton Rodgers, Tarrant County; Frank Heifner Steed, Navarro County; Frederick Carl Tate, Tarrant County; Gregory Scott Wassberg, Houston County.

Members, Board of Regents, University of Houston System: Tilman J. Fertitta, Harris County; Gregory Charles King, Bexar County; Ricky Anthony Raven, Fort Bend County.

Members, Board of Regents, University of North Texas System: Ashok Kumar Mago, Dallas County; Karen Lynn Rydman, Harris County; Laura Lynne Hesse Wright, Dallas County.

Members, Board of Directors, Upper Gradalupé River Authority: Frances N. Lovett, Kerr County; William Raymond Rector, Kerr County; Margaret Brogan Snow, Kerr County; Jeanne Coers Stacy, Kerr County.

Member, Veterans' Land Board: James Richard Rothfelder, Comal County.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 773 ADOPTED**

Senator Parker called from the President's table the Conference Committee Report on **SB 773**. The Conference Committee Report was filed with the Senate on Tuesday, May 23, 2023.

On motion of Senator Parker, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE BILL 2620 WITH HOUSE AMENDMENT

Senator Springer called **SB 2620** 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 2620** (house committee report) on page 1, line 7, between "municipality" and "wholly", insert "independent school district, or hospital district".

The amendment was read.

Senator Springer moved to concur in the House amendment to **SB 2620**.

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

SENATE BILL 189 WITH HOUSE AMENDMENT

Senator Miles called **SB 189** 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 189** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 260.010(a), Health and Safety Code, is amended to read as follows:

(a) Not later than September 30 of each year following the establishment of a county or municipal permitting requirement under this chapter, each county or municipality that requires a person to obtain a boarding home facility permit under Section 260.004 shall submit to the commission a report. The report must include:

(1) the total number of:

(A) boarding home facilities permitted during the preceding state fiscal year;

(B) boarding home facility applications denied permitting, including a summary of cause for denial; and

(C) boarding home facility permits active on August 31 of the preceding state fiscal year;

(2) the total number of residents reported housed in each boarding home facility reported;

(3) the total number of inspections conducted at each boarding home facility by the county or municipality that requires the permit; ~~and~~

(4) the total number of permits revoked or suspended as a result of an inspection described by Subdivision (3) and a summary of the outcome for the residents displaced by revocation or suspension of a permit; and

(5) the total number of incidents occurring at each boarding home facility that required the intervention of a peace officer as defined by Article 2.12, Code of Criminal Procedure.

SECTION _____. Chapter 38, Penal Code, is amended by adding Section 38.172 to read as follows:

Sec. 38.172. FAILURE TO REPORT ASSAULT, NEGLECT, OR OMISSION OF CARE IN CERTAIN GROUP HOMES. (a) In this section, "group home" means an establishment that:

(1) provides, in one or more buildings, lodging to three or more residents who are unrelated by blood or marriage to the owner of the establishment; and

(2) provides those residents with community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by Section 247.002, Health and Safety Code.

(b) A person commits an offense if the person:

(1) has actual knowledge that a resident of a group home has suffered bodily injury due to assault, neglect, or an omission in care; and

(2) fails to report that fact to law enforcement or the Department of Family and Protective Services.

(c) It is an exception to the application of this section that:

(1) the actor is a person who holds a license issued under Chapter 142, 242, 246, 247, or 252, Health and Safety Code, or who is exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4), Health and Safety Code; or

(2) the injury occurs in:

(A) an establishment or facility exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4), Health and Safety Code;

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

(C) a retirement community;

(D) a monastery or convent;

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

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

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

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

(e) If conduct constituting 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.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 189**.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 26, 2023 - 4

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 44 (104 Yeas, 32 Nays, 2 Present, not voting)

HB 718 (137 Yeas, 0 Nays, 1 Present, not voting)

HB 1998 (120 Yeas, 16 Nays, 1 Present, not voting)

HB 3461 (141 Yeas, 0 Nays, 1 Present, not voting)

HB 4990 (113 Yeas, 26 Nays, 1 Present, not voting)

HB 5012 (119 Yeas, 21 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 1620

House Conferees: Holland - Chair/Bell, Keith/Canales/Clardy/Goldman

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 12

House Conferees: Shaheen - Chair/Geren/Harris, Caroline/Moody/Patterson

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 133 (124 Yeas, 11 Nays, 1 Present, not voting)

SB 1516 (136 Yeas, 0 Nays, 2 Present, not voting)

SB 2601 (136 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Stephen Brown,
Chief Clerk
House of Representatives

SENATE BILL 544 WITH HOUSE AMENDMENT

Senator Blanco called **SB 544** 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 544** (house committee report) on page 1, line 11, between "who" and "has", by inserting "holds a bachelor's degree and".

The amendment was read.

Senator Blanco moved to concur in the House amendment to **SB 544**.

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

SENATE BILL 2370 WITH HOUSE AMENDMENT

Senator Campbell called **SB 2370** 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

Amend **SB 2370** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the division of certain emergency services districts.

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

SECTION 1. Chapter 8489, Special District Local Laws Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DIVISION OF EMERGENCY SERVICES DISTRICT THAT
OVERLAPS WITH THE DISTRICT

Sec. 8489.251. DEFINITION. In this subchapter, "improvement district" means the Comal County Water Improvement District No. 3.

Sec. 8489.252. AUTHORITY TO DIVIDE DISTRICT. A county in which the improvement district is located may by order divide an emergency services district located in whole or in part in the improvement district and wholly in the county in the manner provided by this subchapter.

Sec. 8489.253. PETITION FOR DIVISION; NOTICE OF HEARING. (a) Before an emergency services district may be divided under this subchapter, the county judge must receive a petition for division signed by at least 60 percent of the qualified voters of the improvement district.

(b) A petition for division must include:

(1) the name of the new emergency services district to be created; and

(2) a description of the proposed territory of the new emergency services

district.

(c) The petition may include an agreement with a neighboring municipality to allow the municipality to provide fire and emergency medical services through the new emergency services district.

(d) Not later than the 30th day after the date the county judge receives a petition under this section, the commissioners court of the county shall set a place, date, and time for a hearing to consider the petition. The commissioners court shall issue a notice of the hearing that includes:

- (1) the name of the proposed emergency services district;
- (2) a description of the proposed emergency services district's boundaries;

and

- (3) the place, date, and time of the hearing on the petition.

(e) A commissioners court of a county that issues notice of a hearing under Subsection (d) shall publish the notice in a newspaper of general circulation in the improvement district once a week for two consecutive weeks. The first publication must occur not later than the 21st day before the date on which the hearing will be held.

Sec. 8489.254. HEARING ON DIVISION OF EMERGENCY SERVICES DISTRICT. (a) At a hearing on a petition for the division of an emergency services district under this subchapter, the commissioners court shall consider the petition and each issue relating to the division of the emergency services district.

(b) Any interested person may appear before the commissioners court to support or oppose the division.

(c) The commissioners court shall approve the petition not later than the 10th day after the date of the hearing if the commissioners court finds that:

- (1) the petition contains the number of signatures required under Section 8489.253; and
- (2) the proposed division is feasible.

(d) The commissioners court shall consider any agreement described by Section 8489.253(c) submitted with the petition as evidence that the division of the emergency services district is feasible under Subsection (c) of this section.

Sec. 8489.255. ELECTION TO CONFIRM DIVISION. (a) If a commissioners court of a county approves a petition under Section 8489.254 to divide an emergency services district, the commissioners court shall order an election to be held in the territory of the proposed new emergency services district to:

- (1) confirm the division of the existing emergency services district; and
- (2) authorize the imposition of a tax in the territory of the new emergency services district not to exceed the rate allowed by Section 48-e, Article III, Texas Constitution.

(b) Notice of the election shall be given in the same manner as the notice of a hearing under Section 8489.253.

(c) The election shall be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the requirements of law.

(d) The ballot shall be printed to provide for voting for or against the proposition: "Dividing the (insert name of emergency services district) to create a new emergency services district and authorizing the imposition of a tax."

(e) If a majority of the voters voting at the election vote to divide the emergency services district, the commissioners court by order shall divide the emergency services district.

(f) The existing emergency services district and new emergency services district each shall pay a pro rata share of the cost of an election held under this section, based on the assessed value of real property in each emergency services district subject to ad valorem taxation.

Sec. 8489.256. DIVISION ORDER. (a) A county order dividing an emergency services district under this subchapter must:

(1) require the existing emergency services district to disannex the land of the new emergency services district;

(2) create the new emergency services district in accordance with Chapter 775, Health and Safety Code;

(3) name the new emergency services district;

(4) include the metes and bounds description of the territories of the new emergency services district and the existing emergency services district after disannexation; and

(5) appoint the board of the new emergency services district in the manner described by Section 775.034, Health and Safety Code.

(b) The county judge shall send to the comptroller by certified or registered United States Mail a certified copy of a county order dividing an emergency services district under this subchapter. The certified copy must:

(1) include the effective date of the division of the emergency services district; and

(2) be accompanied by a map clearly showing the boundaries of the new emergency services district.

Sec. 8489.257. TERMINATION OF AUTHORITY TO IMPOSE SALES AND USE TAXES. The authority of the existing emergency services district to impose sales and use taxes in the territory of the new emergency services district ends on the first day of the first calendar quarter after the comptroller receives a copy of the division order and map required by Section 8489.256.

Sec. 8489.258. ADMINISTRATION OF EMERGENCY SERVICES DISTRICT AFTER DIVISION. The board of the existing emergency services district continues in existence to govern the territory of the existing emergency services district after disannexation of the land of the new emergency services district.

Sec. 8489.259. TAXATION FOR OUTSTANDING BONDED DEBT. (a) The disannexation of territory from an emergency services district under this subchapter does not diminish or impair the rights of holders of any outstanding and unpaid bonds of the existing emergency services district.

(b) Property disannexed under this subchapter is not released from its pro rata share of any of the existing emergency services district's bonded indebtedness on the date of the disannexation and the existing emergency services district may continue to tax property in the disannexed territory until that debt is paid as if the territory had not been disannexed.

(c) After the date a petition is filed under Section 8489.253 to divide an emergency services district, the emergency services district may not pledge ad valorem tax revenue or sales tax revenue from the territory that is proposed in the

petition to be disannexed from the emergency services district unless the division of the emergency services district fails to be approved at an election under this subchapter.

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, 2023.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 2370**.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Kolkhorst.

SENATE BILL 365 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 365** 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 365** (senate committee report) as follows:

(1) On page 1, line 10, strike "the" and substitute "a".

(2) On page 1, line 11, between "certificate" and "to" insert "of convenience and necessity".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 365**.

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

Yeas: Alvarado, Bettencourt, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hinojosa, Huffman, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Birdwell, Hall, Hancock, Hughes, Springer.

