

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIRST DAY

(Tuesday, April 25, 2023)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Birdwell, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Absent-excused: Bettencourt.

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

The Reverend Dr. Joseph Parker Jr., David Chapel Baptist Church, Austin, offered the invocation as follows:

Almighty God, today we pray for the Senators of Texas. The holy book of my faith says we can ask You for wisdom and You will generously give it. (James 1:5) We can ask that Your compassion come to us. (Psalm 119:77) And we can ask You to teach us good discernment and knowledge (Psalm 119:66) for the public good. I pray You will grant all of these to them and bless them with the stamina, toughness, integrity, and learning of how to resist any ungodly temptations that come with power; and to do justice, love mercy, and walk humbly before You, with particular consideration for those who are the least of these among us. Protect them from losing their wits, their nerve and courage or their souls, and even their mutual relationships in the heady and conflicting atmosphere of Texas governmental affairs and politics so that we the people may flourish in a state blessed with liberty, peace, and justice. In a public setting such as this, I am readily aware that there may be those who do not pray or who may pray but in the names of Allah, Yahweh, Jehovah, Buddha, or some other name; but I pray for our Senators in the name of Jesus Christ. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 25, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Board of Occupational Therapy Examiners for terms to expire February 1, 2029:

Estrella Barrera

Austin, Texas

Blanca E. Cardenas

Mission, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott

Governor

April 25, 2023

Austin, Texas

TO THE SENATE OF THE EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Racing Commission for terms to expire as indicated:

To Expire February 1, 2027:

Margaret L. Martin

Boerne, Texas

To Expire February 1, 2029:

Michael J. "Mike" Moore

Fort Worth, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott

Governor

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 497**.

PHYSICIAN OF THE DAY

Senator Hinojosa was recognized and presented Dr. Jose Hinojosa II of Corpus Christi as the Physician of the Day.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Wilson County delegation including retired County Judge Richard Jackson, former County Clerk Eva Martinez, County Judge Hank Whitman, County Clerk Genevieve Martinez, and Sheriff Jim Stewart.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE RESOLUTION 458

Senator Creighton offered the following resolution:

SR 458, Recognizing the Spring Fire Department on the occasion of its 70th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Creighton was recognized and introduced to the Senate representatives of the Spring Fire Department.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 25, 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 PASSED THE FOLLOWING MEASURES:

HB 2473

Bucy

Relating to improvements to the Texas Information and Referral Network.

HJR 150

Noble

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of a portion of the market value of a property that is the primary residence of an adult who has an intellectual or developmental disability and who must be related to the owner or trustee of the property within a certain degree by consanguinity.

HJR 170

King, Ken

Proposing a constitutional amendment creating the state school safety fund to provide financial support for projects that enhance the safety of public schools in this state.

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

SB 30

House Conferees: Bonnen - Chair/González, Mary/Jetton/VanDeaver/Walle

Respectfully,

/s/Stephen Brown,
Chief Clerk

House of Representatives

SENATE RESOLUTION 471

Senator Miles offered the following resolution:

SR 471, Congratulating the Texas Southern University cheerleading team for winning a national championship.

MILES
ALVARADO
WEST
WHITMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Miles was recognized and introduced to the Senate the Texas Southern University cheerleading team, winners of the 2023 Cheer Spirit Rally Division I championship, including Head Coach Shontrese Comeaux, Assistant Coach Greg Malone, Cheer Captain Emily Wilson, and Cheer Captain Hailey Walker, accompanied by Texas Southern University President Lesia Crumpton-Young and Texas Southern University Vice-president of Intercollegiate Athletics Kevin Granger.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:34 a.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate a Greater Houston Women's Chamber of Commerce delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Schwertner was recognized and introduced to the Senate Special Olympics athlete Jared Friemel and his mother, Charlotte Friemel of Georgetown.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 147 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 147** at this time on its second reading:

CSSB 147, Relating to the purchase of or acquisition of title to real property by certain aliens or foreign entities.

The motion prevailed by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: Bettencourt.

The bill was read second time.

Question: Shall **CSSB 147** be passed to engrossment?

AT EASE

The President at 1:24 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:33 p.m. called the Senate to order as In Legislative Session.

Question: Shall **CSSB 147** be passed to engrossment?

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 147** (senate committee printing) in SECTION 3 of the bill as follows:

(1) In added Section 5.251, Property Code, immediately before Subdivision (1) (page 1, between lines 54 and 55), insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() "Agricultural land" means land that is located in this state and that is suitable for:

(A) use in production of plants and fruits grown for human or animal consumption, or plants grown for the production of fibers, floriculture, viticulture, horticulture, or planting seed; or

(B) domestic or native farm or ranch animals kept for use or profit.

(2) Strike added Sections 5.251(3)(A) and (B), Property Code (page 2, lines 6-7), and substitute the following:

(A) agricultural land;

(B) an improvement located on agricultural land;

The amendment to **CSSB 147** was read and was adopted by a viva voce vote.

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

Nays: Middleton.

Absent-excused: Bettencourt.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 147** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Section 5.251, Property Code (page 1, lines 55-58), strike Subdivision (1) and substitute the following:

(1) "Control" means ownership of at least 50 percent of the voting ownership interest of an organization necessary to elect a governing person or governing authority of an organization.

(2) In SECTION 3 of the bill, in added Section 5.251, Property Code, immediately following Subdivision (2) (page 2, between lines 4 and 5), insert the following appropriately numbered subdivision and renumber subsequent subdivisions accordingly:

() "Governing authority," "governing person," and "organization" have the meanings assigned by Section 1.002, Business Organizations Code.

(3) In SECTION 3 of the bill, immediately following added Section 5.252(b), Property Code (page 2, between lines 22 and 23), insert the following appropriately lettered subsection:

() This subchapter does not apply to a leasehold interest in land or improvements constructed upon a leasehold.

The amendment to **CSSB 147** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 147** (senate committee printing) in SECTION 3 of the bill as in added Section 5.254, Property Code, (page 2, line 39) strike "reason to believe" and substitute "a reasonable suspicion".

The amendment to **CSSB 147** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Bettencourt.

CSSB 147 as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: Bettencourt.

REMARKS ORDERED PRINTED

On motion of Senator Gutierrez and by unanimous consent, the remarks by Senators Gutierrez and Kolkhorst regarding **CSSB 147** on suspension of the regular order of business were ordered reduced to writing and printed in the *Senate Journal* as follows:

President: Senator Gutierrez, what purpose?

Senator Gutierrez: Just for a few questions on the bill.

President: Do you yield?

Senator Kolkhorst: I do.

Senator Gutierrez: Thank you, Senator Kolkhorst. I have some Asian community in my district that have some real concerns about the bill, as you can imagine. And so, I have some questions here that were prepared by staff, and I think they're important questions, and I want to run through them quickly. And then I have a legitimate, these are just as legitimate, but I have a business concern about something that, that happens day-to-day in Texas. And so, I'll try to be brief because I don't, we have a long day ahead of us. Senator West brought up, in 1891, we had the Alien Land Law, which was declared unconstitutional back then. You're aware of that?

Senator Kolkhorst: Yes.

Senator Gutierrez: There were some remnants of it that remained. In 1965, those remnants were finally repealed. You're aware of that? Okay. Does the Texas Constitution have any prohibition against discrimination based on national origin to your knowledge? It does, doesn't it?

Senator Kolkhorst: I'm sorry, I didn't hear that.

Senator Gutierrez: I'm sorry. Does the Texas Constitution have any prohibition against discrimination based on national origin?

Senator Kolkhorst: Yes, I believe it does.

Senator Gutierrez: So, you don't have to look for it. It's in the Texas Equal Rights Amendment adopted in 1972. Is that, is that fair to say?

Senator Kolkhorst: I don't have the Texas Constitution right here at my beckoning, but, yes, I'll take your word for it.

Senator Gutierrez: I'll read the brief memo, the brief three sentences. Equality under the law shall not be deemed, denied, or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative. And that's the language in the Constitution itself. My question is, is property ownership an equal right under Texas law? Under current law?

Senator Kolkhorst: Yes.

Senator Gutierrez: And this bill prevents certain people from owning property based solely on their national origin. Correct?

Senator Kolkhorst: It refers back to the national threat assessment in that regard.

Senator Gutierrez: Based on national origin.

Senator Kolkhorst: The national threat assessment currently lists four countries.

Senator Gutierrez: Yes, Ma'am. I'll move on. Does the Texas Constitution have any other special protections for property ownership that you're aware of?

Senator Kolkhorst: Like?

Senator Gutierrez: I'll, thank you, like takings clauses. The Constitution protects against takings of property. Correct?

Senator Kolkhorst: We do have takings. We absolutely do.

Senator Gutierrez: Yeah, and as you know, we've been through it—

Senator Kolkhorst: Yes.

Senator Gutierrez: —for a million years with our rural folks. You need to pay an owner just compensation. The law specifically says that if you're going to have eminent domain on somebody, you're going to do it without, you cannot do it without adequate compensation being made. Correct?

Senator Kolkhorst: Yes, and many of my constituents would argue that's not, that's not fair, but that, but they haven't been paid a fair price. But that's what the courts are for.

Senator Gutierrez: Yes, Ma'am, that's right. Your bill calls for, like, a receiver, kind of a different model. Correct? Where we establish a receiver.

Senator Kolkhorst: Yes. It does.

Senator Gutierrez: Under the Constitution's takings clause, it says when a person's property is taken under subsection (a) of this section, except for the use of the state, compensation is described by subsection (a), shall be first made or secured by a deposit of money being made. Will there be any such deposit to these landowners in your bill?

Senator Kolkhorst: So, are you referring to the part of the remedies code? Let's go to, let me get to that, one second.

Senator Gutierrez: And I don't want to cut you off but—

Senator Kolkhorst: So, if you're talking about the receivership procedures under Chapter 64, the Civil Practice and Remedies, civil remedies, or are you referring to something else?

Senator Gutierrez: I'm referring to the takings protections in the Texas Constitution, more specifically, Section 17.

Senator Kolkhorst: I don't have that before me, so what is your question?

