

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-FIRST DAY**

(Thursday, May 11, 2023)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by Senator Birdwell.

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

Absent-excused: Eckhardt.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Jimmy Pruitt, Bridge Church, Fredericksburg, offered the invocation as follows:

Father, we are here today to conduct the business of government. I ask, as a son to a good father, would You preside over this important and pivotal time in the history of our great state? Would You make Your presence known as critical decisions are being made that affect the trajectory and well-being of our communities? Scriptures are clear that we are to speak hope and blessing over our communities. In Proverbs 11:11 we read, By the blessing of the upright a city is exalted, but the wicked can destroy it with their words. Father, give us grace to speak life, to speak peace, and to speak mercy over our cities and over our state. Father, would You pour out Your grace over each person here today as they exercise their high calling and bear the weight of civil government on their shoulders? Thank You for their sacrifice to serve the people of our state. Watch over their families who will miss them during this session season and thank You for the people who have positioned them in this high and honorable place of service. We ask for wisdom, justice, righteousness, stamina, and for the ability to think and act with kindness, fairness, and grace toward one another. And when all is said and done here, we will leave this place trusting that Your will and Your purposes for the lives of the people we serve will have been done. I pray all these things in the name that is above all names. 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 Eckhardt was granted leave of absence for today on account of important business.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 11, 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 7** Guillen

Relating to border protection and economic development services, programs, and other measures, including establishing educational programs and the border protection unit, in this state to address the effects of ongoing disasters, including disasters caused by transnational and other criminal activity and public health threats.

**HB 182** Thompson, Senfronia

Relating to the authority of a court to terminate the sentence of certain persons released on parole.

**HB 286** Thompson, Senfronia

Relating to the procedure for an application for a writ of habeas corpus based on certain new evidence.

**HB 327** Thompson, Senfronia

Relating to the affirmative defense to prosecution for a criminal offense for persons acting under duress.

**HB 800** Guillen

Relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

**HB 1585** Geren

Relating to matters affecting the powers and duties of the Texas Ethics Commission.

**HB 1775** Thompson, Ed

Relating to the oversight and election of board members for certain emergency services districts.

**HB 2044** Bowers

Relating to depression screenings for certain women in county jail or in the custody of the Texas Department of Criminal Justice.

**HB 2181**

Rose

Relating to the administration by the Texas Department of Housing and Community Affairs of a homeless housing and services program for youth and young adults.

**HB 2273**

Oliverson

Relating to including an understanding of certain political ideologies in the foundation curriculum in public schools.

**HB 2401**

Oliverson

Relating to certain contracting requirements under the Medicaid managed care delivery model.

**HB 2541**

Garcia

Relating to policies and procedures regarding children placed by the Department of Family and Protective Services in a residential treatment center or program.

**HB 2960**

Cain

Relating to the locations in which carrying certain weapons is prohibited and the applicability of a defense to prosecution for an offense relating to carrying a handgun in certain prohibited locations and associated notice requirements.

**HB 2965**

Vasut

Relating to certain construction liability claims concerning public buildings and public works.

**HB 3195**

Bonnen

Relating to conduct of insurers providing preferred provider benefit plans with respect to physician and health care provider contracts and claims.

**HB 3258**

Howard

Relating to a report by the Legislative Budget Board on the reliance by this state on certain dedicated revenue for purposes of budget certification.

**HB 3745**

Goldman

Relating to the procedure for maintaining the qualification of land for appraisal for ad valorem tax purposes as qualified open-space land.

**HB 3782**

Guillen

Relating to establishing the Border Security Advisory Council and the Border Protection Task Force.

**HB 4059**

King, Ken

Relating to the right to try cutting-edge treatments for patients with life-threatening or severely debilitating illnesses.

**HB 4362**

Johnson, Ann

Relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.

**HB 4628**

Goldman

Relating to the duties of law enforcement agencies, crime laboratories, and the Department of Public Safety following the performance of certain DNA profile comparisons.

**HB 4918**

Rosenthal

Relating to the processing, manufacture, and sale of hemp products for smoking.

**HJR 134** Bonnen

Proposing a constitutional amendment to abolish the office of county treasurer of Galveston County.

**HJR 146** Capriglione

Proposing a constitutional amendment relating to the right to own, hold, and use a mutually agreed upon medium of exchange.

**HJR 172** Cook

Proposing a constitutional amendment authorizing the legislature to enact laws providing for a court to grant a commutation of punishment to certain individuals serving a term of imprisonment.

**SB 490** Hughes Sponsor: Harris, Caroline

Relating to itemized billing for health care services and supplies provided by health care providers; authorizing an administrative penalty.

(Committee Substitute/Amended)

**SB 602** Birdwell Sponsor: Harless

Relating to the law enforcement authority of federal border patrol agents.

**SB 622** Parker Sponsor: Smithee

Relating to the disclosure of certain prescription drug information by a health benefit plan.

(Amended)

**SB 1403** Parker Sponsor: Spiller

Relating to an interstate compact for border security, including building a border wall and sharing state intelligence and resources.

(Amended)

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

**HB 1315** (128 Yeas, 11 Nays, 1 Present, not voting)

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

### PHYSICIAN OF THE DAY

Senator Campbell was recognized and presented Dr. Linda May of San Antonio as the Physician of the Day.

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

**(President in Chair)****SENATE RESOLUTION 529**

Senator Parker offered the following resolution:

WHEREAS, The observance of World War II Veterans Capitol Day on May 11, 2023, provides an opportunity to honor brave members of the Greatest Generation for their selfless service; and

WHEREAS, In December 1941, the United States was drawn into the most devastating and consequential conflict in human history; then-Texas Governor Coke R. Stevenson predicted that Texans would rise proudly to the challenge of defending their country, and he was proved correct by the long lines of men waiting eagerly to enlist at recruiting centers around the state; and

WHEREAS, Although Texas in that era had but five percent of the nation's population, it provided seven percent of armed forces personnel; Texas A&M University produced more officers than both of the extant military academies together; by the end of the war, 750,000 Texans, including 12,000 women, had contributed to victory over enemy forces; the majority of these service members were in the U.S. Army and the Army Air Force, but nearly a quarter served in other branches; over 22,000 Texans made the ultimate sacrifice, a third of this number in the navy, marines, or coast guard; and

WHEREAS, Individual Texans fought with great valor in all the theaters of the war, and 33 were awarded the Medal of Honor; one such honoree, Lieutenant Audie L. Murphy of Farmersville, was the most highly decorated American of the Second World War; more than 150 generals and 12 admirals were either natives or residents of Texas, among them the supreme Allied commander in Europe, General Dwight D. Eisenhower, a Denison native who was stationed at Fort Sam Houston when the war began; Chester W. Nimitz, appointed commander of the Pacific Fleet following the attack on Pearl Harbor, was born in Fredericksburg and descended from a pioneer Texas German family; and

WHEREAS, According to the National World War II Museum, as of 2022, 8,200 World War II veterans were living in Texas, the fifth-highest number of all states in the U.S.; they represent 0.6 percent of the state's total veteran population of approximately 1,400,000; and

WHEREAS, Inspired by a deep sense of patriotism and love for democracy, the veterans of World War II answered their nation's call to duty, and it is indeed fitting to express our enduring respect and admiration for their courage and immeasurable fortitude; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby recognize May 11, 2023, as World War II Veterans Capitol Day and encourage all residents of the Lone Star State to learn more about the incomparable contributions of the Greatest Generation.

PARKER	HANCOCK	NICHOLS
ALVARADO	HINOJOSA	PAXTON
BETTENCOURT	HUFFMAN	PERRY
BIRDWELL	HUGHES	SCHWERTNER
BLANCO	JOHNSON	SPARKS

CAMPBELL	KING	SPRINGER
CREIGHTON	KOLKHORST	WEST
ECKHARDT	LAMANTIA	WHITMIRE
FLORES	MENÉNDEZ	ZAFFIRINI
GUTIERREZ	MIDDLETON	
HALL	MILES	

**SR 529** was read.

The President introduced Mary Dale, Texas Veterans Commission member, who presented the World War II veterans with a Texas minted coin made in their honor.

On motion of Senator Parker, the resolution was adopted by a rising vote of the Senate.

### GUESTS PRESENTED

Senator Parker, joined by Senators Hancock, Blanco, Hall, Birdwell, Hinojosa, Menéndez, Kolkhorst, West, Campbell, Sparks, Paxton, Bettencourt, and Whitmire, was recognized and introduced to the Senate a World War II Veterans Capitol Day delegation including Jack Stowe, Don Graves, Ray Doss, Dan Bodiford, John Boswell, Phillip B. Snyder, Charles A. J. Braun, Billy Batty, Jack Hugman, Chester P. "Buck" Sloan, John C. Wilhite, Charles B. Hayes, Stan Brooks, Roscoe "Arnold" Pitchford, Donald Jay Bishop, and Ed Gregurek.

The Senate welcomed its guests.

**(Senator King in Chair)**

### GUESTS PRESENTED

Senator LaMantia, joined by Senators Hinojosa and Zaffirini, was recognized and introduced to the Senate Manuel "Manny" Vela, accompanied by his wife, Amy, and congratulated him on his retirement from Valley Baptist Health System.

The Senate welcomed its guests.

### SENATE RESOLUTION 547

Senator Miles offered the following resolution:

**SR 547**, Recognizing the Texas Legislative Internship Program Class of the 88th Legislature.

MILES	MENÉNDEZ
BLANCO	WEST
CREIGHTON	WHITMIRE
GUTIERREZ	

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Miles, joined by Senators West, Menéndez, Bettencourt, and Whitmire, was recognized and introduced to the Senate the Texas Legislative Internship Program participants including Senate interns Ranier Porter, Cornelius Sebastian Berry, Franklin "Frank" Achonye, Nicholas Basha, Claudia Cuellar, Marty Scott, and Ryan Hurt.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 554**

Senator Menéndez offered the following resolution:

**SR 554**, Recognizing the St. Mary's University School of Law online juris doctor degree program.

MENÉNDEZ  
CAMPBELL  
GUTIERREZ  
LAMANTIA  
ZAFFIRINI

The resolution was read.