SENATE BILL 2325 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 2325** 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 2325** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 478.0001(3), Government Code, as amended by Chapters 10 (**HB 1472**), 102 (**SB 1265**), 605 (**SB 1155**), and 915 (**HB 3607**), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(3) "Event" means any of the following and includes any activity related to or associated with the following:

(A) the Academy of Country Music Awards;

(B) the Amateur Athletic Union Junior Olympic Games;

(C) the Bassmaster Classic;

(D) a Big 12 Football Conference Championship game;

(E) [~~(D)~~] the Breeders' Cup World Championships;

(F) the CMT (Country Music Television) Music Awards;

(G) [~~(E)~~] a game of the College Football Playoff or its successor;

(H) [~~(F)~~] the Confederation of North, Central America and Caribbean Association Football (Concacaf) Gold Cup;

(I) [~~(F)~~] a CONVRG conference;

(J) [~~(G)~~] an Elite Rodeo Association World Championship;

(K) a Federation Equestre Internationale World Cup Final;

(L) a Federation Internationale de Motocyclisme (FIM) World Supercross Championship race;

(M) the [~~(H)~~] a Formula One United States Grand Prix [~~automobile race~~];

(N) [~~(I)~~] the largest event held each year at a sports entertainment venue in this state with a permanent seating capacity, including grandstand and premium seating, of at least 125,000 on September 1, 2021;

(O) [~~(J)~~] the Major League Baseball All-Star Game;

(P) [~~(K)~~] the Major League Soccer All-Star Game or the Major League Soccer Cup;

(Q) [~~(L)~~] a mixed martial arts championship;

(R) [~~(M)~~] the Moto Grand Prix of the United States;

(S) [~~(N)~~] the National Association for Stock Car Auto Racing (NASCAR):

(i) All-Star Race;

(ii) season-ending Championship Race; or

(iii) Texas Grand Prix race;

(T) [~~(O)~~] the National Basketball Association All-Star Game;

(U) [~~(P)~~] a National Collegiate Athletic Association Final Four tournament game;

(V) [~~(Q)~~] the National Collegiate Athletic Association men's or women's lacrosse championships;

(W) [~~(R)~~] a national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee;

(X) [~~(S)~~] the National Cutting Horse Association Triple Crown;

(Y) [~~(T)~~] the National Hockey League All-Star Game;

(Z) the National Hot Rod Association Fall Nationals at the Texas Motorplex;

(AA) [~~(U)~~] a national political convention of the Republican National Committee or the Democratic National Committee;

(BB) [~~(V)~~] a championship event in the National Reined Cow Horse Association (NRCHA) Championship Series;

(CC) [~~(W)~~] an Olympic activity, including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program;

(DD) [~~(X)~~] a presidential general election debate;

(EE) the Professional Bull Riders World Finals;

(FF) [~~(Y)~~] the Professional Rodeo Cowboys Association National Finals Rodeo;

(GG) a series of cricket matches or competitions within the T20 World Cup;

(HH) [~~(Z)~~] a Super Bowl;

(II) [~~(AA)~~] the United States Open Championship;

(JJ) [~~(BB)~~] a World Cup soccer game or the World Cup soccer tournament;

(KK) [~~(CC)~~] the World Games;

(LL) [~~(DD)~~] a World Wrestling Entertainment WrestleMania event; or

(MM) [~~(EE)~~] the X Games.

SECTION 2. Section 478.0001(7), Government Code, as amended by Chapters 10 (**HB 472**), 102 (**SB 1265**), and 915 (**HB 3607**), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(7) "Site selection organization" means:

(A) the Academy of Country Music;

(B) the Amateur Athletic Union;

(C) Bass Anglers Sportsman Society, LLC;

(D) the Big 12 Conference;

(E) CMT (Country Music Television) Productions Inc.;

(F) [~~(D)~~] the College Football Playoff Administration, LLC, or its successor;

(G) [~~(E)~~] the Commission on Presidential Debates;

(H) the Confederation of North, Central America and Caribbean Association Football (Concacaf);

(I) [~~(F)~~] the Democratic National Committee;

(J) [~~(G)~~] Dorna Sports;

(K) [~~(H)~~] the Elite Rodeo Association;

(L) [~~(I)~~] Encore Live;

(M) [~~(J)~~] ESPN or an affiliate;

(N) the Federation Equestre Internationale (FEI);

(O) [~~(K)~~] the Federation Internationale de Football Association (FIFA);

(P) the International Cricket Council;

(Q) [~~(L)~~] the International World Games Association;

(R) [~~(M)~~] Major League Baseball;

(S) [~~(N)~~] Major League Soccer;

(T) [~~(O)~~] the National Association for Stock Car Auto Racing (NASCAR);

(U) [~~(P)~~] the National Basketball Association;

- (V) [~~(Q)~~] the National Collegiate Athletic Association;
 (W) [~~(R)~~] the National Cutting Horse Association;
 (X) [~~(S)~~] the National Football League;
 (Y) [~~(T)~~] the National Hockey League;
 (Z) the National Hot Rod Association;
 (AA) [~~(U)~~] the National Reined Cow Horse Association (NRCHA);
 (BB) Professional Bull Riders, LLC;
 (CC) [~~(V)~~] the Professional Rodeo Cowboys Association;
 (DD) [~~(W)~~] the Republican National Committee;
 (EE) SX Global;
 (FF) [~~(X)~~] the Ultimate Fighting Championship;
 (GG) [~~(Y)~~] the United States Golf Association;
 (HH) [~~(Z)~~] the United States Olympic Committee;
 (II) [~~(AA)~~] World Wrestling Entertainment; or
 (JJ) [~~(BB)~~] the national governing body of a sport that is recognized by:
 (i) the Federation Internationale de l'Automobile;
 (ii) Formula One Management Limited or its successor;
 (iii) the National Thoroughbred Racing Association; or
 (iv) the United States Olympic Committee.

SECTION 3. Section 478.0051, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), an event described by Section 478.0001(3)(GG) may receive funding through the program if a portion of the event is held at one or more sites located in another state or country.

SECTION 4. Section 478.0052, Government Code, is amended to read as follows:

Sec. 478.0052. SINGLE EVENT CLASSIFICATION FOR ELIGIBILITY PURPOSES. For purposes of Section 478.0051:

- (1) [~~7~~] each presidential general election debate in a series of presidential debates before a general election is considered a separate, single event; and
- (2) each series of games for the World Cup soccer tournament held in a market area designated for that series is considered a separate, single event.

SECTION 5. Subchapter B, Chapter 478, Government Code, is amended by adding Section 478.00525 to read as follows:

Sec. 478.00525. SINGLE YEAR CLASSIFICATION FOR ELIGIBILITY PURPOSES FOR CERTAIN SPORTING EVENTS. For purposes of Sections 478.0051(b)(1) and (3), a sporting event listed in Section 478.0001(3) is considered to be held one time in each year if the event is held only one time in any annual season for that sport.

SECTION 6. Section 478.0053, Government Code, is amended to read as follows:

Sec. 478.0053. EXEMPTION FROM CERTAIN ELIGIBILITY REQUIREMENT FOR CERTAIN LARGE VENUES. Section 478.0051(b)(1) does not apply to an event described by Section 478.0001(3)(N) [~~478.0001(3)(H)~~]. If an endorsing municipality or endorsing county requests the office to make a determination under Section 478.0102 for an event described by Section

478.0001(3)(N) [~~478.0001(3)(H)~~], the remaining provisions of this chapter apply to that event as if the event satisfied the eligibility requirements under Section 478.0051(b)(1).

SECTION 7. Subchapter B, Chapter 480, Government Code, is amended by adding Section 480.00515 to read as follows:

Sec. 480.00515. SINGLE YEAR CLASSIFICATION FOR ELIGIBILITY PURPOSES FOR CERTAIN SPORTING EVENTS. For purposes of Sections 480.0051(1) and (3), a sporting event is considered to be held one time in each year if the event is held only one time in any annual season for that sport.

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2023.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 2325**.

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

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Kolkhorst, Middleton.

SENATE BILL 532 WITH HOUSE AMENDMENTS

Senator West called **SB 532** 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 532** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.9194, Education Code, is amended to read as follows:

Sec. 51.9194. **REQUIRED INFORMATION FOR ENTERING STUDENTS REGARDING MENTAL HEALTH AND SUICIDE PREVENTION SERVICES.** (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education [~~A general academic teaching institution~~] shall provide to each entering [~~full time~~] undergraduate, graduate, or professional student, including each [~~full time~~] undergraduate, graduate, or professional student who transfers to the institution, information about:

(1) available mental health and suicide prevention services offered by the institution or by any associated organizations or programs; and

(2) early warning signs that are often present in and appropriate intervention for a person who may be considering suicide.

(c) ~~(b)~~ The information required under this section:

(1) may be provided through:

(A) a live presentation; or

(B) a format that allows for student interaction, such as an online program or video; ~~and~~

(2) may not be provided in a paper format only; and

(3) must include a campus map identifying any location at which mental health services are provided to students on campus and information regarding how to access the services.

(d) If an institution of higher education provides a tour during an on-campus orientation for entering students, the tour must identify at least one location described by Subsection (c)(3) that is available for use by all students of the institution.

SECTION _____. Section 51.9194, Education Code, as amended by this Act, applies beginning with entering students at public institutions of higher education for the 2023 fall semester.

Floor Amendment No. 2

Amend **SB 532** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 61.9831, Education Code, is amended to read as follows:

Sec. 61.9831. LOAN REPAYMENT ASSISTANCE AUTHORIZED. The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of eligible student loans for eligible persons who agree to teach mathematics or science for a specified period in public schools ~~[that receive federal funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.)]~~.

SECTION _____. Sections 61.9832(a) and (c), Education Code, are amended to read as follows:

(a) To be eligible to receive loan repayment assistance under this subchapter, a person must:

(1) apply annually for the loan repayment assistance in the manner prescribed by the board;

(2) be a United States citizen;

(3) have completed an undergraduate or graduate program in mathematics or science;

(4) have a cumulative grade point average of at least 3.0 on a four-point scale or the equivalent;

(5) be:

(A) certified under Subchapter B, Chapter 21, to teach mathematics or science in a public school in this state; or

(B) teaching under a probationary teaching certificate;

(6) have been employed for at least one year as a teacher teaching mathematics or science at a public school ~~[that receives funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.)]~~;

(7) not be in default on any other education loan;

(8) not receive any other state or federal loan repayment assistance, including a Teacher Education Assistance for College and Higher Education (TEACH) Grant or teacher loan forgiveness;

(9) enter into an agreement with the board under Subsection (c); and

(10) comply with any other requirement adopted by the board under this subchapter.

(c) To receive loan repayment assistance under this subchapter, a person must enter into an agreement with the board that includes the following provisions:

(1) the person will accept an offer of full-time employment to teach mathematics or science, as applicable based on the person's certification, in a public school [~~that receives funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.)~~];

(2) the person will complete four consecutive years of employment in any public school as a full-time classroom teacher [~~in a school described by Subdivision (1)~~] whose primary duty is to teach mathematics or science, as applicable, based on the person's certification;

(3) beginning with the school year immediately following the last of the four consecutive school years described by Subdivision (2), the person will complete an additional number of consecutive school years teaching in any public school in this state, as prescribed by board rule; and

(4) the person acknowledges the conditional nature of the loan repayment assistance.