Senator Gutierrez: Will people be, will there be a security deposit envisioned in this bill from the State of Texas? Let's say a Chinese businessman has a million-dollar ranch somewhere. Will the state put up a deposit towards that million dollars? Is that anywhere mentioned in your legislation?

Senator Kolkhorst: It's not mentioned in this legislation. I know that in other parts of the code, like Senator West and I just talked about, obviously things do kick in and that's why I didn't invent a new procedure on this, referring back to Chapter 64.

Senator Gutierrez: Okay. And I don't want to belabor this point on eminent domain, I have some real specific concerns for it. But I do want to talk about something that I do in my, in my day job and I've done throughout my career, a little less so now. As you know, I'm an immigration lawyer, mostly now protecting what we call a family-based immigration, which is poor folks immigration, people that are immigrating. For a point in my career, I did something called the EB-5 visa program. And so, my concern is, and I think your amendment covers this in some way, so I'm going to just brief you a little bit because I'm certain that you might have not covered, did you talk about EB-5 visas? Yes, you did?

Senator Kolkhorst: Yes, yes.

Senator Gutierrez: That's where a foreign national invests \$800,000 under the new law, \$800,000 in a project and is an owner of, is a partial owner of that project. And it'll take that person living in China about three years to be able to go through the process and legalize. I think your amendment covers these folks, because they're not even in the United States, they're getting vetted. So, I think your amendment covers these folks in the, in urban areas. Is that a fair statement?

Senator Kolkhorst: I think that's a fair statement. Yes.

Senator Gutierrez: I'll give you an example. Jared Kushner, the son-in-law of the former President, he made a lot of money in this EB-5 visa program. There's people in this building that have interest in EB-5 visa programs. They've built hospitals in Texas. They've built hotels in Texas, convention centers in Texas, with foreign

national money. There's 10,000 visas in this category. All these foreign nationals are investing money into the United States, 800 at a clip because they want to be American, U.S. residents, and then citizens. And so, they're doing this through this process. Your bill as written would affect all of that.

Senator Kolkhorst: It would, especially the first one that I filed.

Senator Gutierrez: Yeah.

Senator Kolkhorst: And then, you know, moving it out of committee, making some changes, and then ultimately the change that I'm going to make with this amendment, I think will take care of the issues that—

Senator Gutierrez: Well, and I hope that, and the reason I'm asking you is not to be, you know, snarky or anything—

Senator Kolkhorst: It's fair—

Senator Gutierrez: —I want the Attorney General to understand that Chinese nationals are legally investing in our country. Now, here's the kicker, under the EB-5 visa program there's also a rural component that allows foreign nationals to invest in rural communities, up to \$800,000. They have to create 10 jobs. Right? And I'm concerned that, rural communities by the way are defined by areas that are not in the MSA. It can't be the area adjacent to Harris County or Montgomery County, it's got to be truly rural, and all of that is defined. I'm fearful that if we don't have a protection against EB-5 visa investors that we're not even going to allow those legitimate people because they're out for three years before they ever come in, but the law requires them to become the owner of that commercial property. It requires them to put their money at risk, either as sole proprietors, joint venturers, limited liability companies, it's a tremendous investment tool for the United States. And many of our builders, especially in these high interest times, are using it, just like Jared Kushner. I'm fearful that, I don't want to stop EB-5 visa investment by any country, it just so happens to be that the highest user of the EB-5 visa program is China. Of the 10,000 visas, they typically take about 75 percent of them. And so, it's really important, I think, that you and I have this discussion, that you're not trying to stop that kind of investment, even though it's outside of your bill, because they become owners. They're not in the country. But there is a legal, legitimate pathway through the EB-5 visa program for these people to invest, not just in urban areas but in rural areas.

Senator Kolkhorst: So, thank you for the questions. Senator Middleton had brought this to my attention. I think you rounded it up and said that, and you said 75 percent of these visas are being taken up by Chinese nationals, and that, I think you had quoted a million dollars that they were coming over, and they move up in the process actually of how that they can get their legal permanent residence. Am I right?

Senator Gutierrez: Total investment is about a million fifty. A million fifty, it's changed—

Senator Kolkhorst: Yeah, yeah.

Senator Gutierrez: —over time. There was a particular emphasis actually by the United States government in rural communities because we wanted to become, we wanted our rural communities to be lifted up and create jobs. And so, that goes a little

counter to the rural part, and I'm concerned about it. And so, my hope is that even if we don't have an amendment to cover EB-5 specifically because I have some sneaking suspicion that couldn't get done today. But maybe as we're working on it, as it goes over and across, we can specifically insert that if Senator Middleton had a concern about it. It's a tremendous job creator, and it's a tremendous generator of income to our community. And so, Mayes, thank you for talking about this. I don't know if his family has utilized this, but it's been a, it's a tremendous, tremendous economic generator for our country.

Senator Kolkhorst: And it is, and also, I just want to say, too, that one of the things that Senator Middleton and I talked about was the jumping of the line and doing those things. And it does bring opportunity for them to invest in our country. The bill allows for them to partner if they want to, you know, a million doesn't get a lot of land anymore, but if they want to partner into larger, as you say, they might be this much of an owner. This bill absolutely allows that.

Senator Gutierrez: Yeah. So, Indian nationals are coming in and through their relatives buying up small hotels in cities. India's not on your list, which is good.

Senator Kolkhorst: It is not. It's not, let me say this, it's not my list, it's the Director of National Intelligence Annual Threat Assessment.

Senator Gutierrez: That's fair. My main purpose here, Senator Kolkhorst, is so that the Attorney General's office, and I'll ask for this discussion to be secured in our notes, in our minutes, reduced to writing. My main purpose is that the Attorney General's office understands that we're not here trying to subvert federal law through the EB-5 visa program, either urban or rural.

Senator Kolkhorst: That is not the purpose.

Senator Gutierrez: Yeah. That is a clear, absolute answer. That is not the purpose. Because we want people to go through the process and, truly they are not jumping in line, it takes them a tremendous amount to be able to go through this. So, I don't think I have any further questions.

Senator Kolkhorst: Yep.

Senator Gutierrez: I just have, I just want to—

Senator Kolkhorst: Thank you, thank you for that clarification. That is not the purpose of the bill. And again, I think the amendment gets us a long way to clarifying that.

Senator Gutierrez: Yeah, except for the rural component, for sure. And I don't want to, and I don't want to pretend to create an amendment today for, to slow things down. The only thing that I would ask, I have no further questions for you, and thank you very much. Mr. President, if I could have the comments of the Senator and I reduced to writing and placed in the Journal for purposes of legislative intent.

COMMITTEE SUBSTITUTE SENATE BILL 330 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 330** at this time on its second reading:

CSSB 330, Relating to the resilience of the electric grid and certain municipalities.

The motion prevailed.

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

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 330** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 44.002(b), Utilities Code (page 3, line 29), strike "the membership of" and substitute "advise".

(2) In added Section 44.002(d), Utilities Code (page 3, line 34), strike "the membership of" and substitute "advise".

(3) In added Section 44.004(f), Utilities Code (page 4, line 69), between "funding" and "to", insert "from the Texas Division of Emergency Management".

(4) In added Section 44.005(a), Utilities Code (page 5, line 18), strike "develop and adopt" and substitute "consider and recommend".

(5) In added Section 44.005(b), Utilities Code (page 5, line 21), strike "developed and adopted" and substitute "considered and recommended".

(6) In added Section 44.005(b), Utilities Code (page 5, line 22), strike "must" and substitute "should".

(7) In added Section 44.005(c), Utilities Code (page 5, lines 27-28), strike "development of the resilience standards as required under this section and a recommended timeline for implementation" and substitute "recommended resilience standards as required under this section and an anticipated timeline for implementation of the standards".

(8) Strike added Section 44.006(d), Utilities Code (page 5, lines 64-67).

(9) Strike added Sections 44.008 and 44.009, Utilities Code (page 6, lines 9-40), and substitute the following:

Sec. 44.008. MICRO-GRIDS. The security commission shall recommend resilience standards for micro-grids. The standards must be developed for both alternating current and direct current.

The amendment to **CSSB 330** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

CSSB 330 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 330 ON THIRD READING**

Senator Hall moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 330** be placed on its third reading and final passage.

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Birdwell in Chair)

SENATE BILL 1029 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **SB 1029** at this time on its second reading:

SB 1029, Relating to civil liability for, governmental health plan coverage of, and public funding for gender modification procedures and treatments.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1029** (senate committee printing) as follows:

(1) Strike SECTION 1 of the bill adding legislative finding language (page 1, lines 25-38), SECTION 2 of the bill adding Chapter 74B, Civil Practice and Remedies Code (page 1, line 39 through page 2, line 43), and SECTION 3 of the bill adding Chapter 2273A, Government Code (page 2, lines 44-56).

(2) In SECTION 4 of the bill, strike the heading to added Chapter 1372, Insurance Code (page 2, lines 59-60), and substitute the following:

**CHAPTER 1372. REQUIRED COVERAGE OF DETRANSITIONING
PROCEDURES AND TREATMENTS**

(3) In SECTION 4 of the bill, strike added Section 1372.001, Insurance Code (page 2, lines 61-63), and substitute the following:

Sec. 1372.001. DEFINITION. In this chapter, "detransitioning procedure or treatment" means a health care procedure or treatment provided for the purpose of reversing a transition of a patient's biological sex, as determined by the patient's sex organs, chromosomes, and endogenous profiles.

(4) In SECTION 4 of the bill, strike added Section 1372.003, Insurance Code (page 3, lines 7-20), and substitute the following:

Sec. 1372.003. REQUIRED COVERAGE. A health benefit plan shall provide coverage for a detransitioning procedure or treatment.

(5) Strike SECTION 5(a) of the bill adding transition language for Chapter 74B, Civil Practice and Remedies Code (page 3, lines 21-23).

(6) In SECTION 5(b) of the bill adding transition language for health benefit plans (page 3, line 24), strike "(b)".

(7) Renumber SECTIONS of the bill accordingly.

The amendment to **SB 1029** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

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

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

Absent-excused: Bettencourt.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1029** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subdivision (1) (page 1, lines 31 and 33), strike "treatments" each time it appears and substitute "procedures".

(2) In SECTION 1 of the bill, in added Subdivision (2) (page 1, lines 35, 36, and 37), strike "treatments and" each time it appears.