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

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

#### **GUESTS PRESENTED**

Senator Menéndez was recognized and introduced to the Senate a St. Mary's University School of Law delegation including President Thomas M. Mengler, Dean Patricia Roberts, Associate Dean Colin Marks, Associate Dean Zoe Niesel, Danielle Copes, Match Dawson, and Joel Lauer.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 549**

Senator Hinojosa offered the following resolution:

**SR 549**, In memory of Shawn Michael Snider.

The resolution was read.

On motion of Senator Hinojosa, **SR 549** was adopted by a rising vote of the Senate.

In honor of the memory of Shawn Michael Snider, the text of the resolution will be printed in the *Senate Journal* upon adjournment of this legislative day.

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

The Presiding Officer 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.

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

The Presiding Officer at 1:37 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1117 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 1117** at this time on its second reading:

**CSSB 1117**, Relating to entities that provide video services.

The motion prevailed.

Senators Hughes, Johnson, Whitmire, and Zaffirini 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: Alvarado, Blanco, Gutierrez, Johnson, LaMantia, Menéndez, Miles, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1117 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Hughes, Johnson, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

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

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

Absent-excused: Eckhardt.

**SENATE BILL 1836 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1836** at this time on its second reading:



**SB 1836**, Relating to the use of certain tax-exempt compressed natural gas and liquefied natural gas refueling facilities under certain circumstances.

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: Eckhardt.

### **SENATE BILL 1836 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1836** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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 666 ON SECOND READING**

Senator Hall moved to suspend the regular order of business to take up for consideration **CSSB 666** at this time on its second reading:

**CSSB 666**, Relating to complaint information and to rulemaking and disciplinary procedures of the Texas Medical Board.

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

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

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

Absent-excused: Eckhardt.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

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

Amend **CSSB 666** (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill, amending Section 154.051, Occupations Code (page 1, line 39), strike "Subsection (d-2)" and substitute "Subsections (c-1) and (d-2)".

(2) In SECTION 2 of the bill, amending Section 154.051(c), Occupations Code (page 2, line 7), strike "complaint. [~~The board may file a complaint on its own initiative.~~]" and substitute the following:  
complaint.

(c-1) The board may file a complaint on its own initiative.

The amendment to **CSSB 666** 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: Eckhardt.

Senator Hall offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 666** (senate committee report) in SECTION 6 of the bill, amending Section 154.058(b), Occupations Code (page 3, line 42), by striking "at least eight" and substituting "five".

The amendment to **CSSB 666** 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: Eckhardt.

**CSSB 666** as amended was passed to engrossment by the following vote: Yeas 17, Nays 13.

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

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

Absent-excused: Eckhardt.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, May 11, 2023 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SB 68**

Zaffirini

Sponsor: Murr

Relating to excused absences from public school for certain students to visit a professional's workplace for a career investigation day.

**SB 820**

Kolkhorst

Sponsor: Klick

Relating to the registration of vision support organizations; imposing a fee; requiring an occupational registration; providing a civil penalty.

(Amended)

**SB 855** Alvarado Sponsor: Hull  
Relating to judicial training requirements regarding family violence.  
(Committee Substitute)

**SB 876** Flores Sponsor: Buckley  
Relating to the licensing and regulation of dog and cat breeders; expanding the applicability of an occupational license.  
(Amended)

**SB 888** Perry Sponsor: Frank  
Relating to fire escape exemptions for certain courthouses.

**SB 1319** Huffman Sponsor: Turner  
Relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes.

**SB 1457** Zaffirini Sponsor: Thompson,  
Senfronia  
Relating to guardianships and the delivery of certain notices or other communications in connection with guardianship proceedings.

**SB 1499** Nichols Sponsor: Canales  
Relating to the funding of certain port projects.  
(Committee Substitute)

**SB 1650** Parker Sponsor: Smithee  
Relating to durable powers of attorney and the construction of certain powers conferred in those durable powers of attorney.

Respectfully,

/s/Stephen Brown,  
Chief Clerk

House of Representatives

### COMMITTEE SUBSTITUTE SENATE BILL 2570 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 2570** at this time on its second reading:

**CSSB 2570**, Relating to the creation of the Webb County Groundwater Conservation District; providing authority to impose fees.

The motion prevailed.

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

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 2570** (senate committee report) in SECTION 1 of the bill, in added Section 8889.0104, Water Code (page 1, line 47), by striking "Webb County" and substituting "the Legacy Water Control and Improvement District, as described by the Webb County Commissioners Court Order No. 05-09-2022-23".

The amendment to **CSSB 2570** 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: Eckhardt.

**CSSB 2570** 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: Hall, Hughes, Middleton.

Absent-excused: Eckhardt.

**COMMITTEE SUBSTITUTE  
SENATE BILL 2570 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 2570** be placed on its third reading and final passage.

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

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

Nays: Hall, Hughes, Middleton.

Absent-excused: Eckhardt.

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 BILL 1787 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1787** at this time on its third reading and final passage:

**CSSB 1787**, Relating to size and density requirements for residential lots in certain municipalities; authorizing a fee.

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

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

Nays: Alvarado, Blanco, Campbell, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Parker, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2209 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 2209** at this time on its second reading:

**CSHB 2209**, Relating to establishing the Rural Pathway Excellence Partnership (R-PEP) program and creating an allotment and outcomes bonus under the Foundation School Program to support the program.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 2209** (senate committee report) as follows:

(1) In SECTION 1 of the bill, immediately following added Section 29.912(b), Education Code (page 1, between lines 39 and 40), insert the following appropriately lettered subsection:

( ) The commissioner shall ensure that agency employees assigned to administer the program have experience with or training in the procedures relating to a school district contracting to partner to operate a district campus under Section 11.174.

(2) In SECTION 1 of the bill, in added Section 29.912(d)(3)(D), Education Code (page 2, lines 24 through 26), strike "Chapter 48, including an allotment under Section 48.106 or 48.118 and an outcome bonus under Section 48.110 or 48.118" and substitute "Sections 48.106, 48.110, and 48.118".

(3) In SECTION 2 of the bill, in added Section 48.118(f), Education Code (page 4, line 16), immediately following the underlined period, add the following:

If the total amount of allotments and outcomes bonuses to which school districts are entitled under this section exceeds the amount permitted under this subsection, the agency shall allocate state funding to districts under this section in the following order:

(1) allotments under Subsection (a) for which school districts participating in partnerships prioritized under Section 29.912(h) are eligible;

(2) allotments under Subsection (a) for which school districts that entered into a memorandum of understanding or letter of commitment regarding a multidistrict pathway partnership, as defined by commissioner rule, before May 1, 2023, are eligible;

(3) allotments under Subsection (a) for which school districts that have entered into a performance agreement under Section 29.912 with a coordinating entity that is an institution of higher education, as defined by Section 61.003, are eligible;

(4) allotments under Subsection (a) for which school districts with the highest percentage of students who are educationally disadvantaged, in descending order, are eligible; and

(5) outcomes bonuses under Subsection (c) for which school districts with the highest percentage of students who are educationally disadvantaged, in descending order, are eligible.

The amendment to **CSHB 2209** 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: Eckhardt.

**CSHB 2209** as amended was passed to third reading by a viva voce vote.

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

Nays: Hall, Hughes.

Absent-excused: Eckhardt.

### COMMITTEE SUBSTITUTE HOUSE BILL 2209 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2209** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Hall, Hughes.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

### HOUSE BILL 609 ON THIRD READING

Senator Middleton moved to suspend the regular order of business to take up for consideration **HB 609** at this time on its third reading and final passage:

**HB 609**, Relating to the liability of a business owner or operator arising from the exposure of an individual to a pandemic disease.

The motion prevailed by the following vote: Yeas 19, Nays 11.

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

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

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11. (Same as previous roll call)

### **HOUSE BILL 1255 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1255** at this time on its second reading:

**HB 1255**, Relating to limitations periods in arbitration proceedings.

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

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

Absent-excused: Eckhardt.

### **HOUSE BILL 1255 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1255** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

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

Senator Bettencourt 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 p.m. today.

BETTENCOURT

The Motion In Writing was read and prevailed without objection.

**HOUSE BILL 242 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 242** at this time on its second reading:

**HB 242**, Relating to liability for the donation and distribution of feminine hygiene products.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 242 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 242** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**HOUSE BILL 1038 ON SECOND READING**

On motion of Senator Sparks and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1038** at this time on its second reading:

**HB 1038**, Relating to a biennial report on state lending and credit support programs.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 1038 ON THIRD READING**

Senator Sparks moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1038** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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



**GUEST PRESENTED**

Senator Kolkhorst was recognized and introduced to the Senate Atrissa Gorouhi, serving today as an Honorary Senate Page.

The Senate welcomed Atrissa.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1575 ON SECOND READING**

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1575** at this time on its second reading:

**CSHB 1575**, Relating to improving health outcomes for pregnant women under Medicaid and certain other public benefits programs.

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

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

Absent-excused: Eckhardt.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1575 ON THIRD READING**

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1575** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**SENATE BILL 1438 ON SECOND READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **SB 1438** at this time on its second reading:

**SB 1438**, Relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.

The motion prevailed.

Senators Campbell, Creighton, Hughes, and Kolkhorst 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, Creighton, Hughes, Kolkhorst.

Absent-excused: Eckhardt.

### SENATE BILL 1438 ON THIRD READING

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1438** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Campbell, Creighton, Hughes, Kolkhorst.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

### HOUSE BILL 3345 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3345** at this time on its second reading:

**HB 3345**, Relating to the amount of the fee imposed on certain sexually oriented businesses that is allocated to the sexual assault program fund and the allocation of certain other revenue to that fund; increasing the amount of a fee.

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

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

Absent-excused: Eckhardt.

### HOUSE BILL 3345 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3345** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

### SENATE BILL 2620 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2620** at this time on its second reading:

**SB 2620**, Relating to authorizing certain political subdivisions to change the date on which their general election for officers is held.

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: Eckhardt.

#### **SENATE BILL 2620 ON THIRD READING**

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2620** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

#### **HOUSE BILL 2015 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 2015** at this time on its second reading:

**HB 2015**, Relating to the exemption from jury service for persons over a certain age.

The motion prevailed.

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

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

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

Nays: Perry.

Absent-excused: Eckhardt.

#### **HOUSE BILL 2015 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2015** be placed on its third reading and final passage.

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

Nays: Perry.

Absent-excused: Eckhardt.