SECTION _____. Section 61.9839(a), Education Code, is amended to read as follows:

(a) Subject to Sections 61.9833(b) and 61.9838(c), an ~~[An]~~ eligible person may continue to receive the same amount of loan repayment assistance received during the first four consecutive years of teaching service required under Section 61.9832(c)(2) if the person continues to teach in a public school in accordance with board rules for the prescribed number of consecutive school years occurring immediately after those [~~that receives funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.), after the~~] first four years [~~of teaching service required under Section 61.9832(c)(2)~~].

SECTION _____. Section 61.9839(b), Education Code, is repealed.

SECTION _____. (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules necessary to administer Sections 61.9831, 61.9832, and 61.9839, Education Code, as amended by this Act.

(b) Sections 61.9831, 61.9832, and 61.9839, Education Code, as amended by this Act, apply only to a loan repayment assistance agreement entered into under Subchapter KK, Chapter 61, Education Code, on or after the effective date of this Act. A loan repayment assistance agreement entered into before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

The amendments were read.

Senator West moved to concur in the House amendments to **SB 532**.

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

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Campbell, Hall, Hughes.

SENATE BILL 999 WITH HOUSE AMENDMENT

Senator West called **SB 999** 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 999** (house committee report) as follows:

(1) Strike page 1, lines 7-8, and substitute the following:

SECTION 1. Section 37.0812, Education Code, is amended by adding Subsection (c) to read as follows:

(2) On page 1, line 9, strike "(c-1)" and substitute "(c)".

(3) On page 1, line 10, strike "active shooter training for the students or employees of a school" and substitute "active shooter response training under this section".

(4) Strike page 1, lines 13-14, and substitute the following:

SECTION 2. Subchapter E, Chapter 51, Education Code, is amended by adding Section 51.221 to read as follows:

(5) On page 1, line 15, strike "51.9363" and substitute "51.221".

(6) On page 1, lines 17-18, strike "the students or employees of the institution" and substitute "peace officers commissioned under this subchapter".

(7) On page 2, line 4, strike "students or employees at" and substitute "peace officers of".

(8) On page 2, line 26, strike "37.1141(c-1) and 51.9363" and substitute "37.0812(c) and 51.221".

The amendment was read.

Senator West moved to concur in the House amendment to **SB 999**.

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

Nays: Springer.

SENATE BILL 2091 WITH HOUSE AMENDMENT

Senator West called **SB 2091** 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 2091** (house committee report) as follows:

(1) On page 3, line 18, strike ".02" and substitute "two-tenths of one".

(2) On page 3, line 22, between "(s)" and "apply", insert ", 34.02, 34.03, 34.04, and 34.21".

(3) On page 3, line 25, between the underlined comma and "a", insert "and subject to Subsection (e) of this section,".

(4) On page 4, strike lines 3 and 4 and substitute the following:

(e) A taxing unit may not direct the sale of real property at a private sale under this section unless:

(1) the property is offered for sale at a public auction; and

(2) a bid sufficient to pay the amount specified by Subsection (h) is not received.

(f) A taxing unit that directs the private sale under this section of real property that abuts two or more adjacent parcels of real property having different owners must give notice of the sale to each abutting owner. The notice must state that the taxing unit will:

(1) offer the property for sale;

(2) accept sealed bids for the property; and

(3) sell the property to the highest bidder.

(5) On page 4, line 5, strike "(f)" and substitute "(g)".

(6) On page 4, strike lines 7 through 11 and substitute the following:

(h) A taxing unit that directs the sale of real property under this section may not sell the property for an amount that is less than the lesser of:

(1) the property's market value, as specified in the warrant or the judgment, as applicable; or

(2) the following amount, as applicable:

(A) the amount provided by Section 34.01(p), in the case of property described by Subsection (b)(1)(A) of this section; or

(B) the amount provided by Section 34.01(b), in the case of property described by Subsection (b)(1)(B) of this section.

(7) On page 4, line 12, strike "(h)" and substitute "(i)".

The amendment was read.

Senator West moved to concur in the House amendment to **SB 2091**.

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

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Johnson, King, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Springer, West, Whitmire, Zaffirini.

Nays: Hughes, Kolkhorst, Sparks.

SENATE BILL 2376 WITH HOUSE AMENDMENT

Senator Campbell called **SB 2376** 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

Amend **SB 2376** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the issuance of Support Adoption specialty license plates and to the Support Adoption account and certain voluntary contributions to that account.

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

SECTION 1. The heading to Section 402.036, Government Code, is amended to read as follows:

Sec. 402.036. SUPPORT ADOPTION [~~CHOOSE LIFE~~] ACCOUNT.

SECTION 2. Sections 402.036(a), (b), (b-1), (e), (f), and (g), Government Code, are amended to read as follows:

(a) The Support Adoption [~~Choose Life~~] account is a separate account in the general revenue fund. The account is composed of:

(1) money deposited to the credit of the account under Sections [~~Section~~] 504.662 and 521.015, Transportation Code; and

(2) gifts, grants, donations, and legislative appropriations.

(b) The attorney general administers the Support Adoption [~~Choose Life~~] account. The attorney general may spend money credited to the account only to:

(1) make grants to an eligible organization; and

(2) defray the cost of administering the account, including the cost of advertising authorized by Subsection (b-1).

(b-1) The attorney general may advertise that fees paid for the issuance of a license plate in accordance with Section 504.662, Transportation Code, may be used to fund the grants described by Subsection (b)(1), provided that the money spent under this subsection does not exceed two percent of the amount of gross receipts deposited to the Support Adoption [~~Choose Life~~] account during the preceding state fiscal year.

(e) The attorney general by rule shall establish:

(1) guidelines for the expenditure of money credited to the Support Adoption [~~Choose Life~~] account; and

(2) reporting and other mechanisms necessary to ensure that the money is spent in accordance with this section.

(f) Money received by an eligible organization under this section may be spent only to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation, to provide for the needs of children [~~infants~~] who are awaiting placement with adoptive parents, to provide training and advertising relating to adoption, and to provide pregnancy testing or pre-adoption or postadoption counseling, but may not be used to pay an administrative, legal, or capital expense.

(g) In this section, "eligible organization" means:

(1) an organization in this state that:

(A) [~~(+)~~] is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt charitable organization under Section 501(c)(3) of that code;

(B) [~~2~~] provides counseling and material assistance to pregnant women who are considering placing their children for adoption or to prospective adoptive parents;

(C) [~~3~~] does not charge for services provided, except for adoption-related costs or fees;

(D) [~~4~~] does not provide abortions or abortion-related services or make referrals to abortion providers;

(E) [~~5~~] is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers; and

(F) [~~6~~] does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers;

(2) an adoption agency, as defined by Section 162.402, Family Code; and

(3) an authorized agency, as defined by Section 162.402, Family Code.

SECTION 3. The heading to Section 402.037, Government Code, is amended to read as follows:

Sec. 402.037. SUPPORT ADOPTION [~~CHOOSE LIFE~~] ADVISORY COMMITTEE.

SECTION 4. Sections 402.037(a) and (b), Government Code, are amended to read as follows:

(a) The attorney general shall appoint a seven-member Support Adoption [~~Choose Life~~] advisory committee.

(b) The committee shall:

(1) meet at least twice a year or as called by the attorney general;

(2) assist the attorney general in developing rules under Section 402.036(e);

and

(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Support Adoption [~~Choose Life~~] account.

SECTION 5. Section 504.662, Transportation Code, is amended to read as follows:

Sec. 504.662. SUPPORT ADOPTION [~~CHOOSE LIFE~~] LICENSE PLATES. (a) The department shall issue specially designed license plates that include the words "Support Adoption [~~Choose Life~~]." The department shall design the license plates in consultation with the attorney general.

(b) After deduction of the department's administrative costs, the department shall deposit the remainder of the fee for issuance of license plates under this section in the state treasury to the credit of the Support Adoption [~~Choose Life~~] account established by Section 402.036, Government Code.

SECTION 6. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.015 to read as follows:

Sec. 521.015. VOLUNTARY CONTRIBUTION TO SUPPORT ADOPTION. (a) When a person applies for an original or renewal driver's license or personal identification certificate under this chapter, the person may contribute any amount to the Support Adoption account established by Section 402.036, Government Code, to support adoption.

(b) The department shall:

(1) include space on the first page of each application for an original or renewal driver's license or personal identification certificate that allows a person applying for an original or renewal driver's license or personal identification certificate to indicate the amount that the person is voluntarily contributing to the account; and

(2) provide an opportunity for the person to contribute to the account during the application process for an original or renewal driver's license or personal identification certificate on the department's Internet website.

(c) The department shall send any contribution made under this section to the comptroller for deposit to the credit of the Support Adoption account established by Section 402.036, Government Code, not later than the 14th day of each month. Before sending the money to the comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this section.

SECTION 7. Not later than December 31, 2023, the Department of Public Safety shall provide an opportunity for a person who applies for an original or renewal driver's license or personal identification certificate to make a voluntary contribution to support adoption, as required by Section 521.015, Transportation Code, as added by this Act.

SECTION 8. This Act takes effect September 1, 2023.

The amendment was read.

Senator Campbell moved to concur in the House amendment to **SB 2376**.

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

Yeas: Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Whitmire, Zaffirini.

Nays: Alvarado, Eckhardt, West.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1277 ADOPTED

Senator West called from the President's table the Conference Committee Report on **HB 1277**. The Conference Committee Report was filed with the Senate on Wednesday, May 24, 2023.

On motion of Senator West, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Nays: Creighton.

SENATE BILL 2453 WITH HOUSE AMENDMENTS

Senator Menéndez called **SB 2453** 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 2453** (house committee report) on page 3, between lines 21 and 22, by inserting the following appropriately numbered subdivision in the subsection and renumbering the subdivisions in the subsection accordingly:

() a building other than a single-family residential property located in a municipality with a population of less than 20,000;

Floor Amendment No. 1 on Third Reading

Amend **SB 2453** on third reading, in the SECTION of the bill amending Section 3000.002(c), Government Code, by striking the subdivision added by Floor Amendment No. 1 by Howard on second reading and renumbering subsequent subdivisions and cross-references to those subdivisions accordingly.

The amendments were read.

Senator Menéndez moved to concur in the House amendments to **SB 2453**.

The motion prevailed by the following vote: Yeas 17, Nays 14.

Yeas: Alvarado, Blanco, Campbell, Eckhardt, Flores, Gutierrez, Hinojosa, Huffman, Johnson, LaMantia, Menéndez, Miles, Nichols, Schwertner, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Creighton, Hall, Hancock, Hughes, King, Kolkhorst, Middleton, Parker, Paxton, Perry, Sparks, Springer.

SENATE BILL 26 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 26** 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

Amend **SB 26** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to local mental health authority and local behavioral health authority audits and mental and behavioral health reporting, services, and programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09915 to read as follows:

Sec. 531.09915. INNOVATION MATCHING GRANT PROGRAM FOR MENTAL HEALTH EARLY INTERVENTION AND TREATMENT. (a) In this section:

(1) "Inpatient mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(2) "Program" means the grant program established under this section.

(3) "State hospital" has the meaning assigned by Section 552.0011, Health and Safety Code.