(3) In SECTION 2 of the bill, in the heading to added Chapter 74B, Civil Practice and Remedies Code (page 1, lines 41-42), strike "AND TREATMENTS" and substitute "PROVIDED TO MINORS".

(4) In SECTION 2 of the bill, in added Section 74B.001, Civil Practice and Remedies Code (page 1, lines 44 and 45), strike "or treatment" each time it appears.

(5) In SECTION 2 of the bill, in added Section ~~74B~~.001, Civil Practice and Remedies Code (page 1, line 61, through page 2, line 7), strike Subdivision (3) and renumber subdivisions appropriately.

(6) In SECTION 2 of the bill, in added Sections 74B.003, 74B.004, and 74B.005, Civil Practice and Remedies Code (page 2, lines 14, 17, 22, 23, 25, 28, and 35), strike "patient" each time it appears and substitute "minor".

(7) In SECTION 2 of the bill, in added Sections ~~74B~~.003 and 74B.004, Civil Practice and Remedies Code (page 2, lines 15 and 25), strike "patient's" each time it appears and substitute "minor's".

(8) In SECTION 2 of the bill, in added Section 74B.003, Civil Practice and Remedies Code (page 2, line 17), immediately before "incurred", strike "or treatment".

(9) In SECTION 2 of the bill, in added Section 74B.003, Civil Practice and Remedies Code (page 2, line 18), immediately before "covered by", strike "or treatment" and substitute "provided to the minor and".

(10) In SECTION 2 of the bill, in added Section 74B.004, Civil Practice and Remedies Code (page 2, lines 22, 24, 27-28, and 29), strike "or treatment" each time it appears.

(11) In SECTION 2 of the bill, in added Section 74B.005, Civil Practice and Remedies Code (page 2, line 32), strike "child's" and substitute "minor's".

(12) In SECTION 2 of the bill, in added Section 74B.005, Civil Practice and Remedies Code (page 2, lines 34-35), strike "gender modification procedures or treatments" and substitute "procedures".

(13) In SECTION 3 of the bill, in added Section 2273A.001(1), Government Code (page 2, line 48), strike "or treatment".

(14) In SECTION 3 of the bill, in the heading to added Section 2273A.002, Government Code (page 2, lines 53-54), strike "OR TREATMENT" and substitute "PROVIDED TO MINOR".

(15) In SECTION 3 of the bill, in added Section 2273A.002, Government Code (page 2, line 56), strike "or treatment" and substitute "provided to a minor".

(16) In SECTION 4 of the bill, in the heading to added Chapter 1372, Insurance Code (page 2, line 60), strike "AND TREATMENTS" and substitute "PROVIDED TO MINORS".

(17) In SECTION 4 of the bill, in added Section 1372.001, Insurance Code (page 2, line 62), strike "or treatment".

(18) In SECTION 4 of the bill, in added Section 1372.003(a), Insurance Code (page 3, line 9), strike "or treatment" and substitute "provided to a minor".

(19) In SECTION 4 of the bill, in added Section 1372.003(b), Insurance Code (page 3, lines 11-12), strike "gender modification procedures or treatments" and substitute "procedures".

(20) In SECTION 4 of the bill, in added Section 1372.003(b), Insurance Code (page 3, line 12), strike "patient" and substitute "minor".

The amendment to **SB 1029** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

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

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

Absent-excused: Bettencourt.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 1029** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 74B.005, Civil Practice and Remedies Code (page 2, line 30), between "EXCEPTIONS." and "Sections", insert "(a)".

(2) In SECTION 2 of the bill, immediately following added Section 74B.005, Civil Practice and Remedies Code (page 2, between lines 43 and 44), insert the following:

(b) Sections 74B.003 and 74B.004 do not apply to the provision by a physician or health care provider of a gender modification procedure or treatment to a person if the procedure or treatment is continuing a procedure or course of treatment that began before December 1, 2023.

(3) In SECTION 3 of the bill, in added Section 2273A.002, Government Code (page 2, line 54), between "TREATMENT." and "A", insert "(a)".

(4) In SECTION 3 of the bill, immediately following added Section 2273A.002, Government Code (page 2, between lines 56 and 57) insert the following:

(b) This section does not apply to the provision or administration of a gender modification procedure or treatment if the procedure or treatment is continuing a procedure or course of treatment that began before December 1, 2023.

(5) In SECTION 4 of the bill, immediately following added Section 1372.003, Insurance Code (page 3, between lines 20 and 21), insert the following appropriately designated subsection:

() This section does not apply to the coverage by a health benefit plan of a gender modification procedure or treatment if the procedure or treatment is continuing a procedure or course of treatment that began before December 1, 2023.

The amendment to **SB 1029** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

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

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

Absent-excused: Bettencourt.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 1029** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 74B.005, Civil Practice and Remedies Code (page 2, line 30), between "EXCEPTIONS." and "Sections", insert "(a)".

(2) In SECTION 2 of the bill, immediately following added Section 74B.005, Civil Practice and Remedies Code (page 2, between lines 43 and 44), insert the following:

(b) Sections 74B.003 and 74B.004 do not apply to the provision by a physician or health care provider of a gender modification procedure or treatment to a person if:

(1) the person expresses that the person is transgender; and

(2) the person or, if the person is a child, the child and the child's parent or legal guardian have initiated a discussion about potential procedures and treatment options for gender transitioning before receiving the procedure or treatment.

(3) In SECTION 3 of the bill, in added Section 2273A.002, Government Code (page 2, line 54), between "TREATMENT." and "A", insert "(a)".

(4) In SECTION 3 of the bill, immediately following added Section 2273A.002, Government Code (page 2, between lines 56 and 57), insert the following:

(b) This section does not apply to the provision or administration of a gender modification procedure or treatment to a person if:

(1) the person expresses that the person is transgender; and

(2) the person or, if the person is a child, the child and the child's parent or legal guardian have initiated a discussion about potential procedures and treatment options for gender transitioning before receiving the procedure or treatment.

(5) In SECTION 4 of the bill, immediately following added Section 1372.003, Insurance Code (page 3, between lines 20 and 21), insert the following appropriately designated subsection:

() This section does not apply to the coverage by a health benefit plan of a gender modification procedure or treatment provided to a person if:

(1) the person expresses that the person is transgender; and

(2) the person or, if the person is a child, the child and the child's parent or legal guardian have initiated a discussion about potential procedures and treatment options for gender transitioning before receiving the procedure or treatment.

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

SECTION _____. The heading to Chapter 105, Occupations Code, is amended to read as follows:

CHAPTER 105. UNPROFESSIONAL CONDUCT BY CERTAIN PROVIDERS

[HEALTH CARE PROVIDER]

SECTION _____. Chapter 105, Occupations Code, is amended by designating Sections 105.001 and 105.002 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. UNPROFESSIONAL CONDUCT BY HEALTH CARE PROVIDER

SECTION _____. Section 105.001, Occupations Code, is amended to read as follows:

Sec. 105.001. DEFINITION. In this subchapter ~~[chapter]~~, "health care provider" means a person who furnishes services under a license, certificate, registration, or other authority issued by this state or another state to diagnose, prevent, alleviate, or cure a human illness or injury.

SECTION _____. Chapter 105, Occupations Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. UNPROFESSIONAL CONDUCT BY MENTAL HEALTH PROVIDER

Sec. 105.051. DEFINITIONS. In this subchapter:

(1) "Child" means an individual younger than 18 years of age.

(2) "Gender identity or expression" means an individual's having, or being perceived as having, a gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that commonly associated with the individual's assigned sex at birth.

(3) "Mental health provider" means:

(A) a behavior analyst licensed under Chapter 506;

(B) a chemical dependency counselor licensed under Chapter 504;

(C) a licensed professional counselor licensed under Chapter 503;

(D) a marriage and family therapist licensed under Chapter 502;

(E) a nurse licensed under Chapter 301;

(F) a physician licensed under Subtitle B;

(G) a psychologist licensed under Chapter 501;

(H) a sex offender treatment provider licensed under Chapter 110;

(I) a social worker licensed under Chapter 505;

(J) a special officer for offenders with mental impairments certified

under Section 1701.404; or

(K) another individual licensed by this state to provide professional therapy or counseling services.

(4) "Sexual orientation" means the actual or perceived status of an individual with respect to the individual's sexuality.

Sec. 105.052. UNPROFESSIONAL CONDUCT. (a) A mental health provider engages in unprofessional conduct if, in the course of providing services to a child, the mental health provider attempts to:

(1) change the child's sexual orientation, including by attempting to change the child's behavior or gender identity or expression; or

(2) eliminate or reduce the child's sexual or romantic attractions or feelings toward individuals of the same sex.

(b) Subsection (a) does not apply to counseling that:

(1) provides acceptance, support, and understanding of a child or facilitates a child's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if that counseling does not seek to change sexual orientation or gender identity or expression; or

(2) provides support to a child undergoing gender transition in accordance with established standards of care.

(c) A mental health provider who commits unprofessional conduct under Subsection (a) is subject to disciplinary action by any state regulatory entity with the power to take disciplinary action against that mental health provider.

The amendment to **SB 1029** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

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

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

Absent-excused: Bettencourt.

SB 1029 was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 2112 ON SECOND READING**

Senator Johnson moved to suspend the regular order of business to take up for consideration **CSSB 2112** at this time on its second reading:

CSSB 2112, Relating to resources used to ensure the continuous provision of power.

The motion prevailed.

Senators Creighton, Hughes, and Springer asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2112** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, strike added Section 418.401, Government Code (page 1, lines 37 through 44), and substitute the following:

Sec. 418.401. DEFINITION. In this subchapter, "Texas backup power package" means a stand-alone, behind-the-meter, multiday backup power source that can be used for islanding.

(2) In SECTION 2 of the bill, strike added Section 418.405(b), Government Code (page 2, lines 34 through 37), and substitute the following:

(b) The division by rule may establish procedures for the application for and award of a grant or loan under this subchapter.

(3) In SECTION 2 of the bill, in added Section 418.406, Government Code (page 2, line 53), strike "use money from the fund to".

(4) In SECTION 2 of the bill, strike added Sections 418.407 and 418.408, Government Code (page 2, line 56 through page 3, line 37).