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

**HOUSE BILL 1748 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1748** at this time on its second reading:

**HB 1748**, Relating to the use of a facsimile signature on certain public securities and related certificates.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 1748 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1748** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**HOUSE BILL 3651 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3651** at this time on its second reading:

**HB 3651**, Relating to motor fuel taxes.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 3651 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3651** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**HOUSE BILL 4015 ON SECOND READING**

On motion of Senator Hancock and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4015** at this time on its second reading:

**HB 4015**, Relating to the disposition of certain fees collected for the rail safety program.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 4015 ON THIRD READING**

Senator Hancock moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4015** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**HOUSE BILL 692 ON SECOND READING**

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 692** at this time on its second reading:

**HB 692**, Relating to the authorization for certain land applications and disposal of dairy waste.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 692 ON THIRD READING**

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 692** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

### HOUSE BILL 59 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 59** at this time on its second reading:

**HB 59**, Relating to child water safety requirements for certain organizations; authorizing disciplinary action, including an administrative penalty.

The motion prevailed.

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

The bill was read second time.

Senator Paxton offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 59** (senate committee printing) in SECTION 2 of the bill, in added Section 341.0646, Health and Safety Code, as follows:

(1) In Subsection (b)(1) (page 1, line 42), strike "or".

(2) In Subsection (b)(2) (page 1, line 44), between "Code" and the underlined period, insert the following:

; or

(3) a residential boarding school that allows an employee, a family member of an employee, or a guest of an employee to use a body of water at the school for recreational purposes

(3) In Subsection (d)(1) (page 2, line 7), between "instruction" and the underlined semicolon, insert "or a competition".

(4) In Subsection (d)(2) (page 2, line 9), strike "is closely supervised during the instruction" and substitute "or a competition is closely supervised during the instruction or competition".

The amendment to **HB 59** 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: Eckhardt.

**HB 59** as amended was passed to third reading by a viva voce vote.

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

Nays: Hall, Hughes, Middleton.

Absent-excused: Eckhardt.

### HOUSE BILL 59 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 59** be placed on its third reading and final passage.

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

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

Nays: Hall, Hughes, Middleton.

Absent-excused: Eckhardt.

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

### GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Korina and John DelaPeña, founders of the nonprofit organization LiveLikeCati, created in memory of their daughter.

The Senate welcomed its guests.

### HOUSE BILL 1949 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1949** at this time on its second reading:

**HB 1949**, Relating to the continuation of the Red River Boundary Commission.

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

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

Absent-excused: Eckhardt.

### HOUSE BILL 1949 ON THIRD READING

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1949** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

### HOUSE BILL 3065 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3065** at this time on its second reading:

**HB 3065**, Relating to the taking of wildlife by an employee of the Parks and Wildlife Department or by a person or agent of the person on the person's property.

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

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

Absent-excused: Eckhardt.

### **HOUSE BILL 3065 ON THIRD READING**

Senator Springer moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3065** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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)**

### **COMMITTEE SUBSTITUTE**

### **SENATE BILL 833 ON THIRD READING**

Senator King moved to suspend the regular order of business to take up for consideration **CSSB 833** at this time on its third reading and final passage:

**CSSB 833**, Relating to consideration by insurers of certain prohibited criteria for ratemaking.

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

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

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

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

### **HOUSE BILL 598 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 598** at this time on its second reading:

**HB 598**, Relating to creating the criminal offense of possession of an animal by a person who has been previously convicted of an offense involving animal cruelty.

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

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

Absent-excused: Eckhardt.



**HOUSE BILL 598 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 598** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**HOUSE BILL 1760 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 1760** at this time on its second reading:

**HB 1760**, Relating to the prosecution of the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary educational institutions.

The motion prevailed by the following vote: Yeas 23, Nays 7.

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

Nays: Blanco, Gutierrez, Johnson, Menéndez, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

The bill was read second time and was passed to third reading by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

**HOUSE BILL 1760 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1760** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

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

Nays: Blanco, Gutierrez, Johnson, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 7.

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

Nays: Blanco, Gutierrez, Johnson, Menéndez, West, Whitmire, Zaffirini.

Absent-excused: Eckhardt.

**SENATE RULE 7.07(b) SUSPENDED  
(Permission to Introduce)  
(Motion In Writing)**

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill:

**SB 2632** by Hall, Relating to required labeling of meat food products that contain mRNA vaccine material.

HALL

The Motion In Writing was read and prevailed.

Senator Johnson asked to be recorded as voting "Nay" on the Motion In Writing.

**HOUSE BILL 1161 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1161** at this time on its second reading:

**HB 1161**, Relating to the confidentiality of home address information for victims of child abduction and to the administration of the address confidentiality program by the office of the attorney general.

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

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

Absent-excused: Eckhardt.

**HOUSE BILL 1161 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 **HB 1161** be placed on its third reading and final passage.

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

Absent-excused: Eckhardt.

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

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2632** by Hall, Bettencourt, Campbell, Hughes, Kolkhorst, Middleton, Parker, Perry, Sparks

Relating to required labeling of meat food products that contain mRNA vaccine material.

To Committee on Health and Human Services.

### **HOUSE BILLS AND RESOLUTIONS ON FIRST READING**

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

**HB 7** to Committee on Border Security.

**HB 35** to Committee on Local Government.

**HB 139** to Committee on Business and Commerce.

**HB 218** to Committee on State Affairs.

**HB 223** to Committee on State Affairs.

**HB 248** to Committee on Health and Human Services.

**HB 315** to Committee on State Affairs.

**HB 603** to Committee on State Affairs.

**HB 614** to Committee on Local Government.

**HB 779** to Committee on Criminal Justice.

**HB 818** to Committee on Business and Commerce.

**HB 824** to Committee on State Affairs.

**HB 967** to Committee on Criminal Justice.

**HB 968** to Committee on Health and Human Services.

**HB 969** to Committee on State Affairs.

**HB 1094** to Committee on Criminal Justice.

**HB 1105** to Committee on Health and Human Services.

**HB 1133** to Committee on Criminal Justice.

**HB 1136** to Committee on Criminal Justice.

**HB 1181** to Committee on State Affairs.

**HB 1190** to Committee on Health and Human Services.

**HB 1289** to Committee on Health and Human Services.

**HB 1348** to Committee on Water, Agriculture, and Rural Affairs.

**HB 1390** to Committee on Health and Human Services.

**HB 1546** to Committee on Jurisprudence.

**HB 1579** to Committee on Local Government.

**HB 1583** to Committee on Local Government.

**HB 1585** to Committee on State Affairs.

**HB 1614** to Committee on Education.

**HB 1696** to Committee on State Affairs.

**HB 1775** to Committee on Local Government.

**HB 1786** to Committee on Business and Commerce.

**HB 1794** to Subcommittee on Higher Education.

**HB 1848** to Committee on State Affairs.

**HB 1960** to Subcommittee on Higher Education.

**HB 2044** to Committee on Health and Human Services.

**HB 2102** to Committee on Education.

**HB 2164** to Committee on Education.  
**HB 2166** to Committee on Administration.  
**HB 2181** to Committee on Local Government.  
**HB 2185** to Committee on Local Government.  
**HB 2187** to Committee on Criminal Justice.  
**HB 2190** to Committee on Transportation.  
**HB 2235** to Committee on Health and Human Services.  
**HB 2263** to Committee on Natural Resources and Economic Development.  
**HB 2273** to Committee on Education.  
**HB 2313** to Committee on Business and Commerce.  
**HB 2333** to Committee on Business and Commerce.  
**HB 2389** to Committee on Business and Commerce.  
**HB 2402** to Committee on Local Government.  
**HB 2415** to Subcommittee on Higher Education.  
**HB 2424** to Committee on Business and Commerce.  
**HB 2541** to Committee on Health and Human Services.  
**HB 2564** to Committee on Transportation.  
**HB 2600** to Committee on Criminal Justice.  
**HB 2644** to Committee on Natural Resources and Economic Development.  
**HB 2658** to Committee on Health and Human Services.  
**HB 2671** to Committee on Jurisprudence.  
**HB 2675** to Committee on Jurisprudence.  
**HB 2716** to Committee on Health and Human Services.  
**HB 2794** to Committee on Jurisprudence.  
**HB 2886** to Committee on Water, Agriculture, and Rural Affairs.  
**HB 2941** to Committee on Natural Resources and Economic Development.  
**HB 2948** to Committee on Jurisprudence.  
**HB 2960** to Committee on State Affairs.  
**HB 2965** to Committee on Business and Commerce.  
**HB 2969** to Committee on Health and Human Services.  
**HB 2975** to Committee on Natural Resources and Economic Development.  
**HB 3055** to Committee on Natural Resources and Economic Development.  
**HB 3130** to Committee on Health and Human Services.  
**HB 3137** to Committee on State Affairs.  
**HB 3162** to Committee on Health and Human Services.  
**HB 3186** to Committee on Criminal Justice.  
**HB 3195** to Committee on Health and Human Services.  
**HB 3241** to Committee on Local Government.  
**HB 3257** to Committee on Water, Agriculture, and Rural Affairs.  
**HB 3258** to Committee on Finance.  
**HB 3282** to Committee on Natural Resources and Economic Development.  
**HB 3288** to Committee on Transportation.  
**HB 3340** to Committee on Finance.  
**HB 3351** to Committee on Health and Human Services.  
**HB 3352** to Committee on Natural Resources and Economic Development.  
**HB 3364** to Committee on Local Government.