(b) To the extent money is appropriated to the commission for that purpose, the commission shall establish a matching grant program to provide support to eligible entities for community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. The initiatives may:

(1) be evidence-based or otherwise demonstrate positive outcomes, including:

(A) improved relationship skills;

(B) improved self-esteem;

(C) reduced involvement in the juvenile justice system;

(D) participation in the relinquishment avoidance program under Subchapter E, Chapter 262, Family Code; and

(E) avoidance of emergency room use; and

(2) include:

(A) training; and

(B) services and supports for:

(i) community-based initiatives;

(ii) agencies that provide services to children and families;

(iii) individuals who work with children or caregivers of children showing atypical social or emotional development or other challenging behaviors; and

(iv) children in or at risk of placement in foster care or the juvenile justice system.

(c) The commission may award a grant under the program only in accordance with a contract between the commission and a grant recipient. The contract must include provisions under which the commission is given sufficient control to ensure the public purpose of providing mental health prevention services to children and families is accomplished and the state receives the return benefit.

(d) The executive commissioner by rule shall establish application and eligibility requirements for an entity to be awarded a grant under the program.

(e) The following entities are eligible for a grant awarded under the program:

(1) a hospital licensed under Chapter 241, Health and Safety Code;

(2) a mental hospital licensed under Chapter 577, Health and Safety Code;

(3) a hospital district;

(4) a local mental health authority;

(5) a child-care facility, as defined by Chapter 42, Human Resources Code;

(6) a county or municipality; and

(7) a nonprofit organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code.

(f) In awarding grants under the program, the commission shall prioritize entities that work with children and family members of children with a high risk of experiencing a crisis or developing a mental health condition to reduce:

(1) the need for future intensive mental health services;

(2) the number of children at risk of placement in foster care or the juvenile justice system; or

(3) the demand for placement in state hospitals, inpatient mental health facilities, and residential behavioral health facilities.

(g) The commission shall condition each grant awarded under the program on the grant recipient providing matching money in an amount that is equal to at least 10 percent of the grant amount.

(h) A grant recipient may only use grant money awarded under the program and matching money provided by the recipient to develop innovative strategies that provide:

(1) resiliency;

(2) coping and social skills;

(3) healthy social and familial relationships; and

(4) parenting skills and behaviors.

(i) A grant recipient may not use grant money awarded under the program or matching money provided by the recipient to:

(1) reimburse an expense or pay a cost that another source, including the Medicaid program, is obligated to reimburse or pay by law or under a contract; or

(2) supplant or be a substitute for money awarded to the recipient from a non-Medicaid federal funding source, including federal grant funding.

(j) A Medicaid provider's receipt of a grant under the program does not affect any legal or contractual duty of the provider to comply with requirements under the Medicaid program.

(k) The commission may use a reasonable amount of the money appropriated by the legislature for the purposes of the program, not to exceed five percent, to pay the administrative costs of implementing and administering the program.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09991 to read as follows:

Sec. 531.09991. PLAN FOR THE TRANSITION OF CARE OF CERTAIN INDIVIDUALS. (a) Not later than January 1, 2025, the commission shall, in consultation with nursing facilities licensed under Chapter 242, Health and Safety Code, develop a plan for transitioning from a hospital that primarily provides behavioral health services to a nursing facility individuals who require:

(1) a level of care provided by nursing facilities; and

(2) a high level of behavioral health supports and services.

(b) The plan must include:

(1) recommendations for providing incentives to providers for the provision of services to individuals described by Subsection (a), including an assessment of the feasibility of including incentive payments under the Quality Incentive Payment Program (QIPP) for those providers;

(2) recommendations for methods to create bed capacity, including reserving specific beds; and

(3) a fiscal estimate, including estimated costs to nursing facilities and savings to hospitals that will result from transitioning individuals under Subsection (a).

(c) The commission may implement the plan, including recommendations under the plan, only if the commission determines that implementing the plan would increase the amount of available state general revenue.

(d) This section expires September 1, 2025.

SECTION 3. Section 531.1025, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commission's office of inspector general shall conduct performance audits and require financial audits to be conducted of each local behavioral health authority designated under Section 533.0356, Health and Safety Code, and local mental health authority, as defined by Section 531.002, Health and Safety Code. The office shall:

(1) establish a performance audit schedule that ensures the office audits each authority described by this subsection at least once every five years;

(2) establish a financial audit schedule that ensures each authority described by this subsection:

(A) undergoes a financial audit conducted by an independent auditor at least once every three years; and

(B) submits to the office the results of the financial audit; and

(3) require additional audits to be conducted as necessary based on adverse findings in a previous audit or as requested by the commission.

SECTION 4. Section 534.0535, Health and Safety Code, is amended to read as follows:

Sec. 534.0535. JOINT DISCHARGE PLANNING. (a) The executive commissioner shall adopt or amend, and the department shall enforce, rules that require continuity of services and planning for patient care between department facilities and local mental health authorities.

(b) At a minimum, the rules must:

(1) specify the local mental health authority's responsibility for ensuring the successful transition of patients who are determined by the facility to be medically appropriate for discharge; and

(2) require participation by a department facility in joint discharge planning with ~~between a department facility and~~ a local mental health authority before the ~~a~~ facility discharges a patient or places the patient on an extended furlough with an intent to discharge.

(c) The local mental health authority shall plan with the department facility to ~~and~~ determine the appropriate community services for the patient.

(d) The local mental health authority shall arrange for the provision of the services upon discharge ~~if department funds are to be used and may subcontract with or make a referral to a local agency or entity~~.

(e) The commission shall require each facility to designate at least one employee to provide transition support services for patients who are determined medically appropriate for discharge from the facility.

(f) Transition support services provided by the local mental health authority must be designed to complement joint discharge planning efforts and may include:

(1) enhanced services and supports for complex or high-need patients, including services and supports necessary to create viable discharge or outpatient management plans; and

(2) post-discharge monitoring for up to one year after the discharge date to reduce the likelihood of readmission.

(g) The commission shall ensure that each department facility concentrates the provision of transition support services for patients who have been:

(1) admitted to and discharged from a facility multiple times during a 30-day period; or

(2) in the facility for longer than 365 consecutive days.

SECTION 5. Chapter 572, Health and Safety Code, is amended by adding Section 572.0026 to read as follows:

Sec. 572.0026. VOLUNTARY ADMISSION RESTRICTIONS. The facility administrator of an inpatient mental health facility or the administrator's designee may only approve the admission of a person for whom a proper request for voluntary inpatient services is filed if, at the time the request is filed, there is available space at the inpatient mental health facility.

SECTION 6. Section 1001.084, Health and Safety Code, as redesignated by Chapter 1236 (S.B. 1296), Acts of the 84th Legislature, Regular Session, 2015, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (d-1), (d-2), and (g) to read as follows:

(a) The department, in collaboration with the commission, shall establish and maintain a public reporting system of performance and outcome measures relating to mental health and substance use ~~[abuse]~~ services established by the ~~[Legislative Budget Board, the department, and the]~~ commission. The system must allow external users to view and compare the performance~~[-outputs,]~~ and outcomes of:

~~(1) local mental health authorities [community centers established under Subchapter A, Chapter 534, that provide mental health services];~~

~~(2) local behavioral health authorities [Medicaid managed care pilot programs that provide mental health services]; and~~

~~(3) local intellectual and developmental disability authorities [agencies, organizations, and persons that contract with the state to provide substance abuse services].~~

(b) The public reporting system must allow external users to view and compare the performance~~[-outputs,]~~ and outcomes of the Medicaid managed care programs that provide mental health services.

(c) The department shall post the performance~~[-output,]~~ and outcome measures on the department's Internet website so that the information is accessible to the public. The department shall post the measures monthly, or as frequently as possible ~~[quarterly or semiannually in accordance with when the measures are reported to the department].~~

(d) The ~~[department shall consider public input in determining the appropriate outcome measures to collect in the]~~ public reporting system must ~~[To the extent possible, the department shall]~~ include outcome measures that capture:

(1) inpatient psychiatric care diversion;

(2) [;] avoidance of emergency room use;

(3) [;] criminal justice diversion;

(4) [-and] the numbers of people who are homeless served;

(5) access to timely and adequate screening and rapid crisis stabilization services;

(6) timely access to and appropriate treatment from community-based crisis residential services and hospitalization;

(7) improved functioning as a result of medication-related and psychosocial rehabilitation services;

(8) information related to the number of people referred to a state hospital, state supported living center, or community-based hospital, the length of time between referral and admission, the length of stay, and the length of time between the date a person is determined ready for discharge or transition and the date of discharge or transition;

(9) the rate of denial of services or requests for assistance from jails and other entities and the reason for denial;

(10) quality of care in community-based mental health services and state facilities;

(11) the average number of hours of service provided to individuals in a full level of care compared to the recommended number of hours of service for each level of care; and

(12) any other relevant information to determine the quality of services provided during the reporting period.

(d-1) A local intellectual and developmental disability authority is only required to report information described by Subsection (d)(8) that is related to a state supported living center.

(d-2) This subsection and Subsections (d) and (d-1) expire September 1, 2025.

(g) In this section:

(1) "Local behavioral health authority" means an authority designated by the commission under Section 533.0356.

(2) "Local intellectual and developmental disability authority" and "local mental health authority" have the meanings assigned by Section 531.002.

(3) "State hospital" has the meaning assigned by Section 552.0011.

(4) "State supported living center" has the meaning assigned by Section 531.002.

SECTION 7. Section 1001.084(e), Health and Safety Code, as redesignated by Chapter 1236 (S.B. 1296), Acts of the 84th Legislature, Regular Session, 2015, is repealed.

SECTION 8. 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 9. This Act takes effect September 1, 2023.

Floor Amendment No. 1

Amend **CSSB 26** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 8.151, Education Code, is amended to read as follows:
Sec. 8.151. DEFINITIONS. In this subchapter:

(1) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(2) "Local~~, "local]~~ mental health authority" and "non-physician mental health professional" have the meanings assigned by Section 571.003, Health and Safety Code.

SECTION _____. Section 8.152, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) If a local mental health authority is unable to employ a professional who qualifies as a non-physician mental health professional, the authority may request a waiver from the executive commissioner for approval to employ, for purposes of performing the functions and duties of a non-physician mental health professional under this subchapter, a person who:

(1) is a licensed master social worker, as defined by Section 505.002, Occupations Code; or

(2) has been issued a licensed professional counselor associate license by the Texas State Board of Examiners of Professional Counselors.

(d) A person approved under a waiver under Subsection (c) shall carry out the functions and duties required of a non-physician mental health professional under this subchapter in the same manner as a non-physician mental health professional employed under Subsection (a) or (b).

SECTION _____. Not later than November 1, 2024, the executive commissioner of the Health and Human Services Commission shall by rule establish the process for requesting a waiver under Section 8.152(c), Education Code, as added by this Act.

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 26**.

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

AT EASE

The Presiding Officer, Senator Flores in Chair, at 4:13 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Flores at 4:37 p.m. called the Senate to order as In Legislative Session.

SENATE BILL 15 WITH HOUSE AMENDMENT

Senator Middleton called **SB 15** 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

Amend **SB 15** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to requiring public institution of higher education students who compete in intercollegiate athletic competitions to compete based on biological sex.

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

SECTION 1. This Act may be cited as the Save Women's Sports Act.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.980 to read as follows:

Sec. 51.980. INTERCOLLEGIATE ATHLETIC COMPETITION BASED ON BIOLOGICAL SEX. (a) In this section:

(1) "Athletic competition" means any athletic display between teams or individuals, such as a contest, exhibition, performance, or sport.