(5) In SECTION 4 of the bill, in added Section 38.078, Utilities Code (page 3, line 61), strike "extensive numbers of".

(6) Strike SECTION 6 of the bill (page 4, lines 20 through 25) and substitute the following appropriately numbered SECTION:

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

The amendment to **CSSB 2112** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

CSSB 2112 as amended was passed to engrossment by a viva voce vote.

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

Nays: Creighton, Hughes, Springer.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 2112 ON THIRD READING**

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

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

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

Nays: Creighton, Hughes, Springer.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 82 ON SECOND READING**

Senator Johnson moved to suspend the regular order of business to take up for consideration **CSSJR 82** at this time on its second reading:

CSSJR 82, Proposing a constitutional amendment providing for the creation of the Texas power resiliency fund to finance backup power sources.

The motion prevailed.

Senators Creighton, Hughes, and Springer asked to be recorded as voting "Nay" on suspension of the regular order of business.

The resolution was read second time.

Senator Johnson offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 82** (senate committee printing) in SECTION 1 of the resolution, in added Section 49-q(b), Article III, Texas Constitution (page 1, lines 33-34) by striking "mobile sources of backup power" and substituting "backup power sources".

The amendment to **CSSJR 82** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

CSSJR 82 as amended was passed to engrossment by a viva voce vote.

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

Nays: Creighton, Hughes, Springer.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 82 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 82** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hughes, Springer.

Absent-excused: Bettencourt.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 2565 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSSB 2565** at this time on its second reading:

CSSB 2565, Relating to instructional material and technology, the adoption of essential knowledge and skills for certain public school foundation curriculum subjects, and creating allotments for the procurement of certain instructional materials under the Foundation School Program; authorizing a fee.

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

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

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

Absent-excused: Bettencourt.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2565** (senate committee report) as follows:

(1) Strike the recital to SECTION 2 of the bill, amending Section 21.044(a-1), Education Code (page 2, lines 4 and 5), and substitute the following:

SECTION 2. Section 21.044, Education Code, is amended by amending Subsection (a-1) and adding Subsection (h) to read as follows:

(2) In SECTION 2 of the bill, immediately following amended Section 21.044(a-1), Education Code (page 2, between lines 48 and 49), insert the following subsection:

(h) An educator preparation program may not include instruction on the use of instructional materials that incorporates the method of three-cueing, as defined by Section 28.0062(a-1), into foundational skills reading instruction.

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

SECTION _____. Section 28.0062, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In this subsection, "three-cueing" means a method of reading instruction for identification of words by which a student is encouraged to draw on context and sentence structure to read words without sounding the words out or using a phonics-based approach. A school district or open-enrollment charter school may not include any instruction that incorporates three-cueing in the phonics curriculum required under Subsection (a)(1).

(4) In SECTION 21 of the bill, in amended Section 31.022(a), Education Code (page 9, line 13), between "designed" and the underlined period, insert ", and, if the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Section 28.0062(a-1)".

The amendment to **CSSB 2565** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 2565** (senate committee report) as follows:

(1) In SECTION 3 of the bill, in added Section 21.4045(a), Education Code (page 2, line 56), between "to" and "cover", insert "initially".

(2) In SECTION 3 of the bill, in added Section 21.4045(a), Education Code (page 2, line 59), between "to" and "lesson", insert "initial".

(3) In SECTION 6 of the bill, in added Section 26.0061(c), Education Code (page 3, line 64), strike "unless," and substitute "unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and,".

(4) In SECTION 6 of the bill, strike added Section 26.0061(d), Education Code (page 3, line 69, through page 4, line 2), and substitute the following:

(d) The board of trustees of a school district is not required to conduct a review under this section for a specific subject area or grade level at a specific district campus more than once per school year.

(5) In SECTION 6 of the bill, in added Section 26.0061, Education Code (page 4, between lines 2 and 3), insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() Parental access to instructional material provided by an instructional material review conducted under this section is in addition to any other right to access instructional material granted by this title or school district policy.

(6) In SECTION 13 of the bill, adding Section 31.006, Education Code (page 5, line 33), between "The" and "agency", insert "State Board of Education or the".

(7) In SECTION 17 of the bill, strike transferred, reenacted, and amended Section 31.0211(f), Education Code (page 8, lines 51 and 52), and substitute the following:

(f) Funds allotted under this section may not be used to purchase instructional material that contains obscene or harmful content or would otherwise cause the school district to which the funds were allotted to be unable to submit the certification required under Section 31.1011(a)(1)(B) [The commissioner may adopt rules as necessary to implement this section].

(8) In SECTION 21 of the bill, in amended Section 31.022(b)(2), Education Code (page 9, line 50), strike "and".

(9) In SECTION 21 of the bill, in amended Section 31.022(b)(3), Education Code (page 9, line 51), between "specifications" and the open bracket, insert the following:

; and

(4) the instructional material to not contain obscene or harmful content and otherwise be compatible with certification requirements under Section 31.1011(a)(1)(B)

(10) In SECTION 21 of the bill, in added Section 31.022(c-1), Education Code (page 9, line 68), strike "(c)," and substitute "(c) because the board plans to revise the essential knowledge and skills intended to be covered by the material, the board shall issue a proclamation requesting the revision of the applicable instructional materials and shall,".

(11) In SECTION 21 of the bill, in added Section 31.022(c-1), Education Code (page 10, line 1), strike "the board shall".

(12) In SECTION 22 of the bill, in amended Section 31.023(a)(1)(C), Education Code (page 10, lines 35 and 36), strike "updating the list of approved instructional materials under Section 31.022" and substitute "the proclamation requesting the revision of the instructional materials under Section 31.022(c-1)".

(13) In SECTION 22 of the bill, in amended Section 31.023(b), Education Code (page 11, line 13), strike "and".

(14) In SECTION 22 of the bill, in amended Section 31.023(b)(3)(C), Education Code (page 11, line 25), between "material" and the open bracket, insert the following:

; and

(4) whether the material contains obscene or harmful content or is otherwise incompatible with certification requirements under Section 31.1011(a)(1)(B)

(15) In SECTION 39 of the bill, in transferred, redesignated, and amended Section 31.1011(a)(1)(B), Education Code (page 17, lines 55 and 56), strike "with the Children's Internet Protection Act (Pub. L. No. 106-554); and" and substitute the following:

with:

- (i) the Children's Internet Protection Act (Pub. L. No. 106-554);
- (ii) Section 28.0022;
- (iii) Section 43.22, Penal Code; and
- (iv) any other law or regulation that protects students from obscene

or harmful content; and

(16) In SECTION 43 of the bill, amending Section 31.103(c), Education Code (page 18, lines 31 and 32), strike "on the list of approved instructional materials adopted under Section 31.022 [~~31.023~~]" and substitute "[~~on the list adopted under Section 31.023~~]".

(17) In SECTION 45 of the bill, in added Section 31.154(d)(3), Education Code (page 19, lines 46 and 47), strike "including a condition that the instructional material cannot be shared" and substitute "which may not limit or exclude access to instructional material based on the uses of the material that would otherwise be permitted under fair use provisions of copyright law".

(18) In SECTION 50 of the bill, providing transition language (page 21, between lines 39 and 40), insert the following appropriately lettered subsection:

() Section 21.4045(b), Education Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and the former law is continued in effect for that purpose.

(19) Strike SECTION 51 of the bill, providing dates of applicability (page 21, lines 40 and 41), and substitute the following:

SECTION 51. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2023-2024 school year.

(b) Section 21.4045, Education Code, as added by this Act, applies beginning with the 2024-2025 school year.

The amendment to **CSSB 2565** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 2565** (senate committee report) as follows:

(1) In SECTION 6 of the bill in added Section 26.0061, Education Code (page 4, line 3) strike "commissioner" and substitute with "State Board of Education".

(2) In SECTION 22 of the bill in amended Section 31.023(a), Education Code, (page 10, line 19) between the words "establish" and "with" insert "in consultation and".

(3) In SECTION 22 of the bill in Section 31.023(b), Education Code (page 11, line 7) between the words "agency" and "and" insert "in consultation with".

(4) In SECTION 45 of the bill in Section 31.154 (page 19, line 19) strike "agency" and substitute with "board".

The amendment to **CSSB 2565** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Bettencourt.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 2565** (senate committee printing) as follows:

(1) In SECTION 37 of the bill, in added Section 31.0751(a), Education Code (page 17, line 4), strike "an allotment under Section 48.158" and substitute "additional state aid under Section 48.308".

(2) Strike SECTION 47 of the bill, adding Sections 48.157 and 48.158, Education Code (page 19, line 66 through page 21, line 7), and substitute the following appropriately numbered SECTION:

SECTION _____. Subchapter G, Chapter 48, Education Code, is amended by adding Sections 48.307 and 48.308 to read as follows:

Sec. 48.307. ADDITIONAL STATE AID FOR STATE-APPROVED INSTRUCTIONAL MATERIALS. (a) For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to \$40, or a greater amount provided by appropriation, to procure instruction material that has been:

(1) reviewed by the agency under Section 31.023;

(2) placed on the list of approved instructional materials maintained by the State Board of Education under Section 31.022;

(3) designated by the State Board of Education under Section 31.022 as being included or capable of being included in an instructional materials parent portal under Section 31.154; and

(4) acquired from a publisher, manufacturer, or other entity that has not been found to violate Section 31.151.

(b) A school district is entitled to the amount of state aid provided by Subsection (a) each school year, regardless of whether the district uses the amount during the school year for which the amount was provided.

(c) Additional state aid provided under this section shall be deposited to the credit of the district's instructional materials and technology account maintained by the commissioner under Section 31.0212 and may be accessed only for the procurement of instructional materials in accordance with this section.

(d) Funds provided to a school district under this section must be spent in compliance with the requirements for the use of funds provided under this section and Section 31.0211.

Sec. 48.308. ADDITIONAL STATE AID FOR OPEN EDUCATION RESOURCE INSTRUCTIONAL MATERIAL. (a) Subject to Section 31.0751, a school district is entitled to additional state aid for each school year in an amount not to exceed \$20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of open education resource instructional material made available under Subchapter B-1, Chapter 31.