**HB 3436** to Committee on Business and Commerce.  
**HB 3440** to Committee on Business and Commerce.  
**HB 3460** to Committee on Health and Human Services.  
**HB 3506** to Committee on State Affairs.  
**HB 3532** to Committee on Criminal Justice.  
**HB 3536** to Committee on Business and Commerce.  
**HB 3539** to Committee on State Affairs.  
**HB 3545** to Committee on State Affairs.  
**HB 3556** to Committee on Criminal Justice.  
**HB 3697** to Committee on Local Government.  
**HB 3699** to Committee on Local Government.  
**HB 3745** to Committee on Local Government.  
**HB 3749** to Committee on State Affairs.  
**HB 3765** to Committee on Finance.  
**HB 3782** to Committee on Border Security.  
**HB 3848** to Committee on Health and Human Services.  
**HB 3857** to Committee on Local Government.  
**HB 3908** to Committee on Education.  
**HB 3987** to Committee on Health and Human Services.  
**HB 3991** to Committee on Education.  
**HB 4025** to Committee on Business and Commerce.  
**HB 4054** to Committee on State Affairs.  
**HB 4059** to Committee on Health and Human Services.  
**HB 4091** to Committee on Health and Human Services.  
**HB 4110** to Committee on Health and Human Services.  
**HB 4123** to Committee on Business and Commerce.  
**HB 4169** to Committee on Health and Human Services.  
**HB 4219** to Committee on Business and Commerce.  
**HB 4372** to Committee on Education.  
**HB 4382** to Committee on Criminal Justice.  
**HB 4402** to Committee on Education.  
**HB 4415** to Committee on Health and Human Services.  
**HB 4456** to Committee on Education.  
**HB 4500** to Committee on Health and Human Services.  
**HB 4524** to Committee on Business and Commerce.  
**HB 4639** to Committee on State Affairs.  
**HB 4645** to Committee on Local Government.  
**HB 4655** to Committee on Health and Human Services.  
**HB 4674** to Committee on Jurisprudence.  
**HB 4697** to Committee on State Affairs.  
**HB 4713** to Committee on Health and Human Services.  
**HB 4772** to Committee on Finance.  
**HB 4820** to Committee on Water, Agriculture, and Rural Affairs.  
**HB 4843** to Committee on State Affairs.  
**HB 4861** to Committee on Transportation.  
**HB 4865** to Committee on Finance.

**HB 4888** to Committee on Health and Human Services.  
**HB 4923** to Committee on Veteran Affairs.  
**HB 4960** to Committee on Health and Human Services.  
**HB 5012** to Committee on Natural Resources and Economic Development.  
**HB 5080** to Committee on Local Government.  
**HB 5103** to Committee on Jurisprudence.  
**HB 5142** to Committee on Transportation.  
**HB 5175** to Committee on Local Government.  
**HB 5225** to Committee on Transportation.  
**HB 5309** to Committee on Criminal Justice.  
**HB 5330** to Subcommittee on Higher Education.  
**HB 5336** to Committee on Transportation.  
**HCR 103** to Committee on Administration.  
**HCR 105** to Committee on Administration.  
**HJR 134** to Committee on Local Government.  
**HJR 141** to Committee on Local Government.  
**HJR 146** to Committee on Business and Commerce.  
**HJR 153** to Committee on Local Government.  
**HJR 169** to Committee on Finance.

#### **SENATE BILL 294 WITH HOUSE AMENDMENT**

Senator Johnson called **SB 294** from the President's table for consideration of the House amendment to the bill.

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

#### **Floor Amendment No. 1 on Third Reading**

Amend **SB 294** on third reading by striking SECTION 11 and substituting the following:

SECTION 11. Section 38.212, Education Code, is amended to read as follows:

Sec. 38.212. NOTICE TO PARENTS.(a) If a school district, open-enrollment charter school, or private school implements a policy under this subchapter, the district or school shall provide written notice of the policy to a parent or guardian of each student enrolled in the district or school.

(b) Notice required under Subsection (a) [~~this section~~] must be provided before a policy is implemented by the district or school under this subchapter and before the start of each school year.

The amendment was read.

Senator Johnson moved to concur in the House amendment to **SB 294**.

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

Absent-excused: Eckhardt.

#### **SENATE BILL 435 WITH HOUSE AMENDMENT**

Senator Middleton called **SB 435** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 435** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the disclosure under the public information law of certain evidence of a crime that resulted in the death of a person.

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

SECTION 1. Section 552.108, Government Code, is amended by adding Subsections (d), (e), (f), (g), and (h) to read as follows:

(d) Notwithstanding other law, a prosecutor may permit a person to view the following evidence of a crime that resulted in the death of a person and that occurred in the prosecutor's jurisdiction:

(1) a medical examiner's report, if the person viewing the report is a family member of the person who is the subject of the report and the person who is the subject of the report was a victim of the crime; and

(2) video evidence of the crime, if the person viewing the video is a victim of the crime or a family member of a victim of the crime.

(e) A person permitted to view a medical examiner's report or video evidence under Subsection (d) may not duplicate, record, capture, or otherwise memorialize the information. A prosecutor may require a person to sign a confidentiality agreement before permitting the person to view the information.

(f) A permitted viewing of a medical examiner's report or video evidence under Subsection (d) is not a voluntary disclosure of information for purposes of Section 552.007(b). A governmental body, by providing information under Subsection (d) that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future.

(g) Subsection (d) does not affect:

(1) the right of a person to obtain a medical examiner's report or video evidence of a crime from a governmental body under other law;

(2) the procedures under which the information is obtained under other law;

or

(3) the use that may be made of the information obtained under other law.

(h) In this section:

(1) "Family member" means a person related to a victim of a crime within the first degree of consanguinity or affinity.

(2) "Medical examiner's report" means a report and the contents of such a report created by a medical examiner under Article 49.25, Code of Criminal Procedure, including an autopsy report and toxicology report. The term does not include a photograph or medical image contained in a report.

(3) "Victim" means an individual who suffered personal injury or death as a result of criminal conduct.

SECTION 2. The change in law made by this Act applies to a crime that occurred before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment was read.

Senator Middleton moved to concur in the House amendment to **SB 435**.

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

Absent-excused: Eckhardt.

### SENATE BILL 1021 WITH HOUSE AMENDMENT

Senator Nichols called **SB 1021** from the President's table for consideration of the House amendment to the bill.

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

#### Amendment

Amend **SB 1021** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the handling of bids on certain contracts for highway projects.

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

SECTION 1. The heading to Section 223.005, Transportation Code, is amended to read as follows:

Sec. 223.005. BIDS ON CONTRACTS INVOLVING LESS THAN \$1 MILLION [~~\$300,000~~].

SECTION 2. Section 223.005(a), Transportation Code, is amended to read as follows:

(a) The commission by rule may allow bids on a contract estimated by the department to involve an amount less than \$1 million [~~\$300,000~~] to be filed with:

(1) for a contract other than a building construction contract, the district engineer at the headquarters for the district in which the improvement is to be made and opened and read at a public meeting held by the district engineer or the district engineer's designee; or

(2) for a building construction contract, the director of the division of the department that is responsible for the construction of the building and opened and read at a public meeting held by the division director or the division director's designee.

SECTION 3. The changes in law made by this Act apply only to bids for which the notice of bid is given on or after the effective date of this Act. A notice of bid given before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.



The amendment was read.

Senator Nichols moved to concur in the House amendment to **SB 1021**.

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

Absent-excused: Eckhardt.

### BILLS AND RESOLUTIONS SIGNED

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

**SB 63, SB 65, SB 188, SB 347, SB 371, SB 380, SB 502, SB 578, SB 656, SB 702, SB 760, SB 850, SB 869, SB 870, SB 1088, SB 1097, SB 1112, SB 1187, SB 1191, SB 1243, SB 1260, SB 1343, SB 1371, SB 1524, SB 1598, SB 1766, SB 1778, SB 1841, SB 1887, SB 2057, SB 2158, SB 2196, SB 2571, SB 2580, SB 2603, SCR 31.**

**HB 266, HB 290, HB 474, HB 492, HB 586, HB 624, HB 785, HB 793, HB 914, HB 1088, HB 1315, HB 1333, HB 1761, HB 1845, HB 1910, HB 2109, HB 2371, HB 2575, HB 2691, HCR 111.**

### SENATE BILL 2085 WITH HOUSE AMENDMENT

Senator Whitmire called **SB 2085** from the President's table for consideration of the House amendment to the bill.

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

#### Floor Amendment No. 1

Amend **SB 2085** (house committee report) as follows:

(1) On page 2, lines 6-7, strike "automatically, and without the requirement to download a software application to opt in to notifications,".

(2) Strike page 2, lines 16-23, and substitute the following:

(i) an arrest is made; and

(ii) an affidavit alleging probable cause is presented to the attorney representing the state; and

(E) any other information relevant to the case;

(3) Strike page 3, lines 3-10, and substitute the following:  
electronic attachments to the messages; and

(B) for a person to check the status of the case with the law enforcement agency;

(5) monitor the number and types of messages sent and enable the law enforcement agency to visualize that data; and

(4) On page 3, line 18, strike "annually" and substitute "periodically".

(5) On page 3, line 21, strike "December 1" and substitute "December 30".

The amendment was read.

Senator Whitmire moved to concur in the House amendment to **SB 2085**.

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

Absent-excused: Eckhardt.

**SENATE BILL 58 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 58** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 58** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to prohibitions in connection with the online sale of goods.

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

SECTION 1. Subtitle B, Title 10, Business & Commerce Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. ONLINE SALE OF GOODS

Sec. 328.001. DEFINITION. In this chapter, "goods" has the meaning assigned by Section 17.45.

Sec. 328.002. PROHIBITIONS CONCERNING SALE OF GOODS ONLINE.

(a) For commercial purposes, a person may not sell, use, or cause to be used any technology, device, or software in the sale of goods on an Internet website that:

(1) functions as a bypass in the purchasing process;

(2) disguises the identity of the purchaser;

(3) permits the purchase of a quantity of goods in a number that exceeds the maximum number of goods that may be sold to one purchaser as specified by the seller or operator on the website;

(4) allows for the unauthorized access to or identification of gift card information, including gift card numbers and gift card personal identification numbers; or

(5) circumvents a security measure, access control system, or other control, authorization, or measure in the purchasing process.

(b) This section does not apply to the seller of goods on the Internet website or to the operator of the Internet website.

Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION.

(a) The attorney general may investigate a claim that a person violated this chapter.

(b) If the attorney general believes that a person is violating this chapter, the attorney general may bring an action in the name of the state to restrain or enjoin the person from violating this chapter.

(c) The attorney general is entitled to recover all reasonable costs of bringing an action under this section, including court costs, reasonable attorney's fees, and investigation costs.

SECTION 2. This Act takes effect September 1, 2023.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 58**.

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

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

Nays: Creighton, Hall, Hughes, Middleton, Springer.

Absent-excused: Eckhardt.

### SENATE BILL 1401 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1401** from the President's table for consideration of the House amendment to the bill.

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

#### Floor Amendment No. 1

Amend **SB 1401** (house committee report) as follows:

(1) On page 24, strike lines 6-11, and substitute the following:

and

(B) [~~"A report to law enforcement is not required, but if you make a report, law enforcement must first authorize the examination."; and~~

~~[(C)] "Call 1-800-656-HOPE to be connected to a~~

(2) On page 26, line 25, strike "The changes" and substitute "(a) Except as provided by Subsection (b) of this section, the changes".