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

(b) Except as provided by Subsection (c), an intercollegiate athletic team sponsored or authorized by an institution of higher education may not allow:

(1) a student to compete on the team in an intercollegiate athletic competition sponsored or authorized by the institution that is designated for the biological sex opposite to the student's biological sex; or

(2) a male student to compete on the team in a mixed-sex intercollegiate athletic competition sponsored or authorized by the institution in a position that is designated by rule or procedure for female students.

(c) An intercollegiate athletic team described by Subsection (b) may allow a female student to compete in an intercollegiate athletic competition that is designated for male students if a corresponding intercollegiate athletic competition designated for female students is not offered or available.

(d) For purposes of this section:

(1) a student's biological sex is the biological sex correctly stated on:

(A) the student's official birth certificate, as described by Subdivision (2); or

(B) if the student's official birth certificate described by Paragraph (A) is unobtainable, another government record that accurately states the student's biological sex; and

(2) a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was:

(A) entered at or near the time of the student's birth; or

(B) modified to correct a scrivener or clerical error in the student's biological sex.

(e) An institution of higher education or an intercollegiate athletic team described by Subsection (b) may not retaliate against a person for reporting a violation of this section.

(f) A person may bring a civil action for injunctive relief against an institution of higher education or an intercollegiate athletic team described by Subsection (b) that violates this section.

(g) The Texas Higher Education Coordinating Board shall adopt rules to implement this section. The rules must ensure compliance with state and federal law regarding the confidentiality of student medical information, including Chapter 181, Health and Safety Code, and the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

SECTION 3. This Act applies to any intercollegiate athletic competition sponsored or authorized by a public institution of higher education that occurs 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, 2023.

The amendment was read.

Senator Middleton moved to concur in the House amendment to **SB 15**.

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

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hall, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer.

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

CONFERENCE COMMITTEE ON HOUSE BILL 3440 (Motion In Writing)

Senator Hinojosa called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 3440** and submitted a Motion In Writing that the request be granted.

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 **HB 3440** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Birdwell, Nichols, Johnson, and Bettencourt.

CONFERENCE COMMITTEE ON HOUSE BILL 4888 (Motion In Writing)

Senator Perry called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4888** and submitted a Motion In Writing that the request be granted.

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 **HB 4888** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Kolkhorst, Sparks, Blanco, and Hall.

CONFERENCE COMMITTEE ON HOUSE BILL 915
(Motion In Writing)

Senator Parker called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 915** and submitted a Motion In Writing that the request be granted.

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 **HB 915** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Parker, Chair; Hughes, Zaffirini, Creighton, and Sparks.

SENATE BILL 1677 WITH HOUSE AMENDMENTS
(Motion In Writing)

Senator Perry called **SB 1677** 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 1677** (house committee report) as follows:

(1) On page 2, between lines 14 and 15, insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() "Governmental entity" means this state, a political subdivision of this state, or an agency of this state or a political subdivision of this state.

(2) On page 2, line 24, between "organizations" and "to", insert "or governmental entities".

(3) On page 3, line 9, between "organization" and "seeking", insert "or governmental entity".

Floor Amendment No. 2

Amend **SB 1677** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 533.00255(a), Government Code, is amended to read as follows:

(a) In this section:

(1) "Behavioral [; "~~behavioral~~ health services" means mental health and substance use [~~abuse~~] disorder services. The term includes intensive outpatient services and partial hospitalization services.

(2) "Intensive outpatient services" means outpatient treatment services, including treatment services for substance use disorders, depression, eating disorders, and other mental health conditions that do not require detoxification or 24-hour supervision, provided to patients who require a time-limited, multifaceted array of services, structures, and supports by a team of clinical staff capable of providing, at a minimum, the following services:

(A) individual counseling;

(B) group counseling;

(C) family counseling;

(D) motivational enhancement training; and

(E) relapse prevention, drug refusal, and coping skills training.

(3) "Partial hospitalization services" means distinct and organized intensive ambulatory treatment services provided for periods of not more than 24 hours at a location other than a patient's home or in an inpatient or a residential care setting. The term includes the services described by 42 C.F.R. Section 410.43(a)(4).

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

The amendments were read.

Senator Perry submitted a Motion In Writing that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1677** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Perry, Chair; Kolkhorst, Hall, LaMantia, and Hancock.

RECESS

On motion of Senator Kolkhorst, the Senate at 5:23 p.m. recessed until 7:00 p.m. today.

AFTER RECESS

The Senate met at 7:16 p.m. and was called to order by Senator Sparks.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 5

The Honorable President of the Senate
Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 3033 (133 Yeas, 1 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 2779

House Conferees: Leach - Chair/Bonnen/Johnson, Julie/Moody/Murr

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 681

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 681 to the senate for further consideration.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 6

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 REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 5 (non-record vote)

House Conferees: Hunter - Chair/Button/Longoria/Meyer/Shine

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 1677

House Conferees: Price - Chair/Capriglione/Craddick/Frank/Morales, Christina

SB 2627

House Conferees: Hunter - Chair/Anchia/Geren/Patterson/Spiller

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 5
(Motion In Writing)**

Senator Schwertner called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 5** and submitted a Motion In Writing that the request be granted.

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 **HB 5** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Schwertner, Chair; King, Campbell, Johnson, and Nichols.

**CONFERENCE COMMITTEE ON HOUSE BILL 1243
(Motion In Writing)**

Senator Hughes called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1243** and submitted a Motion In Writing that the request be granted.

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 **HB 1243** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Middleton, Creighton, West, and Kolkhorst.

CONFERENCE COMMITTEE ON HOUSE BILL 5344
(Motion In Writing)

Senator Creighton called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 5344** and submitted a Motion In Writing that the request be granted.

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 **HB 5344** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Creighton, Chair; Parker, LaMantia, Flores, and Paxton.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Friday, May 26, 2023 - 7

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 3466 (108 Yeas, 29 Nays, 3 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 7

House Conferees: Guillen - Chair/Lopez, Janie/Lozano/Neave Criado/Raymond

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 800

Pursuant to a sustained point of order due to non-germane amendments, the house returns HB 800 to the senate for further consideration.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**CONFERENCE COMMITTEE ON HOUSE BILL 7
(Motion In Writing)**

Senator Birdwell called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 7** and submitted a Motion In Writing that the request be granted.

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 **HB 7** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Birdwell, Chair; Blanco, King, Flores, and Parker.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1516**

Senator King submitted the following Conference Committee Report:

Austin, Texas
May 25, 2023

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 1516** 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.

KING
BETTENCOURT
FLORES
HINOJOSA
MIDDLETON

On the part of the Senate

COOK
LEACH
CANALES
NOBLE

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the procedures for an application for a writ of habeas corpus and the issuance of the writ.

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

SECTION 1. Article 11.05, Code of Criminal Procedure, is amended to read as follows:

Art. 11.05. BY WHOM WRIT MAY BE ISSUED [~~GRANTED~~]. The court [~~Court~~] of criminal appeals [~~Criminal Appeals~~], the district courts [~~District Courts~~], the county courts [~~County Courts~~], or any judge [~~Judge~~] of those courts may [~~said Courts, have power to~~] issue the writ of habeas corpus,^[s] and it is their duty, on [~~upon~~] proper application [~~motion~~], to issue [~~grant~~] the writ under the rules prescribed by law.

SECTION 2. Article 11.051, Code of Criminal Procedure, is amended to read as follows:

Art. 11.051. FILING FEE PROHIBITED. Notwithstanding any other law, a clerk of a court may not require a filing fee from an individual who files an application [~~or petition~~] for a writ of habeas corpus.

SECTION 3. Article 11.06, Code of Criminal Procedure, is amended to read as follows:

Art. 11.06. WHERE WRIT IS RETURNABLE IN CASES NOT INVOLVING FELONY CONVICTION [~~TO ANY COUNTY~~]. (a) If the applicant has not been formally charged by [~~Before~~] indictment or information [~~found~~], the writ must [~~may~~] be made returnable to the [~~any~~] county in which:

- (1) the applicant is confined to the custody of the sheriff or other authority;
- (2) the applicant is alleged, by any means including the issuance of a warrant for the applicant's arrest or the applicant's arrest pursuant to Chapter 14, to have committed a criminal offense that provides the basis for the restraint from which the application seeks relief; or
- (3) if neither Subdivision (1) nor (2) applies, the action imposing a restraint on the applicant's liberty occurred.

(b) After the applicant has been charged by indictment or information, and before any conviction of the applicant, the writ must be made returnable to the county in which the indictment or information is pending.

(c) After final conviction in any misdemeanor case, the writ must be made returnable to the county in which the applicant was convicted [~~State~~].

SECTION 4. Article 11.08, Code of Criminal Procedure, is amended to read as follows:

Art. 11.08. APPLICANT ACCUSED OF [~~CHARGED WITH~~] FELONY. If the applicant is accused of committing a [~~person is confined after indictment on a charge of~~] felony offense, whether by indictment, information, warrant, arrest, or other means, and has not been convicted of the offense, the applicant or petitioner^[, he] may apply:

- (1) to the judge of the court in which the indictment or information charging the applicant [~~he~~] is pending [~~indicted~~]; or
- (2) if an indictment or information charging the applicant has not been filed or the [~~if there be no~~] judge of the court in which the indictment or information is pending is not available:

(A) [~~within the district, then~~] to any [~~the~~] judge with felony jurisdiction in a [~~of any district whose residence is nearest to the court house of the~~] county to in which the writ is returnable; or

(B) if there is no judge with felony jurisdiction available in a county described by Paragraph (A), to any judge with felony jurisdiction who presides over a court in any county that adjoins a county described by Paragraph (A) ~~[applicant is held in custody]~~.

SECTION 5. Article 11.09, Code of Criminal Procedure, is amended to read as follows:

Art. 11.09. APPLICANT ACCUSED OR CONVICTED OF ~~[CHARGED WITH]~~ MISDEMEANOR. (a) If the applicant is accused of committing a ~~[person is confined on a charge of]~~ misdemeanor offense, whether by information, warrant, complaint, arrest, or other means, and has not been convicted of the offense, the applicant or petitioner~~[, he]~~ may apply:

(1) to the ~~[county]~~ judge of the court ~~[county]~~ in which the information charging the applicant ~~[misdemeanor]~~ is pending; or

(2) if an information charging the applicant has not been filed ~~[charged to have been committed,]~~ or the ~~[if there be no county]~~ judge of the court in which the information is pending is not available:

(A) ~~[in said county, then]~~ to any ~~[the county]~~ judge of a county court with criminal jurisdiction in a ~~[whose residence is nearest to the courthouse of the]~~ county to ~~[in]~~ which the writ is returnable; or

(B) if there is no judge of a county court with criminal jurisdiction available in a county described by Paragraph (A), to any judge of a county court with criminal jurisdiction who presides over a court in any county that adjoins a county described by Paragraph (A) ~~[applicant is held in custody]~~.

(b) After final conviction in any misdemeanor case, the applicant or petitioner may apply to the judge of the court in which the applicant was convicted.