(b) The amount to which a school district is entitled under this section may not exceed actual costs incurred by the district or for which the district is obligated to pay during the school year for which the funds were provided.

(c) Additional state aid provided under this section shall be deposited to the credit of the district's instructional materials and technology account maintained by the commissioner under Section 31.0212 and may be accessed only for the procurement of instructional materials in accordance with this section.

(d) Funds provided to a school district under this section must be spent in compliance with the requirements for the use of funds provided under this section and Section 31.0211.

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

SECTION ____ . Section 48.277(b), Education Code, is amended to read as follows:

(b) For purposes of calculating maintenance and operations revenue under Subsection (a), the commissioner shall:

(1) for purposes of Subsections (a)(1) and (2), use the following applicable school year:

(A) in a school year ending in an even-numbered year, the 2019-2020 school year; and

(B) in a school year ending in an odd-numbered year, the 2019-2020 or 2020-2021 school year, whichever is greater;

(2) include all state and local funding, except for any funding resulting from:

(A) reimbursement for disaster remediation costs under former Sections 41.0931 and 42.2524;

(B) an adjustment for rapid decline in taxable value of property under former Section 42.2521; ~~and~~

(C) an adjustment for property value affected by a state of disaster under former Section 42.2523; and

(D) additional state aid under Section 48.307 or 48.308;

(3) adjust the calculation to reflect a reduction in tax effort by a school district; and

(4) if a school district or open-enrollment charter school receives a waiver relating to eligibility requirements for the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq., use the numbers of educationally disadvantaged students on which the district's or school's entitlement to compensatory education funds was based for the school year before the school year in which the district or school received the waiver, adjusted for estimated enrollment growth.

(4) In SECTION 52(b) of the bill, providing an effective date (page 21, lines 48 and 49), strike "Sections 48.157 and 48.158, Education Code, as added by this Act" and substitute "Sections 48.307 and 48.308, Education Code, as added by this Act, and Section 48.277(b), Education Code, as amended by this Act".

The amendment to **CSSB 2565** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Absent-excused: Bettencourt.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 2565** (senate committee report) in SECTION 50 of the bill, providing transition language (page 21, between lines 39 and 40), by inserting the following appropriately lettered subsection:

() Section 31.026, Education Code, as amended by this Act, does not apply to the review of or a contract for the purchase or licensing of instructional materials required by the State Board of Education pursuant to Proclamation 2024. The review of and contracts for the purchase or licensing of instructional materials required by the State Board of Education pursuant to Proclamation 2024 are governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

The amendment to **CSSB 2565** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5 except as follows:

Absent-excused: Bettencourt.

CSSB 2565 as amended was passed to engrossment by the following vote: Yeas 22, Nays 8.

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

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

Absent-excused: Bettencourt.

COMMITTEE SUBSTITUTE SENATE BILL 2565 ON THIRD READING

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2565** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Eckhardt, Gutierrez, Miles, Whitmire.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

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

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

Absent-excused: Bettencourt.

**SENATE RULE 5.14(a) SUSPENDED
(Intent Calendar)
(Motion In Writing)**

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14, the Intent Calendar rule, in order to move the Intent Calendar deadline to 4:30 p.m. today.

HALL

The Motion In Writing was read and prevailed without objection.

**COMMITTEE SUBSTITUTE
SENATE BILL 1866 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1866** at this time on its second reading:

CSSB 1866, Relating to the use of customer-sited distributed generation facilities owned by certain non-ERCOT electric utilities.

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

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

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 1866 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1866** be placed on its third reading and final passage.

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 135 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 135** at this time on its second reading:

CSSB 135, Relating to recording the status of certain home studies performed by the Department of Family and Protective Services.

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

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

Absent-excused: Bettencourt.

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

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

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 2468 ON SECOND READING**

Senator Eckhardt moved to suspend the regular order of business to take up for consideration **CSSB 2468** at this time on its second reading:

CSSB 2468, Relating to a study regarding available beds at inpatient mental health facilities providing acute psychiatric treatment.

The motion prevailed.

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

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

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

Nays: Creighton.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 2468 ON THIRD READING**

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2468** be placed on its third reading and final passage.

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

Nays: Creighton.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1606 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1606** at this time on its second reading:

CSSB 1606, Relating to evidence and orders regarding intellectual disability or mental condition in certain guardianship proceedings.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1606** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 1101.104(b), Estates Code (page 1, lines 52 through 57), and substitute the following:

(b) A physician or psychologist described by Subsection (a)(2)(A) must preferably have experience examining individuals with an intellectual disability. For purposes of this subsection, a physician or psychologist is considered to have experience examining individuals with an intellectual disability if the physician or psychologist has an established patient-provider relationship with the proposed ward.

(2) In SECTION 3 of the bill, in the heading to added Section 1202.1521, Estates Code (page 2, line 12), strike "PHYSICIAN'S".

(3) In SECTION 3 of the bill, strike added Section 1202.1521(c), Estates Code (page 2, lines 36 through 41) and substitute the following:

(c) The physician or psychologist who provides a letter or certificate under this section must preferably have experience examining individuals with an intellectual disability. For purposes of this subsection, a physician or psychologist is considered to have experience examining individuals with an intellectual disability if the physician or psychologist has an established patient-provider relationship with the ward.

The amendment to **CSSB 1606** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

CSSB 1606 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 1606 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1606** be placed on its third reading and final passage.

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1024 ON THIRD READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSSB 1024** at this time on its third reading and final passage:

CSSB 1024, Relating to preventative health care and public health, including prohibited immunization and face-covering requirements and private business or school closures.

The motion prevailed by the following vote: Yeas 18, Nays 12.

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

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 763 ON THIRD READING**

Senator Middleton moved to suspend the regular order of business to take up for consideration **CSSB 763** at this time on its third reading and final passage:

CSSB 763, Relating to allowing public schools to employ or accept as volunteers chaplains to perform the duties of school counselors.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

SENATE BILL 2509 ON THIRD READING

Senator King moved to suspend the regular order of business to take up for consideration **SB 2509** at this time on its third reading and final passage:

SB 2509, Relating to enforcement of the regulation of social media platforms.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1705 ON SECOND READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **CSSB 1705** at this time on its second reading:

CSSB 1705, Relating to nominations by primary election by certain political parties.

The motion prevailed by the following vote: Yeas 17, Nays 13.

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

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

Absent-excused: Bettencourt.

The bill was read second time.

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1705** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, amending Section 172.001, Election Code (page 1, lines 28 and 29), between "REQUIRED." and "Except", insert "(a)".

(2) In SECTION 1 of the bill, amending Section 172.001, Election Code (page 1, between lines 37 and 38), insert the following subsection:

(b) If a party required to make nominations by primary election under this section makes nominations by any other method, except as permitted by Section 145.036, 145.038, 202.006, or 232.046, a candidate nominated by that party for a state or county officer or a member of Congress shall be ineligible for a place on the ballot in the general election following the nomination made by another method.

The amendment to **CSSB 1705** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1705** (senate committee report) in SECTION 4 of the bill, providing a date of applicability (page 1, line 49), by striking "2024" and substituting "2026".

The amendment to **CSSB 1705** was read and failed of adoption by the following vote: Yeas 13, Nays 17.

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

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

Absent-excused: Bettencourt.

CSSB 1705 as amended was passed to engrossment by the following vote: Yeas 17, Nays 13.

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

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

Absent-excused: Bettencourt.

COMMITTEE SUBSTITUTE SENATE BILL 532 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 532** at this time on its second reading:

CSSB 532, Relating to repayment of certain mental health professional education loans.

The motion prevailed.

Senators Campbell, Hall, and Hughes asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Campbell, Hall, Hughes.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 532 ON THIRD READING**

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

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

Yeas: Alvarado, 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.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

SENATE BILL 1615 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1615** at this time on its second reading:

SB 1615, Relating to the cosmetology licensure compact.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1615** (senate committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Title 9, Occupations Code, is amended by adding Chapter 1604 to read as follows:

CHAPTER 1604. COSMETOLOGY LICENSURE COMPACT

Sec. 1604.001. COSMETOLOGY LICENSURE COMPACT. The Cosmetology Licensure Compact is enacted and entered into with all other jurisdictions that legally join the compact, which reads as follows:

COSMETOLOGY LICENSURE COMPACT

ARTICLE 1- PURPOSE

The purpose of this Compact is to facilitate the interstate practice and regulation of Cosmetology with the goal of improving public access to, and the safety of, Cosmetology Services and reducing unnecessary burdens related to Cosmetology licensure. Through this Compact, the Member States seek to establish a regulatory framework which provides for a new multistate licensing program. Through this new licensing program, the Member States seek to provide increased value and mobility to licensed Cosmetologists in the Member States, while ensuring the provision of safe, effective, and reliable services to the public.

This Compact is designed to achieve the following objectives, and the Member States hereby ratify the same intentions by subscribing hereto:

- A. Provide opportunities for interstate practice by Cosmetologists who meet uniform requirements for multistate licensure;
- B. Enhance the abilities of Member States to protect public health and safety, and prevent fraud and unlicensed activity within the profession;
- C. Ensure and encourage cooperation between Member States in the licensure and regulation of the Practice of Cosmetology;
- D. Support relocating military members and their spouses;
- E. Facilitate the exchange of information between Member States related to the licensure, investigation, and discipline of the Practice of Cosmetology;
- F. Provide for the licensure and mobility of the workforce in the profession, while addressing the shortage of workers and lessening the associated burdens on the Member States.

ARTICLE 2- DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms herein:

- A. "Active Military Member" means any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.
- B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a Member State's laws which is imposed by a State Licensing Authority or other regulatory body against a Cosmetologist, including actions against an individual's license or Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation of the Licensee's practice, or any other Encumbrance on a license affecting an individual's ability to participate in the Cosmetology industry, including the issuance of a cease and desist order.
- C. "Authorization to Practice" means a legal authorization associated with a Multistate License permitting the Practice of Cosmetology in that Remote State, which shall be subject to the enforcement jurisdiction of the State Licensing Authority in that Remote State.
- D. "Alternative Program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's State Licensing Authority.