(3) On page 27, between lines 6 and 7, insert the following:

(b) Article 56A.306(c), Code of Criminal Procedure, as amended by this Act, applies only to evidence of a sexual assault or other sex offense collected during a forensic medical examination conducted on or after September 1, 2019.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1401**.

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

Absent-excused: Eckhardt.

### SENATE BILL 1373 WITH HOUSE AMENDMENTS

Senator Hughes called **SB 1373** from the President's table for consideration of the House amendments to the bill.

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

#### Amendment

Amend **SB 1373** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to decedents' estates and the delivery of certain notices or other communications in connection with those estates or multiple-party accounts.

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

SECTION 1. Chapter 22, Estates Code, is amended by adding Section 22.0295 to read as follows:

Sec. 22.0295. QUALIFIED DELIVERY METHOD. "Qualified delivery method" means delivery by:

- (1) hand delivery by courier, with courier's proof of delivery receipt;
- (2) certified or registered mail, return receipt requested, with return receipt;

or

(3) a private delivery service designated as a designated delivery service by the United States Secretary of the Treasury under Section 7502(f)(2), Internal Revenue Code of 1986, with proof of delivery receipt.

SECTION 2. The heading to Section 51.052, Estates Code, is amended to read as follows:

Sec. 51.052. SERVICE BY MAIL OR PRIVATE DELIVERY.

SECTION 3. Sections 51.052(b), (c), (d), (e), (f), and (g), Estates Code, are amended to read as follows:

(b) Except as provided by Subsection (c), the county clerk shall issue a citation or notice required or permitted to be served by a qualified delivery method [~~registered or certified mail~~] and shall serve the citation or notice by sending [~~mailing~~] the original citation or notice by a qualified delivery method [~~registered or certified mail~~].

(c) A personal representative shall issue a notice required to be given by the representative by a qualified delivery method [~~registered or certified mail~~] and shall serve the notice by sending [~~mailing~~] the original notice by a qualified delivery method [~~registered or certified mail~~].

(d) The county clerk or personal representative, as applicable, shall send [~~mail~~] a citation or notice under Subsection (b) or (c) with an instruction to deliver the citation or notice to the addressee only and with return receipt or other proof of delivery requested. The clerk or representative, as applicable, shall address the envelope containing the citation or notice to:

(1) the attorney of record in the proceeding for the person to be cited or notified; or

(2) the person to be cited or notified, if the citation or notice to the attorney is returned undelivered or the person to be cited or notified has no attorney of record in the proceeding.

(e) Service by a qualified delivery method [~~mail~~] shall be made at least 20 days before the return day of the service, excluding the date of service. The date of service [~~by mail~~] is the date of mailing, the date of deposit with the private delivery service, or the date of delivery by the courier, as applicable.

(f) A copy of a citation or notice served under Subsection (a), (b), or (c), together with a certificate of the person serving the citation or notice showing that the citation or notice was sent [~~mailed~~] and the date of the mailing, date of deposit with a private delivery service, or date of delivery by courier, as applicable, shall be filed and recorded. A returned receipt or proof of delivery receipt for a citation or notice served under Subsection (b) or (c) shall be attached to the certificate.

(g) If a citation or notice served by a qualified delivery method [~~mail~~] is returned undelivered, a new citation or notice shall be issued. Service of the new citation or notice must be made by posting.

SECTION 4. Section 51.055(a), Estates Code, is amended to read as follows:

(a) If a party is represented by an attorney of record in a probate proceeding, each citation or notice required to be served on the party in that proceeding shall be served instead on that attorney. A notice under this subsection may be served by delivery to the attorney in person or by a qualified delivery method [~~registered or certified mail~~].

SECTION 5. Section 51.056, Estates Code, is amended to read as follows:

Sec. 51.056. SERVICE ON PERSONAL REPRESENTATIVE OR RECEIVER.

Unless this title expressly provides for another method of service, the county clerk who issues a citation or notice required to be served on a personal representative or receiver shall serve the citation or notice by sending [~~mailing~~] the original citation or notice by a qualified delivery method [~~registered or certified mail~~] to:

(1) the representative's or receiver's attorney of record; or

(2) the representative or receiver, if the representative or receiver does not have an attorney of record.

SECTION 6. Section 51.103(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

(1) if the service is made by a sheriff or constable, the return of service;

(2) if the service is made by a private person, the person's affidavit;

(3) if the service is made by a qualified delivery method [~~mail~~]:

(A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or notice was mailed, deposited with a private delivery service, or delivered by courier, as applicable, and the date of the mailing or deposit with the delivery service or the date of the courier delivery, as applicable; and

(B) the return receipt or other proof of delivery receipt attached to the certificate or affidavit, as applicable, if the sending [~~mailing~~] was by a qualified delivery method [~~registered or certified mail~~] and a receipt is available [~~has been returned~~]; and

(4) if the service is made by publication:

(A) a statement:

(i) made by the Office of Court Administration of the Texas Judicial System or an employee of the office;

(ii) that contains or to which is attached a copy of the published citation or notice; and

(iii) that states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code [~~as added by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular Session, 2019~~]; and

(B) an affidavit:

(i) made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;

(ii) that contains or to which is attached a copy of the published citation or notice; and

(iii) that states the date of publication printed on the newspaper in which the citation or notice was published.

SECTION 7. Section 56.002(b), Estates Code, is amended to read as follows:

(b) The resident agent shall send, by a qualified delivery method [~~certified mail, return receipt requested~~], a copy of a resignation statement filed under Subsection (a) to:

(1) the personal representative at the address most recently known by the resident agent; and

(2) each party in the case or the party's attorney or other designated representative of record.

SECTION 8. The heading to Section 101.052, Estates Code, is amended to read as follows:

Sec. 101.052. LIABILITY OF COMMUNITY PROPERTY FOR DEBTS [OF DECEASED SPOUSE].

SECTION 9. Section 101.052, Estates Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) The community property that was by law under [~~subject to~~] the sole management, control, and disposition of a spouse or under the joint management, control, and disposition of the spouses [~~a spouse~~] during marriage continues to be subject to the liabilities of that spouse on the death of either spouse.

(a-1) The undivided one-half interest that the surviving spouse owned in community property that was by law under the sole management, control, and disposition of the deceased spouse during marriage is subject to the liabilities of the surviving spouse on the death of the deceased spouse.

(b) The undivided one-half interest that the deceased spouse owned in [~~any other nonexempt~~] community property that was by law under the sole management, control, and disposition of the surviving spouse during marriage passes to the deceased spouse's heirs or devisees charged with the liabilities of [~~debts that were enforceable against~~] the deceased spouse [~~before death~~].

SECTION 10. Sections 113.001(1) and (8), Estates Code, are amended to read as follows:

(1) "Account" means a contract of deposit of funds or securities between a depositor and a financial institution. The term includes:

(A) an account with cash deposits, including a checking account, savings account, certificate of deposit, and share account;

(B) an account holding securities, including stocks, bonds, and mutual funds; and

(C) another [~~or other~~] similar arrangement.

(8) "Sums on deposit" means the balance payable or transferable on a multiple-party account including cash, interest, dividends, any type of securities, including stocks, bonds, and mutual funds, and any deposit of life insurance proceeds added to the account by reason of the death of a party.

SECTION 11. Section 113.251(c), Estates Code, is amended to read as follows:

(c) Not later than the 30th day after the date a security interest on a multiple-party account is perfected, a secured creditor that is a financial institution with accounts insured by the Federal Deposit Insurance Corporation shall provide written notice of the pledge of the account to any other party to the account who did

not create the security interest. The notice must be sent by a qualified delivery method [~~certified mail~~] to each other party at the last address the party provided to the depository bank.

SECTION 12. Section 202.005, Estates Code, is amended to read as follows:

Sec. 202.005. APPLICATION FOR PROCEEDING TO DECLARE HEIRSHIP. A person authorized by Section 202.004 to commence a proceeding to declare heirship must file an application in a court specified by Section 33.004 to commence the proceeding. The application must state:

(1) the decedent's name and date and place of death;

(2) the names and physical addresses where service can be had of the decedent's heirs, the relationship of each heir to the decedent, whether each heir is an adult or minor, and the true interest of the applicant and each of the heirs in the decedent's estate or in the trust, as applicable;

(3) if the date or place of the decedent's death or the name or physical address where service can be had of an heir is not definitely known to the applicant, all the material facts and circumstances with respect to which the applicant has knowledge and information that might reasonably tend to show the date or place of the decedent's death or the name or physical address where service can be had of the heir;

(4) that all children born to or adopted by the decedent have been listed;

(5) that each of the decedent's marriages has been listed with:

(A) the date of the marriage;

(B) the name of the spouse;

(C) the date and place of termination if the marriage was terminated;

and

(D) other facts to show whether a spouse has had an interest in the decedent's property;

(6) whether the decedent died testate and, if so, what disposition has been made of the will;

(7) a general description of all property, as applicable:

(A) belonging to the decedent's estate that is subject to distribution under a judgment in the proceeding; or

(B) held in trust for the benefit of the decedent, ~~as applicable~~; and

(8) an explanation for the omission from the application of any of the information required by this section.

SECTION 13. Section 202.051, Estates Code, is amended to read as follows:

Sec. 202.051. SERVICE OF CITATION BY QUALIFIED DELIVERY METHOD [~~MAIL~~] WHEN RECIPIENT'S NAME AND ADDRESS ARE KNOWN OR ASCERTAINABLE. Except as provided by Section 202.054, citation in a proceeding to declare heirship must be served by a qualified delivery method [~~registered or certified mail~~] on:

(1) each distributee who is 12 years of age or older and whose name and address are known or can be ascertained through the exercise of reasonable diligence; and

(2) the parent, managing conservator, or guardian of each distributee who is younger than 12 years of age if the name and address of the parent, managing conservator, or guardian are known or can be reasonably ascertained.