SECTION 6. Article 11.10, Code of Criminal Procedure, is amended to read as follows:

Art. 11.10. PROCEEDINGS UNDER THE WRIT. If an application is ~~[When motion has been]~~ made to a judge under Article 11.08 or 11.09 ~~[the circumstances set forth in the two preceding Articles]~~, the judge ~~[he]~~ shall appoint a time when the judge ~~[he]~~ will examine the cause of the applicant, and issue the writ returnable at that time, in a specified place in a ~~[the]~~ county to which the writ is returnable ~~[where the offense is charged in the indictment or information to have been committed. He shall also specify some place in the county where he will hear the motion]~~.

SECTION 7. Article 11.12, Code of Criminal Procedure, is amended to read as follows:

Art. 11.12. WHO MAY PRESENT APPLICATION ~~[PETITION]~~. The ~~[Either the]~~ party for whose relief the writ of habeas corpus is intended, or any person on behalf of that party ~~[for him]~~, may present an application for a writ of habeas corpus ~~[a petition]~~ to the proper authority for the purpose of obtaining relief.

SECTION 8. Article 11.13, Code of Criminal Procedure, is amended to read as follows:

Art. 11.13. APPLICANT AND PETITIONER. (a) The word applicant, as used in this chapter ~~[Chapter]~~, refers to the person for whose relief the application for a writ of habeas corpus is presented.

(b) An application for a writ of habeas corpus [asked, though the petition] may be signed and presented on behalf of an applicant by any [other] person, who shall be referred to as the petitioner.

(c) A petitioner is not a party to a proceeding under this chapter.

(d) A petitioner who is not the applicant's attorney may not take any additional actions on behalf of the applicant that would constitute the practice of law.

SECTION 9. Article 11.14, Code of Criminal Procedure, is amended to read as follows:

Art. 11.14. APPLICATION REQUIREMENTS [REQUISITES OF PETITION].

(a) An application for a writ of habeas corpus [The petition] must state substantially:

1. That the applicant [~~person for whose benefit the application is made~~] is illegally restrained in the applicant's [~~his~~] liberty, and by whom, naming both parties, if their names are known, or if unknown, designating and describing them;

2. When the applicant [~~party~~] is confined or restrained by virtue of any writ, order or process, or under color of either, a copy shall be annexed to the application [~~petition~~], or it shall be stated that a copy cannot be obtained;

3. When the confinement or restraint is not by virtue of any writ, order or process, the application [~~petition~~] may state only that the applicant [~~party~~] is illegally confined or restrained in the applicant's [~~his~~] liberty;

4. There must be a prayer in the application [~~petition~~] for the writ of habeas corpus; and

5. Oath must be made that the allegations of the application [~~petition~~] are true, according to the belief of the applicant or petitioner.

(b) In addition to the requirements under Subsection (a), a petitioner must state in the application and under oath that the petitioner is presenting the application with the applicant's knowing and voluntary consent.

SECTION 10. Article 11.15, Code of Criminal Procedure, is amended to read as follows:

Art. 11.15. WRIT ISSUED [GRANTED] WITHOUT DELAY. The writ of habeas corpus shall be issued [~~granted~~] without delay by the judge or court receiving the application [~~petition~~], unless it be manifest from the application [~~petition~~] itself, or some documents annexed to it, that the applicant [~~party~~] is not entitled to any [~~no~~] relief [~~whatever~~].

SECTION 11. Article 11.16, Code of Criminal Procedure, is amended to read as follows:

Art. 11.16. WRIT MAY ISSUE WITHOUT APPLICATION [MOTION]. A judge of the district or county court who has knowledge that any person is illegally confined or restrained in the person's [~~his~~] liberty within the judge's [~~his~~] district or county may, if the case is [~~be one~~] within the judge's [~~his~~] jurisdiction, issue the writ of habeas corpus, without any application [~~motion~~] being made for the writ [~~same~~].

SECTION 12. Article 11.24, Code of Criminal Procedure, is amended to read as follows:

Art. 11.24. ONE COMMITTED IN DEFAULT OF BAIL. Where a person has been committed to custody for failing to enter into bond, the person [~~he~~] is entitled to the writ of habeas corpus, if it be stated in the application [~~petition~~] that there was no

sufficient cause for requiring bail[;] or that the bail required is excessive. If the proof sustains the application [petition], it will entitle the person [party] to be discharged[;] or have the bail reduced.

SECTION 13. Article 11.25, Code of Criminal Procedure, is amended to read as follows:

Art. 11.25. PERSON AFFLICTED WITH DISEASE. When a judge or court authorized to issue [grant] writs of habeas corpus shall be satisfied, upon investigation, that a person in legal custody is afflicted with a disease which will render a removal necessary for the preservation of life, an order may be made for the removal of the person [prisoner] to some other place where the person's [his] health will not be likely to suffer.[;] or the person [he] may be admitted to bail when it appears that any manner [species] of confinement will endanger the person's [his] life.

SECTION 14. Article 11.30, Code of Criminal Procedure, is amended to read as follows:

Art. 11.30. HOW RETURN IS MADE. The return is made by stating in plain language on [upon] the copy of the writ or some paper connected with it:

1. Whether it is true or not, according to the statement of the application [petition], that the person [he] has in the person's [his] custody, or under the person's [his] restraint, the applicant [person] named or described in the application [such petition];

2. By virtue of what authority, or for what cause, the person [he] took and detains the applicant [such person];

3. If the person [he] had the applicant [such person] in the person's [his] custody or under restraint at any time before the service of the writ, and has transferred the applicant [him] to the custody of another, the person [he] shall state particularly to whom, at what time, for what reason or by what authority the person [he] made the [such] transfer;

4. The person [He] shall annex to the person's [his] return the writ or warrant, if any, by virtue of which the person [he] holds the applicant [person] in custody; and

5. The return must be signed and sworn to by the person making it.

SECTION 15. Article 11.33, Code of Criminal Procedure, is amended to read as follows:

Art. 11.33. COURT SHALL ALLOW TIME. The court or judge issuing [granting] the writ of habeas corpus shall allow reasonable time for the production of the person detained in custody.

SECTION 16. Article 11.38, Code of Criminal Procedure, is amended to read as follows:

Art. 11.38. WHEN A PRISONER DIES. When a prisoner confined in jail, or who is in legal custody, shall die, the officer having charge of the prisoner [him] shall forthwith report the same to a justice of the peace of the county, who shall hold an inquest to ascertain the cause of the prisoner's [his] death. All the proceedings had in such cases shall be reduced to writing, certified and returned as in other cases of inquest; a certified copy of which shall be sufficient proof of the death of the prisoner at the hearing of an application for a writ of [a motion under] habeas corpus.

SECTION 17. Article 11.51, Code of Criminal Procedure, is amended to read as follows:

Art. 11.51. RECORD OF PROCEEDINGS. If a writ of habeas corpus be made returnable before a court in session, all the proceedings had shall be entered of record by the clerk of the court ~~[thereof]~~, as in any other case in the ~~[such]~~ court. When the application ~~[motion]~~ is heard out of the county where the offense was committed, or in the court of criminal appeals ~~[Court of Criminal Appeals]~~, the clerk shall transmit a certified copy of all the proceedings on ~~[upon]~~ the application ~~[motion]~~ to the clerk of the court which has jurisdiction of the offense.

SECTION 18. Article 11.54, Code of Criminal Procedure, is amended to read as follows:

Art. 11.54. COURT MAY GRANT NECESSARY ORDERS. The court or judge issuing ~~[granting]~~ a writ of habeas corpus may:

(1) grant all necessary orders to bring before the court or judge ~~[him]~~ the testimony taken before the examining court; ~~[;]~~ and

(2) ~~[may]~~ issue process to enforce the attendance of witnesses.

SECTION 19. Article 11.59, Code of Criminal Procedure, is amended to read as follows:

Art. 11.59. OBTAINING WRIT A SECOND TIME. An applicant ~~[A party]~~ may obtain the writ of habeas corpus a second time by stating in an application ~~[a motion]~~ therefor that since the hearing of the applicant's ~~[his]~~ first application ~~[motion]~~ important testimony has been obtained which it was not in the applicant's ~~[his]~~ power to produce at the former hearing. The applicant ~~[He]~~ shall also set forth the newly discovered testimony ~~[so newly discovered]~~; and if it be that of a witness, the affidavit of the witness shall also accompany the application ~~[such motion]~~.

SECTION 20. Section 2, Article 11.07, Code of Criminal Procedure, is repealed.

SECTION 21. The changes in law made by this Act apply only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 22. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1516** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2559

Senator Zaffirini submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 2559** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ZAFFIRINI

HINOJOSA

HUGHES

MIDDLETON

NICHOLS

On the part of the Senate

VASUT

GEREN

CODY HARRIS

METCALF

WALLE

On the part of the House

The Conference Committee Report on **HB 2559** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3297

Senator Middleton submitted the following Conference Committee Report:

Austin, Texas

May 26, 2023

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 3297** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

MIDDLETON

HALL

HUFFMAN

HUGHES

NICHOLS

On the part of the Senate

CODY HARRIS

BUCY

GOLDMAN

MOODY

VASUT

On the part of the House

The Conference Committee Report on **HB 3297** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3059

Senator Perry submitted the following Conference Committee Report:

Austin, Texas

May 26, 2023

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 3059** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PERRY
JOHNSON
FLORES

KOLKHORST
SPRINGER
On the part of the Senate

T. KING
KACAL
PRICE

ROGERS
ZWIENER
On the part of the House

The Conference Committee Report on **HB 3059** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas
May 25, 2023

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 4** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES
PARKER
SCHWERTNER

ZAFFIRINI
MENÉNDEZ
On the part of the Senate

CAPRIGLIONE
BURROWS
BUTTON

LONGORIA
MEYER
On the part of the House

The Conference Committee Report on **HB 4** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2026**

Senator LaMantia submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 2026** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LAMANTIA
BIRDWELL
CREIGHTON
PARKER
WEST

On the part of the Senate

DARBY
M. GONZÁLEZ
KUEMPEL
ROGERS
STUCKY

On the part of the House

The Conference Committee Report on **HB 2026** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 10**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 10** 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
HINOJOSA
KOLKHORST
NICHOLS

BONNEN
CAPRIGLIONE
GERVIN-HAWKINS
LONGORIA
VANDEAVER

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to certain benefits paid by the Teacher Retirement System of Texas.

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

SECTION 1. Subchapter H, Chapter 824, Government Code, is amended by adding Section 824.703 to read as follows:

Sec. 824.703. COST-OF-LIVING ADJUSTMENT: JANUARY 2024. (a) The retirement system shall make a one-time cost-of-living adjustment payable to annuitants receiving a monthly death or retirement benefit annuity, as provided by this section.

(b) Subject to Subsection (c) and except as provided by Subsection (d), to be eligible for the adjustment, a person must be, on the effective date of the adjustment and disregarding any forfeiture of benefits under Section 824.601, an annuitant eligible to receive:

(1) a standard service or disability retirement annuity payment;

(2) an optional service or disability retirement annuity payment as either a retiree or beneficiary;

(3) an annuity payment under Section 824.402(a)(3) or (4);

(4) an annuity payment under Section 824.502; or

(5) an alternate payee annuity payment under Section 804.005.