- E. "Background Check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for retaining State criminal or disciplinary history in the applicant's Home State.
- F. "Charter Member State" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 13.
- G. "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission, as defined in Article 9, and which shall operate as an instrumentality of the Member States.
- H. "Cosmetologist" means an individual licensed in their Home State to practice Cosmetology.
- I. "Cosmetology", "Cosmetology Services", and the "Practice of Cosmetology" mean the care and services provided by a Cosmetologist as set forth in the Member State's statutes and regulations in the State where the services are being provided.
- J. "Current Significant Investigative Information" means:
1. Investigative Information that a State Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding fraud or the Practice of Cosmetology; or
 2. Investigative Information that indicates that a Licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the Licensee has been notified and had an opportunity to respond.
- K. "Data System" means a repository of information about Licensees, including, but not limited to, license status, Investigative Information, and Adverse Actions.
- L. "Disqualifying Event" means any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule or order specify.
- M. "Encumbered License" means a license in which an Adverse Action restricts the Practice of Cosmetology by a Licensee, or where said Adverse Action has been reported to the Commission.
- N. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted Practice of Cosmetology by a State Licensing Authority.
- O. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
- P. "Home State" means the Member State which is a Licensee's primary State of residence, and where that Licensee holds an active and unencumbered license to practice Cosmetology.
- Q. "Investigative Information" means information, records, or documents received or generated by a State Licensing Authority pursuant to an investigation or other inquiry.
- R. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and rules governing the Practice of Cosmetology in a State.

- S. "Licensee" means an individual who currently holds a license from a Member State to practice as a Cosmetologist.
- T. "Member State" means any State that has adopted this Compact.
- U. "Multistate License" means a license issued by and subject to the enforcement jurisdiction of the State Licensing Authority in a Licensee's Home State, which authorizes the Practice of Cosmetology in Member States and includes Authorizations to Practice Cosmetology in all Remote States pursuant to this Compact.
- V. "Remote State" means any Member State, other than the Licensee's Home State.
- W. "Rule" means any rule or regulation promulgated by the Commission under this Compact which has the force of law.
- X. "Single-State License" means a Cosmetology license issued by a Member State that authorizes practice of Cosmetology only within the issuing State and does not include any authorization outside of the issuing State.
- Y. "State" means a State, territory, or possession of the United States and the District of Columbia.
- Z. "State Licensing Authority" means a Member State's regulatory body responsible for issuing Cosmetology licenses or otherwise overseeing the Practice of Cosmetology in that State.

ARTICLE 3- MEMBER STATE REQUIREMENTS

- A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:
1. License and regulate Cosmetology;
 2. Have a mechanism or entity in place to receive and investigate complaints about Licensees practicing in that State;
 3. Require that Licensees within the State pass a Cosmetology competency examination prior to being licensed to provide Cosmetology Services to the public in that State;
 4. Require that Licensees satisfy educational or training requirements in Cosmetology prior to being licensed to provide Cosmetology Services to the public in that State;
 5. Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or Background Check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's Background Check as defined herein;
 6. Participate in the Data System, including through the use of unique identifying numbers;
 7. Share information related to Adverse Actions with the Commission and other Member States, both through the Data System and otherwise;
 8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of the existence of Investigative Information or Current Significant Investigative Information in the State's possession regarding a Licensee practicing in that State;
 9. Comply with such Rules as may be enacted by the Commission to administer the Compact; and

10. Accept Licensees from other Member States as established herein.
- B. Member States may charge a fee for granting a license to practice Cosmetology.
- C. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting a Multistate License to provide services in any other Member State.
- D. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.
- E. A Multistate License issued to a Licensee by a Home State to a resident of that State shall be recognized by each Member State as authorizing a Licensee to practice Cosmetology in each Member State.
- F. At no point shall the Commission have the power to define the educational or professional requirements for a license to practice Cosmetology. The Member States shall retain sole jurisdiction over the provision of these requirements.

ARTICLE 4- MULTISTATE LICENSE

- A. To be eligible to apply to their Home State's State Licensing Authority for an initial Multistate License under this Compact, a Licensee must hold an active and unencumbered Single-State License to practice Cosmetology in their Home State.
- B. Upon the receipt of an application for a Multistate License, according to the Rules of the Commission, a Member State's State Licensing Authority shall ascertain whether the applicant meets the requirements for a Multistate License under this Compact.
- C. If an applicant meets the requirements for a Multistate License under this Compact and any applicable Rules of the Commission, the State Licensing Authority in receipt of the application shall, within a reasonable time, grant a Multistate License to that applicant, and inform all Member States of the grant of said Multistate License.
- D. A Multistate License to practice Cosmetology issued by a Member State's State Licensing Authority shall be recognized by each Member State as authorizing the practice thereof as though that Licensee held a Single-State License to do so in each Member State, subject to the restrictions herein.
- E. A Multistate License granted pursuant to this Compact may be effective for a definite period of time, concurrent with the licensure renewal period in the Home State.
- F. To maintain a Multistate License under this Compact, a Licensee must:
1. Agree to abide by the rules of the State Licensing Authority, and the State scope of practice laws governing the Practice of Cosmetology, of any Member State in which the Licensee provides services;
 2. Pay all required fees related to the application and process, and any other fees which the Commission may by Rule require; and
 3. Comply with any and all other requirements regarding Multistate Licenses which the Commission may by Rule provide.
- G. A Licensee practicing in a Member State is subject to all scope of practice laws governing Cosmetology Services in that State.

H. The Practice of Cosmetology under a Multistate License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the State Licensing Authority, the courts, and the laws of the Member State in which the Cosmetology Services are provided.

ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

A. A Licensee may hold a Multistate License, issued by their Home State, in only one Member State at any given time.

B. If a Licensee changes their Home State by moving between two Member States:

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

3. If required for initial licensure, the new Home State may require a Background Check as specified in the laws of that State, or the compliance with any Jurisprudence Requirements of the new Home State.

4. Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single-State License in that State.

C. If a Licensee changes their primary state of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single-State License in the new Home State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single-State License.

ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Cosmetology in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

- B. Insofar as practical, a Member State's State Licensing Authority shall cooperate with the Commission and with each entity exercising independent regulatory authority over the Practice of Cosmetology according to the provisions of this Compact.
- C. Discipline shall be the sole responsibility of the State in which Cosmetology Services are provided. Accordingly, each Member State's State Licensing Authority shall be responsible for receiving complaints about individuals practicing Cosmetology in that State, and for communicating all relevant Investigative Information about any such Adverse Action to the other Member States through the Data System in addition to any other methods the Commission may by Rule require.

ARTICLE 7- ADVERSE ACTIONS

- A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a Licensee's Multistate License issued by the Home State.
- B. A Home State may take Adverse Action on a Multistate License based on the Investigative Information, Current Significant Investigative Information, or Adverse Action of a Remote State.
- C. In addition to the powers conferred by State law, each Remote State's State Licensing Authority shall have the power to:
1. Take Adverse Action against a Licensee's Authorization to Practice Cosmetology through the Multistate License in that Member State, provided that:
 - a. Only the Licensee's Home State shall have the power to take Adverse Action against the Multistate License issued by the Home State; and
 - b. For the purposes of taking Adverse Action, the Home State's State Licensing Authority shall give the same priority and effect to reported conduct received from a Remote State as it would if such conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine the appropriate action.
 2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice within that Member State.
 3. Complete any pending investigations of a Licensee who changes their primary state of residence during the course of such an investigation. The State Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.
 4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a State Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing State Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

5. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

6. Take Adverse Action against the Licensee's Authorization to Practice in that State based on the factual findings of another Remote State.

D. A Licensee's Home State shall complete any pending investigation(s) of a Cosmetologist who changes their primary state of residence during the course of the investigation(s). The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the Data System.

E. If an Adverse Action is taken by the Home State against a Licensee's Multistate License, the Licensee's Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Home State license. All Home State disciplinary orders that impose an Adverse Action against a Licensee's Multistate License shall include a statement that the Cosmetologist's Authorization to Practice is deactivated in all Member States during the pendency of the order.

F. Nothing in this Compact shall override a Member State's authority to accept a Licensee's participation in an Alternative Program in lieu of Adverse Action. A Licensee's Multistate License shall be suspended for the duration of the Licensee's participation in any Alternative Program.

G. Joint Investigations

1. In addition to the authority granted to a Member State by its respective scope of practice laws or other applicable State law, a Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

Active Military Members, or their spouses, shall designate a Home State where the individual has a current license to practice Cosmetology in good standing. The individual may retain their Home State designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Cosmetology Licensure Compact Commission. The Commission is an instrumentality of the Compact Member States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Article 13.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member States State Licensing Authority.

2. The delegate shall be an administrator of the State Licensing Authority of the Member State or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.
4. The Commission may recommend removal or suspension of any delegate from office.
5. A Member States State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.
6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.
7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;
2. Establish code of conduct and conflict of interest policies;
3. Adopt Rules and bylaws;
4. Maintain its financial records in accordance with the bylaws;
5. Meet and take such actions as are consistent with the provisions of this Compact, the Commissions Rules, and the bylaws;
6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;
7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;
8. Purchase and maintain insurance and bonds;
9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
10. Conduct an annual financial review;
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a Multistate License and thereafter, as may be established by Commission Rule, charge the Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall be construed to prevent a Home State from charging a Licensee a fee for a Multistate License or renewals of a Multistate License, or a fee for the jurisprudence requirement if the Member State imposes such a requirement for the grant of a Multistate License;
13. Assess and collect fees;

14. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;
15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
17. Establish a budget and make expenditures;
18. Borrow money;
19. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
20. Provide and receive information from, and cooperate with, law enforcement agencies;
21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;
22. Establish and elect an Executive Committee, including a chair and a vice chair;
23. Adopt and provide to the Member States an annual report.
24. Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and
25. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:
 - a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;
 - b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;
 - c. Ensuring Compact administration services are appropriately provided, including by contract;
 - d. Preparing and recommending the budget;
 - e. Maintaining financial records on behalf of the Commission;
 - f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;
 - g. Establishing additional committees as necessary;