SECTION 14. Section 202.056, Estates Code, is amended to read as follows:

Sec. 202.056. WAIVER OF SERVICE OF CITATION. (a) A distributee who is 16 years of age or older may waive citation required by this subchapter to be served on the distributee. ~~Except as provided by Subsection (b)(2), a~~

(b) A parent, managing conservator, guardian, attorney ad litem, or guardian ad litem of a ~~minor~~ distributee who is younger than 16 years of age may ~~is~~

~~is younger than 12 years of age may~~ waive citation required by this subchapter to be served on the distributee ~~and~~

~~(2) is 12 years of age or older may not waive citation required by this subchapter to be served on the distributee.~~

SECTION 15. Section 202.151, Estates Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (c), in a proceeding to declare heirship, testimony regarding a decedent's heirs and family history must be taken:

(1) from two disinterested and credible witnesses in open court;

(2) [;] by deposition in accordance with Section 51.203;

(3) by a recorded statement of facts contained in:

(A) an affidavit or instrument that satisfies the requirements of Section 203.001; or

(B) a judgment of a court of record as specified by Section 203.001(a)(1)(B); [;] or

(4) in accordance with the Texas Rules of Civil Procedure.

(c) If it is shown to the court's satisfaction in a proceeding to declare heirship that, after a diligent search was made, only one disinterested and credible witness can be found who can make the required proof in the proceeding, the testimony of that witness must be taken:

(1) in open court;

(2) [;] by deposition in accordance with Section 51.203;

(3) by a recorded statement of facts contained in:

(A) an affidavit or instrument that satisfies the requirements of Section 203.001; or

(B) a judgment of a court of record as specified by Section 203.001(a)(1)(B); [;] or

(4) in accordance with the Texas Rules of Civil Procedure.

(d) Notwithstanding any other law, a person interested in an estate solely because the person is a creditor or has a claim against the estate may serve as a witness under this section if the person is otherwise a credible witness.

SECTION 16. Section 202.203, Estates Code, is amended to read as follows:

Sec. 202.203. CORRECTION OF JUDGMENT AT REQUEST OF HEIR NOT PROPERLY SERVED. If an heir of a decedent who is the subject of a proceeding to declare heirship is not served with citation by a qualified delivery method ~~registered or certified mail~~ or personal service in the proceeding, the heir may:

(1) have the judgment in the proceeding corrected by bill of review:



(A) at any time, but not later than the fourth anniversary of the date of the judgment; or

(B) after the passage of any length of time, on proof of actual fraud; and

(2) recover the heir's just share of the property or the value of that share from:

(A) the heirs named in the judgment; and

(B) those who claim under the heirs named in the judgment and who are not bona fide purchasers for value.

SECTION 17. Section 251.053, Estates Code, is amended to read as follows:

Sec. 251.053. EXCEPTION FOR FOREIGN AND CERTAIN OTHER WILLS.

A [Section 251.051 does not apply to a] written will does not need to meet the requirements of Section 251.051 if the will is executed in compliance with:

(1) the law of the state or foreign country where the will was executed, as that law existed at the time of the will's execution; or

(2) the law of the state or foreign country where the testator was domiciled or had a place of residence, as that law existed at the time of the will's execution or at the time of the testator's death.

SECTION 18. Section 258.002, Estates Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) An heir who is 16 years of age or older may waive citation required by this section to be served on the heir.

(e) The parent, managing conservator, guardian, attorney ad litem, or guardian ad litem of an heir who is younger than 16 years of age may waive citation required by this section to be served on the heir.

SECTION 19. Section 304.003, Estates Code, is amended to read as follows:

Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR ADMINISTRATOR. A person is not qualified to serve as an executor or administrator if the person is:

(1) incapacitated;

(2) a felon convicted under the laws of the United States or of any state of the United States unless: [;]

(A) in accordance with law, the person has been pardoned or has had the person's civil rights restored; or

(B) all of the distributees of the decedent agree on and collectively designate the person to serve as executor or administrator of the decedent's estate and acknowledge the conviction in:

(i) an application for probate of the decedent's will;

(ii) an application for letters testamentary or of administration of the decedent's estate; or

(iii) one or more separate documents consenting to an application;

(3) a nonresident of this state who:

(A) is a natural person or corporation; and

(B) has not:

(i) appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate; or

(ii) had that appointment filed with the court;

- (4) a corporation not authorized to act as a fiduciary in this state; or
- (5) a person whom the court finds unsuitable.

SECTION 20. Section 305.001, Estates Code, is amended to read as follows:

Sec. 305.001. DEFINITIONS. In this chapter:

- (1) "Bond" means a bond required by this chapter to be given by a person appointed to serve as a personal representative.
- (2) "Declaration" means a written declaration that may be made and signed by a person appointed to serve as a personal representative.
- (3) "Oath" means an oath that may ~~required by this chapter to~~ be taken by a person appointed to serve as a personal representative.

SECTION 21. Section 305.002, Estates Code, is amended to read as follows:

Sec. 305.002. MANNER OF QUALIFICATION OF PERSONAL REPRESENTATIVE. (a) A personal representative, other than an executor described by Subsection (b), is considered to have qualified when the representative has:

- (1) taken and filed the oath prescribed by Subchapter B or made, signed, and filed the declaration prescribed by Subchapter B;
- (2) filed the required bond with the clerk; and
- (3) obtained the judge's approval of the bond.

(b) An executor who is not required to give a bond is considered to have qualified when the executor has taken and filed the oath prescribed by Subchapter B or made, signed, and filed the declaration prescribed by Subchapter B.

SECTION 22. Section 305.003, Estates Code, is amended to read as follows:

Sec. 305.003. PERIOD FOR TAKING OATH OR MAKING AND SIGNING DECLARATION. An oath may be taken and subscribed or a declaration may be made and signed at any time before:

- (1) the 21st day after the date of the order granting letters testamentary or of administration, as applicable; or
- (2) the letters testamentary or of administration, as applicable, are revoked for a failure to qualify within the period allowed.

SECTION 23. The heading to Subchapter B, Chapter 305, Estates Code, is amended to read as follows:

#### SUBCHAPTER B. OATHS OR DECLARATIONS

SECTION 24. Section 305.051, Estates Code, is amended to read as follows:

Sec. 305.051. OATH OR DECLARATION OF EXECUTOR OR ADMINISTRATOR WITH WILL ANNEXED. (a) Before the issuance of letters testamentary or letters of administration with the will annexed, the person named as executor or appointed as administrator with the will annexed shall:

- (1) take and subscribe an oath as prescribed by Subsection (b); or
- (2) make and sign a declaration as prescribed by Subsection (c).

(b) If the person named as executor or appointed as administrator with the will annexed elects to take an oath under this section, the person shall take and subscribe an oath in substantially the following form:

I do solemnly swear that the writing offered for probate is the last will of \_\_\_\_\_ (insert name of testator), so far as I know or believe, and that I will well and truly perform all the duties of \_\_\_\_\_ (insert "executor of the will" or "administrator with the will annexed," as applicable) for the estate of \_\_\_\_\_ (insert name of testator).

(c) If the person named as executor or appointed as administrator with the will annexed elects to make a declaration under this section, the person shall make and sign a declaration in substantially the following form:

My name is \_\_\_\_\_ (insert name of "executor of the will" or "administrator with the will annexed" as it appears on the order appointing the person as executor or administrator with the will annexed), my date of birth is \_\_\_\_\_ (insert date of birth of "executor of the will" or "administrator with the will annexed," as applicable), and my address is \_\_\_\_\_ (insert street, city, state, zip code, and country of "executor of the will" or "administrator with the will annexed," as applicable). I declare under penalty of perjury that the writing offered for probate is the last will of \_\_\_\_\_ (insert name of testator), so far as I know or believe. I also solemnly declare that I will well and truly perform all the duties of \_\_\_\_\_ (insert "executor of will" or "administrator with the will annexed," as applicable) for the estate of \_\_\_\_\_ (insert name of testator).

SECTION 25. Section 305.052, Estates Code, is amended to read as follows:

Sec. 305.052. OATH OR DECLARATION OF ADMINISTRATOR. (a) Before the issuance of letters of administration, the person appointed as administrator shall:

- (1) take and subscribe an oath as prescribed by Subsection (b); or
- (2) make and sign a declaration as prescribed by Subsection (c).

(b) If the person appointed as administrator elects to take an oath under this section, the person shall take and subscribe an oath in substantially the following form:

I do solemnly swear that \_\_\_\_\_ (insert name of decedent), deceased, died \_\_\_\_\_ (insert "without leaving any lawful will" or "leaving a lawful will, but the executor named in the will is dead or has failed to offer the will for probate or to accept and qualify as executor, within the period required," as applicable), so far as I know or believe, and that I will well and truly perform all the duties of administrator of the estate of \_\_\_\_\_ (insert name of testator) ~~[the deceased]~~.

(c) If the person appointed as administrator elects to make a declaration under this section, the person shall make and sign a declaration in substantially the following form:

My name is \_\_\_\_\_ (insert name of administrator as it appears on the order appointing the person as administrator), my date of birth is \_\_\_\_\_ (insert date of birth of "administrator"), and my address is \_\_\_\_\_ (insert street, city, state, zip code, and country of "administrator"). I declare under penalty of perjury that \_\_\_\_\_ (insert name of decedent), deceased, died \_\_\_\_\_ (insert "without leaving any lawful will" or "leaving a lawful will, but the executor named in the will is dead or has failed to offer the will for probate or to accept and qualify as executor, within the period required," as applicable), so far as I know or believe. I also solemnly declare that I will well and truly perform all the duties of administrator of the estate of \_\_\_\_\_ (insert name of decedent).

SECTION 26. Section 305.053, Estates Code, is amended to read as follows:

Sec. 305.053. OATH OR DECLARATION OF TEMPORARY ADMINISTRATOR. (a) Before the issuance of temporary letters of administration, the person appointed as temporary administrator shall:

- (1) take and subscribe an oath as prescribed by Subsection (b); or
- (2) make and sign a declaration as prescribed by Subsection (c).

(b) If the person appointed as temporary administrator elects to take an oath under this section, the person shall take and subscribe an oath in substantially the following form:

I do solemnly swear that I will well and truly perform the duties of temporary administrator of the estate of \_\_\_\_\_ (insert name of decedent), deceased, in accordance with the law, and with the order of the court appointing me as temporary administrator.

(c) If the person appointed as temporary administrator elects to make a declaration under this section, the person shall make and sign a declaration in substantially the following form:

My name is \_\_\_\_\_ (insert name of temporary administrator as it appears on the order appointing the person as temporary administrator), my date of birth is \_\_\_\_\_ (insert date of birth of "temporary administrator"), and my address is \_\_\_\_\_ (insert street, city, state, zip code, and country of "temporary administrator").  
I solemnly declare that I will well and truly perform all the duties of temporary administrator of the estate of \_\_\_\_\_ (insert name of decedent), in accordance with the law, and with the order of the court appointing me as temporary administrator.