(c) If the annuitant:

(1) is a retiree, or is a beneficiary under an optional service or disability retirement payment plan, to be eligible for the adjustment under this section:

(A) the annuitant must be living on the effective date of the adjustment;

and

(B) the effective date of the retirement of the member of the retirement system on whose service the annuity is based must have been on or before August 31, 2020;

(2) is a beneficiary under Section 824.402(a)(3) or (4) or 824.502, to be eligible for the adjustment:

(A) the annuitant must be living on the effective date of the adjustment;

and

(B) the date of death of the member of the retirement system on whose service the annuity is based must have been on or before August 31, 2020; or

(3) is an alternate payee under Section 804.005, to be eligible for the adjustment:

(A) the annuitant must be living on the effective date of the adjustment;

and

(B) the effective date of the annuitant's election to receive the annuity payment was on or before August 31, 2020.

(d) An adjustment made under this section does not apply to payments under:

(1) Section 824.203(d), relating to retirees who receive a standard service retirement annuity in an amount fixed by statute;

(2) Section 824.304(a), relating to disability retirees with less than 10 years of service credit;

(3) Section 824.304(b)(2), relating to disability retirees who receive a disability annuity in an amount fixed by statute;

(4) Section 824.404(a), relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute;

(5) Section 824.501(a), relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(6) Section 824.804(b), relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts.

(e) An adjustment under this section must be made beginning with an annuity payable for the month of January 2024.

(f) The amount of the adjustment provided under this section is calculated by multiplying the amount of the monthly benefit subject to the adjustment by the following percentage rate, as applicable:

(1) for annuitants described by Subsection (c)(1):

(A) if the retiree's effective date of retirement was on or before August 31, 2001, six percent;

(B) if the retiree's effective date of retirement was after August 31, 2001, but on or before August 31, 2013, four percent; and

(C) if the retiree's effective date of retirement was after August 31, 2013, but on or before August 31, 2020, two percent;

(2) for annuitants described by Subsection (c)(2):

(A) if the member's date of death was on or before August 31, 2001, six percent;

(B) if the member's date of death was after August 31, 2001, but on or before August 31, 2013, four percent; and

(C) if the member's date of death was after August 31, 2013, but on or before August 31, 2020, two percent; and

(3) for annuitants described by Subsection (c)(3):

(A) if the effective date of the annuitant's election was on or before August 31, 2001, six percent;

(B) if the effective date of the annuitant's election was after August 31, 2001, but on or before August 31, 2013, four percent; and

(C) if the effective date of the annuitant's election was after August 31, 2013, but on or before August 31, 2020, two percent.

(g) The board of trustees shall determine the eligibility for and the amount of any adjustment in monthly annuities in accordance with this section.

SECTION 2. (a) Subject to Subsections (e) and (i) of this section and Section 821.006, Government Code, and except as provided by Subsection (g) of this section, the Teacher Retirement System of Texas shall make a one-time supplemental payment of a retirement or death benefit, as provided by this section.

(b) The supplemental payment is payable not later than September 2023 and, to the extent practicable, on a date or dates that coincide with the regular annuity payment payable to each eligible annuitant.

(c) The amount of the supplemental payment is equal to:

(1) \$7,500, if the annuitant is at least 75 years of age on any day of the calendar month before the calendar month in which the Teacher Retirement System of Texas issues the supplemental payment; or

(2) \$2,400, if the annuitant is:

(A) at least 70 years of age but younger than 75 years of age on any day of the calendar month before the calendar month in which the Teacher Retirement System of Texas issues the supplemental payment; and

(B) not subject to Subdivision (1) of this subsection.

(d) The supplemental payment is payable without regard to any forfeiture of benefits under Section 824.601, Government Code. The Teacher Retirement System of Texas shall make applicable tax withholding and other legally required deductions before disbursing the supplemental payment. A supplemental payment under this section is in addition to and not in lieu of the regular monthly annuity payment to which the eligible annuitant is otherwise entitled.

(e) To be eligible for the supplemental payment, a person must be, for the calendar month immediately prior to the calendar month in which the Teacher Retirement System of Texas issues the one-time supplemental payment in accordance with Subsection (b) of this section, an annuitant who is:

(1) at least 70 years of age; and

(2) eligible to receive:

(A) a standard retirement annuity payment;

(B) an optional retirement annuity payment as either a retiree or beneficiary;

(C) a life annuity payment under Section 824.402(a)(4), Government Code;

(D) an annuity for a guaranteed period of 60 months under Section 824.402(a)(3), Government Code; or

(E) an alternate payee annuity payment under Section 804.005, Government Code.

(f) The supplemental payment is in addition to the guaranteed number of payments under Section 824.204(c)(3) or (4), Section 824.308(c)(3) or (4), or Section 824.402(a)(3), Government Code, and may not be counted as one of the guaranteed monthly payments.

(g) The supplemental payment does not apply to payments under:

(1) Section 824.304(a), Government Code, relating to disability retirees with less than 10 years of service credit;

(2) Section 824.804(b), Government Code, relating to participants in the deferred retirement option plan with regard to payments from their deferred retirement option plan accounts;

(3) Section 824.501(a), Government Code, relating to retiree survivor beneficiaries who receive a survivor annuity in an amount fixed by statute; or

(4) Section 824.404(a), Government Code, relating to active member survivor beneficiaries who receive a survivor annuity in an amount fixed by statute.

(h) The board of trustees of the Teacher Retirement System of Texas shall determine the eligibility for and the amount and timing of a supplemental payment and the manner in which the payment is made.

(i) The Teacher Retirement System of Texas is required to make a one-time supplemental payment of benefits under this section only if the board of trustees of the Teacher Retirement System of Texas finds that the legislature appropriated money to the retirement system in an amount sufficient to provide the supplemental payment. The amount appropriated by the legislature to provide the supplemental payment must be in addition to the amount the state is required to contribute to the retirement system under Section 825.404, Government Code.

(j) If the board of trustees of the Teacher Retirement System of Texas determines that the appropriation provided by the legislature for the one-time supplemental payment of benefits under this section is different from the amount required to issue the supplemental payment, the comptroller, after the end of the fiscal year, shall make adjustments in the teacher retirement fund and the general revenue fund so that the total transfers during the year equal the total amount of the funds required for the supplemental payment. This transfer of funds is in addition to and separate from the amount the state is required to contribute to the retirement system under Section 825.404, Government Code.

SECTION 3. (a) Except as provided by Subsection (b) of this section, 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, 2023.

(b) Section 1 of this Act takes effect January 1, 2024, but only if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas is approved by the voters. If that constitutional amendment is not approved by the voters, Section 1 of this Act has no effect.

The Conference Committee Report on **SB 10** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION 3

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 3** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
CAMPBELL
CREIGHTON
HINOJOSA
NICHOLS

On the part of the Senate

BONNEN
BURROWS
HERNANDEZ
KUEMPEL
WALLE

On the part of the House

The Conference Committee Report on **HJR 3** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 3447**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 3447** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
BETTENCOURT
CAMPBELL
CREIGHTON

On the part of the Senate

BONNEN
CANALES
METCALF
PAUL
WALLE

On the part of the House

The Conference Committee Report on **HB 3447** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1595**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 1595** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN
CAMPBELL
CREIGHTON
NICHOLS

On the part of the Senate

BONNEN
BURROWS
HERNANDEZ
KUEMPEL
WALLE

On the part of the House

The Conference Committee Report on **HB 1595** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4227**

Senator Hancock submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 4227** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HANCOCK
BETTENCOURT
SPRINGER
PAXTON
JOHNSON

On the part of the Senate

GOLDMAN
CUNNINGHAM
HERNANDEZ
THIMESCH
TROXCLAIR

On the part of the House

The Conference Committee Report on **HB 4227** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 29**

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 29** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BIRDWELL
BETTENCOURT
HUGHES
PAXTON
BLANCO
On the part of the Senate

LOZANO
HUNTER
HULL
LANDGRAF
GUILLEN
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

Sec. 81B.001. DEFINITIONS. In this chapter:

(1) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(2) "Governmental entity" means this state, a local government entity as defined by Section 418.004, Government Code, an open-enrollment charter school, or an agency of this state or a local government entity.

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to wear a face mask or other face covering to prevent the spread of COVID-19.

(b) The limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

(1) a state supported living center, as defined by Section 531.002, subject to any applicable rule or guidance prescribed by the commission that conflicts with that limitation;

(2) a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail, subject to any applicable rule or guidance prescribed by the Commission on Jail Standards that conflicts with that limitation; or

(3) a hospital or other health care facility owned by a governmental entity, including a hospital or other health care clinic operated by or associated with an institution of higher education, as that term is defined by Section 61.003, Education Code, subject to any applicable order, ordinance, or guidance prescribed by that governmental entity that conflicts with that limitation.

Sec. 81B.003. PROHIBITED VACCINE MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to be vaccinated against COVID-19.

(b) The prohibition under Subsection (a) applies only to the extent the prohibition does not conflict with the final rule adopted by the Centers for Medicare and Medicaid Services and published at 86 Fed. Reg. 61555 (November 5, 2021).

Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE BUSINESSES AND SCHOOLS. A governmental entity may not implement, order, or otherwise impose a mandate requiring the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19.

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, 2023.

The Conference Committee Report on **SB 29** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3297

Senator Middleton submitted the following Conference Committee Report:

Austin, Texas
May 26, 2023

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 3297** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

MIDDLETON
HALL

CODY HARRIS
BUCY

HUFFMAN
 HUGHES
 NICHOLS
 On the part of the Senate

GOLDMAN
 MOODY
 VASUT
 On the part of the House

The corrected Conference Committee Report on **HB 3297** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
 SENATE BILL 29**

Senator Birdwell submitted the following Conference Committee Report:

Austin, Texas
 May 26, 2023

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 29** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BIRDWELL
 BETTENCOURT
 HUGHES
 PAXTON
 BLANCO
 On the part of the Senate

LOZANO
 HUNTER
 HULL
 LANDGRAF
 GUILLEN
 On the part of the House

A BILL TO BE ENTITLED
 AN ACT

relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

Sec. 81B.001. DEFINITIONS. In this chapter:

(1) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(2) "Governmental entity" means this state, a local government entity as defined by Section 418.004, Government Code, an open-enrollment charter school, or an agency of this state or a local government entity.

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to wear a face mask or other face covering to prevent the spread of COVID-19.

(b) The limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

(1) a state supported living center, as defined by Section 531.002, subject to any applicable rule or guidance prescribed by the commission that conflicts with that limitation;

(2) a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail, subject to any applicable rule or guidance prescribed by the Commission on Jail Standards that conflicts with that limitation; or

(3) a hospital or other health care facility owned by a governmental entity, including a hospital or other health care clinic operated by or associated with an institution of higher education, as that term is defined by Section 61.003, Education Code, subject to any applicable order, ordinance, or guidance prescribed by that governmental entity that conflicts with that limitation.

Sec. 81B.003. PROHIBITED VACCINE MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to be vaccinated against COVID-19.

(b) The prohibition under Subsection (a) applies only to the extent the prohibition does not conflict with the final rule adopted by the Centers for Medicare and Medicaid Services and published at 86 Fed. Reg. 61555 (November 5, 2021).

Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE BUSINESSES AND SCHOOLS. A governmental entity may not implement, order, or otherwise impose a mandate requiring the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19.

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, 2023.

The corrected Conference Committee Report on **SB 29** was filed with the Secretary of the Senate.

CO-AUTHOR OF SENATE BILL 30

On motion of Senator Huffman, Senator West will be shown as Co-author of **SB 30**.

CO-SPONSOR OF HOUSE BILL 1

On motion of Senator Huffman, Senator West will be shown as Co-sponsor of **HB 1**.

CO-SPONSOR OF HOUSE BILL 900

On motion of Senator Paxton, Senator Parker will be shown as Co-sponsor of **HB 900**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 680 by Birdwell, In memory of Gene Marshall DeLoach.

SR 689 by Hughes, In memory of Eileen Haynes Collins.

SR 690 by Hughes, In memory of Mitchel A. McCormick.

Congratulatory Resolutions

SR 681 by Eckhardt, Recognizing B. Holland Timmins on the occasion of his retirement.

SR 682 by LaMantia, Recognizing the Harlingen Police Department on the occasion of its BBQ Cook-off.

SR 683 by LaMantia, Recognizing the christening of the USS *Kingsville*.

SR 684 by Hughes, Recognizing the dedication of the Official Texas Historical Marker for Mason Cemetery.

SR 685 by Hall, Recognizing Kathi Seay on the occasion of her retirement.

SR 687 by Gutierrez, Congratulating Erik Zeinner on the occasion of his graduation from McCallum Fine Arts Academy.

SR 688 by Paxton, Recognizing Sean Michael Terry for his record of public service.

HCR 113 (Huffman), Commemorating the dedication of the Battle of Velasco Memorial Monument.

HCR 118 (Sparks), Commending Bobby Burns on his service as president and CEO of the Midland Chamber of Commerce.

MOTION TO ADJOURN**(Motion In Writing)**

Senator Whitmire offered the following Motion In Writing:

I move that the Senate adjourn until 1:30 p.m., Saturday, May 27th.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 7:52 p.m. adjourned, in memory of William Kevin Gallagher, Harold Lee Cook, Dustin Lee Mortenson, and Lucas Maurice Lowe, until 1:30 p.m. tomorrow.

APPENDIX

BILLS AND RESOLUTIONS ENROLLEDMay 26, 2023

SB 25, SB 158, SB 315, SB 317, SB 386, SB 401, SB 422, SB 459, SB 477, SB 533, SB 565, SB 627, SB 629, SB 785, SB 796, SB 893, SB 924, SB 991, SB 1001, SB 1015, SB 1040, SB 1051, SB 1057, SB 1136, SB 1146, SB 1236, SB 1308, SB 1327, SB 1342, SB 1379, SB 1399, SB 1402, SB 1431, SB 1467, SB 1520, SB 1525, SB 1526, SB 1568, SB 1606, SB 1668, SB 1717, SB 1746, SB 1854, SB 1900, SB 1979, SB 2008, SB 2011, SB 2013, SB 2220, SB 2595, SB 2597, SB 2613, SCR 51, SCR 53, SR 633, SR 657, SR 658, SR 669, SR 670, SR 680, SR 681, SR 682, SR 683, SR 684, SR 685, SR 687, SR 688, SR 689, SR 690

**In Memory
of
William Kevin Gallagher
Senate Resolution 648**

WHEREAS, Family and friends were deeply saddened by the passing of William Kevin Gallagher of Mabank on March 22, 2023, at the age of 70; and

WHEREAS, The son of Dr. William Gallagher and Gerry Kuskey, Bill Gallagher was born in Portland, Oregon, on September 4, 1952, and he grew up with the companionship of three siblings, Debbie, Kerry, and David; answering his nation's call to duty, he proudly served in the United States Air Force and was stationed in Germany, and he was also a member of the Air National Guard in Oregon; and

WHEREAS, Following his honorable discharge from the military, Mr. Gallagher began working as a regional manager for Chesebrough-Ponds; he went on to work in sales for Western Paper, and in 1995, he started his own company, Primadata, Inc.; his dedication to meeting the needs of the company's customers was widely appreciated, and his strong work ethic set a positive example for his staff; and

WHEREAS, Mr. Gallagher and his wife, Patty, married on July 4, 2005, and they shared a fulfilling relationship that spanned more than 17 years; he took great pride in his son, Richard Kevin Gallagher, who preceded him in death, and in his two stepsons, Trinidad and Valentino; in his leisure time, he enjoyed playing golf, grilling, watching NASCAR, and operating remote control planes; he drew strength from his Christian faith and was a member of the congregation at Sand Springs Church; and

WHEREAS, Although Bill Gallagher is deeply missed, memories of his integrity, his sense of humor, and his devotion to his family remain to comfort and inspire those he leaves behind; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the memory of William Kevin Gallagher and extend sincere condolences to his loved ones; and, be it further

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

HALL

In Memory
of
Harold Lee Cook III
Senate Resolution 633

WHEREAS, A wave of sorrow rippled across the political divide with the untimely death of Democratic strategist and commentator Harold Lee Cook III on November 10, 2022, at the age of 61; and

WHEREAS, Born in Houston on January 16, 1961, to Martha Rondeaux Cook and Harold L. Cook Jr., "Tres" Cook grew up with a sister, Martha, and graduated from Bellaire High School; he worked on offshore oil rigs and played in piano bars before getting around to finishing his bachelor's degree at the University of Houston in 1988; finding his calling in politics, he served as an aide to then-State Representative Debra Danburg and went on to work for two Texas secretaries of state under Governor Ann Richards; he was team leader of web marketing and public relations for the General Land Office and advised scores of aspiring and elected officials, ranging from promising neophytes to stars such as President Bill Clinton and Governor Ann Richards; and

WHEREAS, In the late 1990s, Mr. Cook became executive director of the Texas Democratic Party; a man of great warmth and charm, with a wicked sense of humor, he became fast friends with his opposite number in the Republican Party, and he enjoyed sparring with him and many other pals on the other side of the aisle; his daring, finesse, creativity, and people-wrangling skills were on full display during the 2003 quorum break, when 11 Democratic state senators holed up in Albuquerque, New Mexico, in a desperate bid to derail a redistricting bill; with his assistance, they withstood extreme pressure for more than six weeks, bringing a national spotlight to the issue and energizing the party; and

WHEREAS, Mr. Cook brought his acerbic wit and keen insight to the launch of the Spectrum News program *Capital Tonight*, contributing to its early success; a featured commentator, he seldom missed a show, and after suffering a stroke, he was back on the air in three weeks; his engaging blog and social media posts were must-reads for the political set; over the years, he extended his family with a large collection of friends, including the legendary Molly Ivins; knowing his love of far West Texas, as her days waned, she sold him her beautiful lot in Marathon; he built himself a small casita with a big porch, where he and his exuberant dog, Travis, liked to hold court and watch the sunset; and

WHEREAS, Harold Cook approached the rough-and-tumble world of politics with a big heart as well as a shrewd mind, and his loss is keenly felt by all who were privileged to share in the richness of his life; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the memory of Harold Lee Cook III and extend sincere condolences to the members of his family: to his sister, Martha Payne, and her husband, Tom; to his nephew, Matthew Payne; and to his other relatives and many friends; and, be it further

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

ALVARADO
BLANCO
ECKHARDT
GUTIERREZ
HINOJOSA
JOHNSON

LAMANTIA
MENÉNDEZ
MILES
WEST
WHITMIRE
ZAFFIRINI

**In Memory
of
Dustin Lee Mortenson
Senate Resolution 669**

WHEREAS, The family and friends of Chief Warrant Officer III Dustin Lee Mortenson of League City suffered an immeasurable loss with the death of this courageous Texan on December 28, 2016, at the age of 32; and

WHEREAS, Dustin Mortenson was born on February 6, 1984; he joined the U.S. Army in April 2003, and he completed Warrant Officer Candidate School in Fort Rucker, Alabama; he trained to become an AH-64 Apache attack helicopter and maintenance test pilot, and he was deployed to Afghanistan, Iraq, Yugoslavia, Kosovo, and Germany; and

WHEREAS, At the time of his death, Chief Warrant Officer Mortenson was assigned to the 1st Battalion, 149th Aviation Regiment, 36th Infantry Division of the Texas Army National Guard; in recognition of his dedicated service, he received three Army Commendation Medals, the Kosovo Campaign Service Medal with Bronze Service Star, the Afghanistan Campaign Medal with two stars, the Iraq Campaign Medal with two stars, two NATO Medals, three Overseas Service Ribbons, the Global War on Terrorism Medal, the Air Medal, two Meritorious Service Medals, and the Senior Army Aviation Badge; and

WHEREAS, In all his endeavors, Mr. Mortenson enjoyed the love and support of his wife, Ruth, and their children; and

WHEREAS, Exemplifying the highest ideals of the U.S. armed forces, Dustin Mortenson inspired others with his fortitude, tenacity, and dedication, and his fellow Americans owe him a debt that the passage of time can never diminish; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the life and service of Chief Warrant Officer III Dustin Lee Mortenson and extend deepest condolences to all who mourn his passing; and, be it further

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

MIDDLETON

**In Memory
of
Lucas Maurice Lowe
Senate Resolution 670**

WHEREAS, The family and friends of Chief Warrant Officer 2 Lucas Maurice Lowe of Hardin suffered an immeasurable loss with the death of this courageous young Texan on December 28, 2016, at the age of 33, while serving his country in the Army National Guard; and

WHEREAS, The beloved son of James Lowe Jr. and Melissa Myers, Lucas Lowe was born on June 21, 1983, in Beaumont; he enlisted in the United States Army in 2004 and was first deployed to Afghanistan with the 82nd Airborne Division for 11 months before being deployed to Iraq for another 14 months; he went on to attend Warrant Officer Candidate School in Fort Rucker, Alabama, where he also received training at flight school to become an AH-64 Apache attack helicopter pilot; at the time of his death, he was assigned to the 1st Battalion, 149th Aviation Regiment, 36th Infantry Division of the Texas Army National Guard; and

WHEREAS, A devoted family man, Mr. Lowe enjoyed a rewarding home life with his wife, Kami, and children, Clayton, Lance, and Alysen; in the field, he was a natural leader who shared a strong bond of camaraderie with his fellow enlistees, and everywhere he went, he always sought to lift the spirits of others and encourage them to follow their dreams; his many joys in life included camping, hunting, fishing, dancing, cooking, playing golf, and above all else, spending time with his wife and children; and

WHEREAS, Lucas Lowe approached every day with a spirit of optimism and good humor that brightened the world for everyone around him, and he will forever hold a cherished place in their hearts; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the life of Chief Warrant Officer 2 Lucas Maurice Lowe and extend deepest condolences to the members of his family: to his wife, Kami M. Lowe; to his sons, Clayton Hanks and Lance Lowe, and daughter, Alysen Lowe; to his mother, Melissa Myers, and her husband, Ricky; to his father, James Lowe Jr., and his wife, Cindy; to his stepfather, Robert Hanks II; and to his other relatives and friends; and, be it further

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

MIDDLETON