- h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and
 - i. Other duties as provided in the Rules or bylaws of the Commission.
 - 2. The Executive Committee shall be composed of up to seven voting members:
 - a. The chair and vice chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee; and
 - b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect three voting members from the current membership of the Commission.
 - c. The Commission may elect ex-officio, nonvoting members from a recognized national Cosmetology professional association as approved by the Commission. The Commission's bylaws shall identify qualifying organizations and the manner of appointment if the number of organizations seeking to appoint an ex officio member exceeds the number of members specified in this Article.
 - 3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.
 - 4. The Executive Committee shall meet at least annually.
 - a. Annual Executive Committee meetings, as well as any Executive Committee meeting at which it does not take or intend to take formal action on a matter for which a Commission vote would otherwise be required, shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under Article 9.F.4.
 - b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.
 - 5. The Executive Committee may hold an emergency meeting when acting for the Commission to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of Commission or Member State funds; or
 - c. Protect public health and safety.
- E. The Commission shall adopt and provide to the Member States an annual report.
- F. Meetings of the Commission
 - 1. All meetings of the Commission that are not closed pursuant to Article 9.F.4 shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.
 - 2. Notwithstanding Article 9.F.1, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of

proposed rulemaking under Article 11.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.
4. The Commission may convene in a closed, non-public meeting for the Commission to discuss:
 - a. Non-compliance of a Member State with its obligations under the Compact;
 - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;
 - d. Current, threatened, or reasonably anticipated litigation;
 - e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - f. Accusing any person of a crime or formally censuring any person;
 - g. Trade secrets or commercial or financial information that is privileged or confidential;
 - h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - i. Investigative records compiled for law enforcement purposes;
 - j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;
 - k. Legal advice;
 - l. Matters specifically exempted from disclosure to the public by federal or Member State law; or
 - m. Other matters as promulgated by the Commission by Rule.
5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.
6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.
3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.
4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Member States, except by and with the authority of the Member State.
5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.
2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.
4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.
5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's State action immunity or State action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.
6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

ARTICLE 10- DATA SYSTEM

- A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.
- B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.
- C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:
 1. Identifying information;
 2. Licensure data;
 3. Adverse Actions against a license and information related thereto;
 4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;
 5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);
 6. The existence of Investigative Information;
 7. The existence of Current Significant Investigative Information; and
 8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.
- D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

- E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.
- F. It is the responsibility of the Member States to monitor the database to determine whether Adverse Action has been taken against such a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Member State will be available to any other Member State.
- G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.
- H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

ARTICLE 11- RULEMAKING

- A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.
- B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's scope of practice laws governing the Practice of Cosmetology as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.
- C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.
- D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State or to any State applying to participate in the Compact.
- E. Rules shall be adopted at a regular or special meeting of the Commission.
- F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.
- G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a notice of proposed rulemaking:
1. On the website of the Commission or other publicly accessible platform;
 2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by Rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;
2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;
3. The text of the proposed Rule and the reason therefor;
4. A request for comments on the proposed Rule from any interested person;
and
5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this Article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this Article.

K. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.
2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.
3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Article 11.L, the effective date of the Rule shall be no sooner than forty-five (45) days after the Commission issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with five (5) days' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this Article shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision

shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.
3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.
2. The Commission shall provide a copy of the notice of default to the other Member States.
3. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.
4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the

majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

5. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
6. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees who hold a Multistate License within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of said notice of termination.
7. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.
8. The defaulting State may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.
2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.
2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.
3. A Member State may initiate legal action against the Commission in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

4. No individual or entity other than a Member State may enforce this Compact against the Commission.

ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

- A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the Charter Member States to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Article 12.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven (7).

2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the process set forth in Article 9.C.24 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

- B. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's State Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

ARTICLE 14- CONSTRUCTION AND SEVERABILITY

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding Article 14.B, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Article 12, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 1604.002. ADMINISTRATION OF COMPACT. The Texas Department of Licensing and Regulation is the Cosmetology Licensure Compact administrator for this state.

Sec. 1604.003. RULES. The Texas Commission of Licensing and Regulation may adopt rules necessary to implement this chapter.

SECTION 2. This Act takes effect September 1, 2026.

The amendment to **SB 1615** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

SB 1615 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Bettencourt.

SENATE BILL 1615 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1615** be placed on its third reading and final passage.

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1404 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration **CSSB 1404** at this time on its second reading:

CSSB 1404, Relating to the creation of a work group to study the benefits of coal-to-nuclear electric generating facility conversion.

The motion prevailed.

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

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1404** (senate committee report) as follows:

(1) In SECTION 1 of the bill (strike added Subsection (b) (page 1, lines 50-54) and substitute the following:

(b) The governor shall designate members of the work group appointed under Subsection (a) (1) and Subsection (a) (2) of this section to serve as chair and vice chair of the work group.

(2) In SECTION 5 of the bill (page 2, line 47) strike "and select" and substitute "at the call of".

The amendment to **CSSB 1404** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

CSSB 1404 as amended was passed to engrossment by a viva voce vote.

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

Nays: Springer.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 1404 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1404** be placed on its third reading and final passage.

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

Nays: Springer.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE BILL 1371 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1371** at this time on its second reading:

SB 1371, Relating to the regulation of consumer credit transactions and the regulatory authority of the consumer credit commissioner; changing a fee.

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

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

Absent-excused: Bettencourt.

SENATE BILL 1371 ON THIRD READING

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1371** be placed on its third reading and final passage.

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1344 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1344** at this time on its second reading:

CSSB 1344, Relating to the advertising of certain used motor vehicles.

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

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

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 1344 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1344** be placed on its third reading and final passage.

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

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 2120 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 2120** at this time on its second reading:

CSSB 2120, Relating to the establishment of a family protection representation program within the Texas Indigent Defense Commission.

The motion prevailed.

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

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

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

Nays: Hall.

Absent-excused: Bettencourt.

**COMMITTEE SUBSTITUTE
SENATE BILL 2120 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2120** be placed on its third reading and final passage.

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

Nays: Hall.

Absent-excused: Bettencourt.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 24
ON SECOND READING**

Senator Parker moved to suspend the regular order of business to take up for consideration **SCR 24** at this time on its second reading:

SCR 24, Authorizing the State Preservation Board to approve the construction of a replica of the National Life Monument at the State Capitol Complex.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

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

Absent-excused: Bettencourt.

The resolution was read second time and was adopted by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1031 ON SECOND READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 1031** at this time on its second reading:

CSSB 1031, Relating to studies or surveys on children's sexual behavior conducted at or by a public primary or secondary school or by a public or private institution of higher education or another person; creating criminal offenses; imposing civil penalties.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1031** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 51.9762(b), Education Code (page 1, line 51), between "written" and "consent", insert "informed".

(2) In SECTION 2 of the bill, in added Section 51.9762, Education Code (page 1, between lines 54 and 55), insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() An institution of higher education or a private or independent institution of higher education that conducts a study or survey described by Subsection (b) shall provide to each parent of or person standing in parental relation to a child who provides consent for the child's inclusion in the study or survey:

(1) a copy of the survey or study materials given to the child; and

(2) an opportunity to oversee the child's participation in the study or survey.

(3) In SECTION 3 of the bill, in added Section 161.701(a), Health and Safety Code (page 2, line 17), between "written" and "consent", insert "informed".

(4) In SECTION 3 of the bill, in added Section 161.701, Health and Safety Code (page 2, between lines 20 and 21), insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() A person who conducts a study or survey described by Subsection (a) shall provide to each parent of or person standing in parental relation to a child who provides consent for the child's inclusion in the study or survey:

(1) a copy of the survey or study materials given to the child; and

(2) an opportunity to oversee the child's participation in the study or survey.

The amendment to **CSSB 1031** was read and was adopted by a viva voce vote.

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

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

Absent-excused: Bettencourt.

CSSB 1031 as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

COMMITTEE SUBSTITUTE SENATE BILL 397 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 397** at this time on its second reading:

CSSB 397, Relating to the procedures for closing a polling place.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 397** (senate committee printing) by striking SECTION 1 of the bill, amending Section 33.056(c), Elections Code (page 1, lines 25 through 30), and renumbering SECTIONS of the bill accordingly.

The amendment to **CSSB 397** was read and was adopted by a viva voce vote.

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

Absent-excused: Bettencourt.

CSSB 397 as amended was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2613 by Parker

Relating to the creation of the Tabor Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

To Committee on Local Government.

SB 2617 by Hinojosa

Relating to the Rio Grande Regional Water Authority; affecting the qualifications of a member of the board of directors of the authority.

To Committee on Water, Agriculture, and Rural Affairs.

HOUSE BILLS ON FIRST READING

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

HB 109 to Committee on Administration.

HB 195 to Committee on Education.

HB 420 to Committee on Criminal Justice.

HB 444 to Committee on Business and Commerce.
HB 474 to Committee on Health and Human Services.
HB 517 to Committee on Criminal Justice.
HB 598 to Committee on Criminal Justice.
HB 1227 to Committee on Criminal Justice.
HB 1518 to Committee on Business and Commerce.
HB 1558 to Committee on Business and Commerce.
HB 1743 to Committee on Health and Human Services.
HB 2738 to Committee on Local Government.
HB 3290 to Committee on Business and Commerce.
HB 3641 to Committee on Transportation.
HB 3643 to Committee on Transportation.
HB 3647 to Committee on State Affairs.

(President in Chair)

SENATE BILL 2593 ON SECOND READING

Senator Springer moved to suspend the regular order of business to take up for consideration **SB 2593** at this time on its second reading:

SB 2593, Relating to a defense to prosecution for certain assaultive offenses involving the use or exhibition of a less-lethal projectile device by a peace officer.

The motion prevailed by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

The bill was read second time.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2593** (senate committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 22.065(b)(2), Penal Code (page 1, line 33), immediately after "while", add the following:

⋮

(A)

(2) Immediately after added Section 22.065(b)(2), Penal Code (page 1, between lines 34 and 35), add the following:

(B) acting in a manner justified under Section 9.51; and

The amendment to **SB 2593** was read and failed of adoption by the following vote: Yeas 12, Nays 18.

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

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

Absent-excused: Bettencourt.

SB 2593 was passed to engrossment by the following vote: Yeas 18, Nays 12.

Yeas: 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.

Absent-excused: Bettencourt.

SENATE BILL 1979 REREFERRED
(Motion In Writing)

Senator Hughes submitted a Motion In Writing requesting that **SB 1979** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on State Affairs.