SECTION 27. Section 305.055, Estates Code, is amended to read as follows:

Sec. 305.055. FILING AND RECORDING OF OATH OR DECLARATION. An oath or declaration shall be:

- (1) filed with the clerk of the court granting the letters testamentary or of administration, as applicable; and
- (2) recorded in the judge's probate docket.

SECTION 28. Section 308.002(d), Estates Code, is amended to read as follows:

(d) The notice required by this section must be sent by a qualified delivery method ~~[registered or certified mail, return receipt requested]~~.

SECTION 29. Section 308.051(a), Estates Code, is amended to read as follows:

(a) Within one month after receiving letters testamentary or of administration, a personal representative of an estate shall provide notice requiring each person who has a claim against the estate to present the claim within the period prescribed by law by:

- (1) having the notice published in a newspaper of general circulation in the county in which the letters were issued; and
- (2) if the decedent remitted or should have remitted taxes administered by the comptroller, sending the notice to the comptroller by a qualified delivery method ~~[certified or registered mail]~~.

SECTION 30. Sections 308.053(c) and (d), Estates Code, are amended to read as follows:

(c) Notice provided under this section must be:

(1) sent by a qualified delivery method [~~certified or registered mail, return receipt requested~~]; and

(2) addressed to the record holder of the claim at the record holder's last known post office address.

(d) The following shall be filed with the clerk of the court in which the letters testamentary or of administration were issued:

(1) a copy of each notice and of each return receipt or other proof of delivery receipt; and

(2) the personal representative's affidavit stating:

(A) that the notice was sent [~~mailed~~] as required by law; and

(B) the name of the person to whom the notice was sent [~~mailed~~], if that name is not shown on the notice or receipt.

SECTION 31. Section 308.054(a), Estates Code, is amended to read as follows:

(a) At any time before an estate administration is closed, a personal representative may give notice by a qualified delivery method [~~certified or registered mail, return receipt requested~~] to an unsecured creditor who has a claim for money against the estate.

SECTION 32. Section 356.105(a), Estates Code, is amended to read as follows:

(a) A successful bid or contract for the sale of estate personal property shall be reported to the court. The laws regulating the approval or disapproval of a sale of real estate apply to the sale, except that a conveyance is not required.

SECTION 33. Section 356.654(b), Estates Code, is amended to read as follows:

(b) Before purchasing estate property as authorized by Subsection (a), the personal representative shall give notice of the purchase by a qualified delivery method [~~certified mail, return receipt requested~~], unless the court requires another form of notice, to:

(1) each distributee of the estate; and

(2) each creditor whose claim remains unsettled after being presented within six months of the date letters testamentary or of administration are originally granted.

SECTION 34. Section 361.052(b), Estates Code, is amended to read as follows:

(b) If a personal representative, as executor or administrator, fails to timely file the affidavit or certificate required by Section 308.004, the court, on the court's own motion, may remove the personal representative after providing 30 days' written notice to the personal representative to answer at a time and place set in the notice, by a qualified delivery method [~~certified mail, return receipt requested~~] to:

(1) the representative's last known address; and

(2) the last known address of the representative's attorney of record.

SECTION 35. Sections 362.005(b) and (c), Estates Code, are amended to read as follows:

(b) Citation issued under Subsection (a) must:

(1) contain:

(A) a statement that an account for final settlement has been presented;

(B) the time and place the court will consider the account; and

(C) a statement requiring the person cited to appear and contest the account, if the person wishes to contest the account; and

(2) be given to each heir or distributee of the decedent by a qualified delivery method [~~certified mail, return receipt requested,~~] unless the court by written order directs another method of service to be given.

(c) The personal representative shall also provide to each person entitled to citation under Subsection (b) a copy of the account for final settlement either by:

- (1) a qualified delivery method [~~certified mail, return receipt requested,~~]; or
- (2) electronic delivery, including facsimile or e-mail.

SECTION 36. Section 403.056(a), Estates Code, is amended to read as follows:

(a) Notice to the independent executor required by Sections 403.052 and 403.055 must be contained in:

(1) a written instrument that complies with Section 355.004 and is sent by a qualified delivery method [~~hand delivered with proof of receipt, or mailed by certified mail, return receipt requested with proof of receipt,~~] to the independent executor or the executor's attorney;

(2) a pleading filed in a lawsuit with respect to the claim; or

(3) a written instrument that complies with Section 355.004 or a pleading filed in the court in which the administration of the estate is pending.

SECTION 37. Section 404.0035(a), Estates Code, is amended to read as follows:

(a) The probate court, on the court's own motion, may remove an independent executor appointed under this subtitle after providing 30 days' written notice of the court's intention to the independent executor, requiring answering at a time and place set in the notice, by a qualified delivery method [~~certified mail, return receipt requested,~~] to the independent executor's last known address and to the last known address of the independent executor's attorney of record, if the independent executor:

(1) neglects to qualify in the manner and time required by law;

(2) fails to return, before the 91st day after the date the independent executor qualifies, either an inventory of the estate property and a list of claims that have come to the independent executor's knowledge or an affidavit in lieu of the inventory, appraisal, and list of claims, unless that deadline is extended by court order; or

(3) fails to timely file the affidavit or certificate required by Section 308.004.

SECTION 38. Section 452.006(a), Estates Code, is amended to read as follows:

(a) On the date the county clerk issues letters of temporary administration:

(1) the county clerk shall post on the courthouse door a notice of the appointment to all interested persons; and

(2) the appointee shall notify, by a qualified delivery method [~~certified mail, return receipt requested,~~], the decedent's known heirs of the appointment.

SECTION 39. Section 453.003(a), Estates Code, is amended to read as follows:

(a) If there is no qualified executor or administrator of a deceased spouse's estate, the surviving spouse, as the surviving partner of the marital partnership, may:

(1) sue and be sued to recover community property;

(2) sell, mortgage, lease, and otherwise dispose of community property to pay community debts, for which a portion of community property is liable for payment;

- (3) collect claims due to the community estate; and
- (4) exercise other powers as necessary to:

- (A) preserve the community property;

- (B) discharge community obligations, for which a portion of community property is liable for payment; and

- (C) wind up community affairs.

SECTION 40. Section 453.006, Estates Code, is amended to read as follows:

Sec. 453.006. ACCOUNT OF ~~[COMMUNITY]~~ DEBTS AND DISPOSITION OF COMMUNITY PROPERTY. (a) The surviving spouse shall keep a fair and full account and statement of:

- (1) all ~~[community]~~ debts and expenses paid by the surviving spouse; and
- (2) the disposition made of the community property.

(b) The surviving spouse or personal representative shall keep a separate, distinct account of all ~~[community]~~ debts allowed or paid in the administration and settlement of an estate described by Section 101.052 ~~[Sections 101.052(a) and (b)]~~.

SECTION 41. Section 453.007, Estates Code, is amended to read as follows:

Sec. 453.007. DELIVERY OF COMMUNITY ESTATE ON FINAL PARTITION. On final partition of the community estate, the surviving spouse shall deliver to the deceased spouse's heirs or devisees their interest in the estate, and the increase in and profits of the interest, after deducting from the interest:

- (1) the proportion of the ~~[community]~~ debts chargeable to the interest;
- (2) unavoidable losses;
- (3) necessary and reasonable expenses; and
- (4) a reasonable commission for the management of the interest.

SECTION 42. The heading to Section 453.009, Estates Code, is amended to read as follows:

Sec. 453.009. DISTRIBUTION OF POWERS BETWEEN PERSONAL REPRESENTATIVE AND SURVIVING SPOUSE DURING ADMINISTRATION.

SECTION 43. Section 453.009(b), Estates Code, is amended to read as follows:

(b) During administration of a deceased spouse's estate, the ~~[The]~~ surviving spouse, as surviving partner of the marital partnership, is entitled to:

- (1) retain possession and control of the community property that was legally under the sole management of the surviving spouse during the marriage; and
- (2) exercise over that property any power this chapter authorizes the surviving spouse to exercise as if there is no administration pending on the deceased spouse's estate.

SECTION 44. Section 501.003(b), Estates Code, is amended to read as follows:

(b) For an application described by Section 501.002(b), a citation shall be issued and served by a qualified delivery method ~~[registered or certified mail]~~ on each devisee and heir identified in the application.

SECTION 45. Section 505.005(a), Estates Code, is amended to read as follows:

(a) On receipt of a notice or process described by Section 505.004(a)(2), the secretary of state shall promptly forward the notice or process by a qualified delivery method ~~[registered or certified mail]~~ to the officer, agent, or other person designated by the foreign corporate fiduciary under Section 505.004 to receive the notice or process.

SECTION 46. Section 505.101(a), Estates Code, is amended to read as follows:

(a) On giving notice by a qualified delivery method [~~registered or certified mail~~] to all creditors of a decedent in this state who have filed a claim against the decedent's estate for a debt due to the creditor, a foreign executor or administrator of a person who was a nonresident at the time of death may maintain a suit in this state for the recovery of debts due to the decedent.

SECTION 47. Section 551.005(b), Estates Code, is amended to read as follows:

(b) The clerk of a court that orders an executor or administrator to pay funds to the comptroller under Section 551.001 shall provide to the comptroller, by a qualified delivery method [~~certified mail~~] or e-mail, a certified copy of the court order not later than the fifth day after the date the order is issued.

SECTION 48. Sections 51.052(b), (c), (d), (e), (f), and (g), 51.055(a), 51.056, 51.103(b), 56.002(b), 113.251(c), 202.051, 202.203, 305.001, 305.002, 305.003, 305.051, 305.052, 305.053, 305.055, 308.002(d), 308.051(a), 308.053(c) and (d), 308.054(a), 356.654(b), 361.052(b), 362.005(b) and (c), 403.056(a), 404.0035(a), 452.006(a), 501.003(b), 505.005(a), 505.101(a), and 551.005(b), Estates Code, as amended by this Act, apply only to an action filed or proceeding commenced on or after the effective date of this Act.