The Motion In Writing was read and prevailed without objection.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet upon adjournment today at the brass rail.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Creighton and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet upon adjournment in the Press Room, 2E.9.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Hall and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider **HB 109** upon adjournment today in the Betty King Committee Room, 2E.22.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Sparks submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Member, Oversight Committee, Cancer Prevention and Research Institute of Texas: David Andrew Cummings, Tom Green County.

Members, Commission on Jail Standards: Duane Lock, Tarrant County; Andrew Benson Perry, McLennan County; Esmail Porsa, Harris County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Manoranjan Mahadeva, Collin County.

Members, Governing Board, Texas Civil Commitment Office: Roberto Dominguez, Hildago County; Elizabeth Christina Jack, Tarrant County.

Members, Parks and Wildlife Commission: Oliver J. Bell, Montgomery County; Richard Randal Scott, Hays County.

Members, School Land Board: Gilbert Burciaga, Travis County; Marcella C. Burke, Harris County; James Bradley Curlee, Williamson County; Michael Austin Neill, Henderson County.

Member, State Commission on Judicial Conduct: Chace A. Craig, Taylor County.

Members, Board of Regents, The Texas A&M University System: David Carl Baggett, Harris County; John Wayne Bellinger, Bexar County; Roland Sam Torn, Harris County.

Members, Texas Appraiser Licensing and Certification Board: Rolando Flores Castro, Harris County; John Henry Eichelberger, Harris County.

Members, Texas Industrialized Building Code Council: Devin Duvak, Tarrant County; Otis Wayne Jones, Harris County; Binoy Joseph Kurien, Brazoria County; Edward Earl Martin, Travis County; Scott Alexander McDonald, Tarrant County; Stephen Chi Shang, Travis County.

Member, Texas Lottery Commission: Robert Gabriel Rivera, Dallas County.

Members, Texas Real Estate Commission: Stuart Aaron Bernstein, Travis County; Chance Alton Brown, Harris County; Renee Williams Harvey Lowe, Red River County.

Members, Board of Regents, Texas Southern University: James Matthew Benham, Brazos County; Brandon Lerone Simmons, Harris County.

Members, Texas State Board of Public Accountancy: Kimberly Dawn Crawford, Tarrant County; Sherri Kay Brannon Merket, Midland County; Thomas Maddux Neuhoff, Smith County; Susan Marie Warren, Williamson County.

Members, Board of Regents, Texas State Technical College System: Antonio A. Abad, Bexar County; Curtis Charles Cleveland, McLennan County; Sandra Lizette de la Garza Putegnat, Cameron County; Robert Joseph Misso, Williamson County.

Members, Board of Regents, Texas Tech University System: Clay C. Cash, Lubbock County; Timothy Graham Culp, Midland County; Shelley Schmitz Sweatt, Wichita County.

Members, Texas Transportation Commission: Steven Dale Alvis, Waller County; Alejandro G. Meade, Hildago County.

Member, Board of Regents, University of Houston System: Lorinda Madison, Harris County.

Members, Board of Regents, The University of Texas System: Robert Paul Gauntt, Travis County; Janiece M. Longoria, Harris County; James Conrad Weaver, Bexar County.

Member, Board of Directors, Upper Guadalupe River Authority: Richard G. Eastland, Kerr County.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Sparks submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointment, have had same under consideration and report it back to the Senate with a recommendation that it be confirmed:

Member, Board of Regents, Texas Southern University: Richard Andrew Johnson, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Sparks gave notice that tomorrow he would submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks regarding Ruth Wyrick were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you very much, Mr. President and Members. You know, all of, have people in our lives that transition. When I say transition, they live, they die, and a lot of times that little hyphen in the middle kind of depicts their life. One such person died this past Sunday, a lady by the name of Ruth Wyrick. Ruth Wyrick was, I guess she was a mentor to myself. She was a teacher, was very involved in the public schools, very involved in politics. In fact, her daughter is kind of the daughter of many of the elected officials in Dallas County because ever since her daughter was probably six years old, she was hanging out with many of the people in Dallas County politics. Dr. Ruth Wyrick died Sunday, and I wanted to—I shouldn't say Sunday, Sunday a week ago, but I wanted to make certain as she transitions today, funeral arrangements were made today and they were had today at her church. So, I just want to make certain that we remember her in terms of all the things she did for a lot of kids in public schools. And, frankly, for this guy right here, when she was, frankly, my first person that would take me

around to different churches to make certain they knew that I wanted to run for District Attorney back in 1986. So, as we close out today, I ask that we adjourn in honor of Dr. Ruth Wyrick and that it be spread on the Journal, reduced to writing and spread on the Journal of the Senate.

CO-AUTHOR OF SENATE BILL 242

On motion of Senator Middleton, Senator Sparks will be shown as Co-author of **SB 242**.

CO-AUTHORS OF SENATE BILL 532

On motion of Senator West, Senators Hinojosa and Kolkhorst will be shown as Co-authors of **SB 532**.

CO-AUTHOR OF SENATE BILL 588

On motion of Senator Hughes, Senator Blanco will be shown as Co-author of **SB 588**.

CO-AUTHOR OF SENATE BILL 597

On motion of Senator Eckhardt, Senator Flores will be shown as Co-author of **SB 597**.

CO-AUTHORS OF SENATE BILL 699

On motion of Senator Eckhardt, Senators Campbell and Zaffirini will be shown as Co-authors of **SB 699**.

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Paxton, Senator Alvarado will be shown as Co-author of **SB 807**.

CO-AUTHOR OF SENATE BILL 844

On motion of Senator Blanco, Senator Eckhardt will be shown as Co-author of **SB 844**.

CO-AUTHOR OF SENATE BILL 1315

On motion of Senator Eckhardt, Senator LaMantia will be shown as Co-author of **SB 1315**.

CO-AUTHORS OF SENATE BILL 1404

On motion of Senator Parker, Senators Creighton and West will be shown as Co-authors of **SB 1404**.

CO-AUTHOR OF SENATE BILL 1517

On motion of Senator King, Senator Middleton will be shown as Co-author of **SB 1517**.

CO-AUTHOR OF SENATE BILL 1596

On motion of Senator Zaffirini, Senator Eckhardt will be shown as Co-author of **SB 1596**.

CO-AUTHOR OF SENATE BILL 2036

On motion of Senator Kolkhorst, Senator Blanco will be shown as Co-author of **SB 2036**.

CO-AUTHOR OF SENATE BILL 2080

On motion of Senator Menéndez, Senator Eckhardt will be shown as Co-author of **SB 2080**.

CO-AUTHORS OF SENATE BILL 2112

On motion of Senator Johnson, Senators Blanco and Zaffirini will be shown as Co-authors of **SB 2112**.

CO-AUTHOR OF SENATE BILL 2120

On motion of Senator Zaffirini, Senator Eckhardt will be shown as Co-author of **SB 2120**.

CO-AUTHOR OF SENATE BILL 2140

On motion of Senator Parker, Senator Hall will be shown as Co-author of **SB 2140**.

CO-AUTHOR OF SENATE BILL 2167

On motion of Senator Alvarado, Senator Middleton will be shown as Co-author of **SB 2167**.

CO-AUTHORS OF SENATE BILL 2193

On motion of Senator LaMantia, Senators Blanco and Miles will be shown as Co-authors of **SB 2193**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 82

On motion of Senator Johnson, Senator Zaffirini will be shown as Co-author of **SJR 82**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 470 by Nichols, In memory of Thomas Harmon Moore.

SR 473 by Flores, In memory of Anthony Wayne LeStourgeon.

Congratulatory Resolutions

SR 457 by Blanco, Recognizing Harmony Science Academy - El Paso and Harmony School of Science for being named 2023 State Schools of Character.

SR 460 by Hinojosa, Recognizing all who have contributed to the *Una Carta de Amor, A Love Letter to Corpus Christi* mural.

SR 461 by Hinojosa, Recognizing Javier Norberto Garcia on the occasion of his 75th birthday.

SR 462 by Hinojosa, Recognizing de Sanchez Spa and Salon for its contributions to McAllen and the South Rio Grande Valley.

SR 463 by Hinojosa, Recognizing Robstown High School girls' powerlifting team for winning a state championship.

SR 465 by LaMantia, Recognizing Maria Del Pilar Garza for her service to the City of Alamo.

SR 467 by Zaffirini, Recognizing Richard L. Jackson for his service as Wilson County Judge.

SR 468 by Zaffirini, Recognizing Eva Martinez on the occasion of her retirement.

SR 474 by Flores, Recognizing the Cen-Tex Sustainable Communities Partnership for its contributions to the Central Texas region.

SR 475 by Flores, Recognizing the AG Youth of Texas Lots, Stock, & Barrows BBQ Cook-Off taking place on May 5 and 6, 2023.

Official Designation Resolutions

SR 464 by LaMantia, Recognizing April 26, 2023, as the City of Alamo Day.

SR 469 by Zaffirini, Recognizing April 25, 2023, as Wilson County Day.

HCR 99 (Sparks), Recognizing May 6-12, 2023, as Nurses Week in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:46 p.m. adjourned, in memory of Ruth Wyrick, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 25, 2023

LOCAL GOVERNMENT — **SB 2579**

HEALTH AND HUMAN SERVICES — **CSSB 945, CSSB 2133**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **SCR 26**

HEALTH AND HUMAN SERVICES — **CSSB 2527, CSSB 1192, CSSB 2212**

STATE AFFAIRS — **CSSB 252, CSSB 2142**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 1419**

BILLS AND RESOLUTION ENGROSSED

April 25, 2023

SB 135, SB 330, SB 532, SB 763, SB 1024, SB 1344, SB 1371, SB 1404, SB 1606, SB 1615, SB 1866, SB 2112, SB 2120, SB 2468, SB 2509, SB 2565, SJR 82

RESOLUTIONS ENROLLED

April 25, 2023

SR 457, SR 458, SR 460, SR 461, SR 462, SR 463, SR 464, SR 465, SR 467, SR 468, SR 469, SR 470, SR 471, SR 473, SR 474, SR 475

SENT TO GOVERNOR

April 25, 2023

SB 497