SECTION 49. The amendments of this Act to Sections 101.052, 202.005, 202.151(b) and (c), 251.053, 356.105(a), 453.003(a), 453.006, 453.007, and 453.009, Estates Code, are intended to clarify rather than change existing law.

SECTION 50. Section 113.001, Estates Code, as amended by this Act, applies to an account established before, on, or after the effective date of this Act.

SECTION 51. Section 113.251(c), Estates Code, as amended by this Act, applies only to multiple-party accounts created or existing on or after the effective date of this Act.

SECTION 52. Section 202.056, Estates Code, as amended by this Act, applies only to a proceeding to declare heirship commenced on or after the effective date of this Act. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 53. Section 202.151(d), Estates Code, as added by this Act, applies only to a proceeding to declare heirship commenced on or after the effective date of this Act. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 54. Sections 258.002(d) and (e), Estates Code, as added by this Act, apply only to an application for the probate of a will filed on or after the effective date of this Act. An application for the probate of a will filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 55. Section 304.003, Estates Code, as amended by this Act, applies only to an application for letters testamentary or for letters of administration filed on or after the effective date of this Act. An application for letters testamentary or for



letters of administration filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 56. This Act takes effect September 1, 2023.

### Floor Amendment No. 1

Amend **CSSB 1373** (house committee printing) by striking page 13, line 5, through page 14, line 8, and substituting the following:

SECTION 19. Section 304.003, Estates Code, is amended to read as follows:

Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR ADMINISTRATOR. (a) Except as provided by Subsection (b), a [A] person is not qualified to serve as an executor or administrator if the person is:

(1) incapacitated;

(2) a felon convicted under the laws of the United States or of any state of the United States unless, in accordance with law, the person has been pardoned or has had the person's civil rights restored;

(3) a nonresident of this state who:

(A) is a natural person or corporation; and

(B) has not:

(i) appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate; or

(ii) had that appointment filed with the court;

(4) a corporation not authorized to act as a fiduciary in this state; or

(5) a person whom the court finds unsuitable.

(b) A person described by Subsection (a)(2) is not disqualified from serving as an executor of a decedent's estate under Subsection (a)(2) if:

(1) the person is named as executor in the decedent's will;

(2) the person is otherwise qualified to serve as an executor; and

(3) the court approves the person serving as an executor.

The amendments were read.

Senator Hughes moved to concur in the House amendments to **SB 1373**.

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

Absent-excused: Eckhardt.

### SENATE BILL 1603 WITH HOUSE AMENDMENT

Senator Hughes called **SB 1603** from the President's table for consideration of the House amendment to the bill.

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

### Floor Amendment No. 1

Amend **SB 1603** (house committee report) as follows:

(1) On page 1, lines 13 and 14, strike "under an abuse of discretion standard" and substitute "de novo".

(2) On page 1, line 14, immediately following the underlined period, insert "If the supreme court concludes that the requirements to permit an appeal under Subsection (d) are satisfied, the court may direct the court of appeals to accept the appeal."

The amendment was read.

Senator Hughes moved to concur in the House amendment to **SB 1603**.

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

Absent-excused: Eckhardt.

### **SENATE BILL 1484 WITH HOUSE AMENDMENT**

Senator Creighton called **SB 1484** from the President's table for consideration of the House amendment to the bill.

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

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

Amend **SB 1484** (house committee printing) on page 2, line 5, between "activity" and the underlined semicolon, insert ", including the provision of services to victims of trafficking".

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 1484**.

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

Absent-excused: Eckhardt.

### **SENATE BILL 1732 WITH HOUSE AMENDMENT**

Senator Hancock called **SB 1732** from the President's table for consideration of the House amendment to the bill.

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

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

Amend **SB 1732** as follows:

On page 1, strike lines 12 and 13 and substitute the following:

(2) made available to the public;

(3) not intended primarily for private use; and

(4) funded through public grants or state rebate programs.

The amendment was read.

Senator Hancock moved to concur in the House amendment to **SB 1732**.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Hall, Hughes, Middleton, Springer.

Absent-excused: Eckhardt.

### SENATE BILL 840 WITH HOUSE AMENDMENT

Senator West called **SB 840** from the President's table for consideration of the House amendment to the bill.

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

#### Floor Amendment No. 1

Amend **SB 840** (house committee report) on page 2, line 27, by striking "performing a service in the hospital" and substituting "located on hospital property, including all land and buildings owned or leased by the hospital".

The amendment was read.

Senator West moved to concur in the House amendment to **SB 840**.

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

Absent-excused: Eckhardt.

### SENATE RULES SUSPENDED

On motion of Senator Hughes and by unanimous consent, Senate Rule 8.02 and Senate Rule 22.01 were suspended to permit the immediate consideration of a resolution amending the Permanent Rules of the Senate.

### SENATE RESOLUTION 557

Senator Hughes offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Permanent Rules of the Senate, 88th Legislature, be amended by amending Rule 5.14(b) to read as follows:

(b) Before the 126th [~~130th~~] calendar day of the regular session, the Senate may not suspend the regular order of business and take up a bill, joint resolution, or resolution until the second day the bill, joint resolution, or resolution has been posted on the Intent Calendar.

**SR 557** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Eckhardt.

### SENATE BILL 604 WITH HOUSE AMENDMENT

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

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

#### Floor Amendment No. 1

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

(1) Strike page 1, line 9, through page 2, line 7, and substitute the following:

(1) "Land services":

(A) means the performance or supervision of one or more of the following activities:

(i) negotiating the acquisition or divestiture of mineral rights or rights associated with other energy sources;

(ii) negotiating business agreements or easements to provide for the exploration for or development of minerals or other energy sources;

(iii) ascertaining ownership in mineral rights or rights associated with other energy sources and related real property through the research of public and private records;

(iv) reviewing the status of title, curing title defects, providing title due diligence, and otherwise reducing title risk associated with the ownership, acquisition, or divestiture of mineral rights, property associated with minerals, or rights associated with other energy sources, excluding:

(a) administrative functions;

(b) division order functions; and

(c) lease analyst functions;

(v) managing rights or obligations derived from ownership of interests in minerals or rights associated with other energy sources; or

(vi) using or pooling mineral interests or rights associated with other energy sources; and

(B) does not include determining, examining, or reviewing the status of title in connection with transactions that are primarily for:

(i) the sale, purchase, or encumbrance of the surface of the land unassociated with mineral rights or other energy sources; or

(ii) the mortgage of real property used or intended to be used primarily for residential purposes.

(2) Strike page 2, line 25, through page 4, line 5, and renumber subsequent SECTIONS of the bill accordingly.

The amendment was read.

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

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

Absent-excused: Eckhardt.

### SENATE BILL 763 WITH HOUSE AMENDMENTS

Senator Middleton called **SB 763** from the President's table for consideration of the House amendments to the bill.

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

#### Floor Amendment No. 1

Amend **SB 763** (house committee report) as follows:

(1) On page 1, between lines 8 and 9, insert the following:

Sec. 23.001. DEFINITION. In this chapter, "chaplain" means a person who is endorsed by an organization recognized by the United States Department of Defense, the Federal Bureau of Prisons, or the Texas Department of Criminal Justice to endorse chaplains.

(2) On page 1, line 9, strike "23.001" and substitute "23.002".

**Floor Amendment No. 5**

Amend **SB 763** (house committee report) as follows:

(1) On page 1, line 9, between "CHAPLAINS." and "A", insert "(a)".

(2) On page 1, between lines 15 and 16, insert the following appropriately lettered subsection:

( ) A school district or open-enrollment charter school may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

**Floor Amendment No. 7**

Amend **SB 763** (house committee report) as follows:

(1) On page 1, line 15, add Subsection (b) to read as follows:

(b) a school district that employs a chaplain or engages a chaplain as a volunteer under this chapter, must ensure the chaplain complies with the provisions of 22.0833 prior to commencement of employment or volunteering.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 763** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Middleton, Chair; Creighton, Bettencourt, King, and Paxton.

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

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 3956** upon adjournment today in the Senate Chamber.

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

On motion of Senator Hancock and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs might meet at 9:00 a.m. tomorrow in the Press Room, 2E.9.

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

On motion of Senator Bettencourt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Local Government might meet and consider **HJR 134** at 8:30 a.m. tomorrow in Room E1.028.

**CONFERENCE COMMITTEE REPORT ON**  
**SENATE BILL 1238**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas  
May 11, 2023

Honorable Dan Patrick  
President of the Senate  
  
Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1238** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS  
SCHWERTNER  
KING  
ZAFFIRINI  
JOHNSON  
On the part of the Senate

ASHBY  
BAILES  
CORTEZ  
K. KING  
ROSE  
On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to broadband development.

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

SECTION 1. Sections 490I.0101(a) and (b), Government Code, are amended to read as follows:

(a) For purposes of this chapter, subject to Subsection (b), "broadband service" means Internet service with the capability of providing a:

(1) ~~[a download]~~ speed of not less than 25 megabits per second for a download ~~[or faster]; and~~

(2) ~~[an upload]~~ speed of not less than three megabits per second for an upload; and

(3) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements ~~[or faster].~~

(b) If the Federal Communications Commission adopts standards ~~[upload or download threshold speeds]~~ for advanced telecommunications capability under 47 U.S.C. Section 1302 that are different than those specified by Subsection (a), the

comptroller by rule may require Internet service to be capable of matching the providing download or upload speeds that match that federal standards ~~threshold~~ in order to qualify under this chapter as "broadband service."

SECTION 2. Sections 490I.0105(a), (b), (c), (d), (f), (k), (l), (n), (o), and (p), Government Code, are amended to read as follows:

(a) The broadband development office shall create, update annually, and publish on the comptroller's Internet website a map classifying each broadband serviceable location ~~designated area~~ in this state as:

(1) an unserved location ~~eligible area,~~ if:

~~[(A) fewer than 80 percent of the addresses in] the location does not~~ designated area have access to reliable broadband service capable of providing the speeds described by Section 490I.0101(a); and

~~[(B) the federal government has not awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area; or]~~

(2) an underserved location ~~ineligible area,~~ if the location is not an unserved location but does not:

~~[(A) 80 percent or more of the addresses in the designated area] have access to reliable broadband service with the capability of providing:~~

~~(A) a speed of not less than 100 megabits per second for a download;~~

~~(B) a speed of not less than 20 megabits per second for an upload; and~~

~~(C) a network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements; or~~

(3) a served location if the location is neither an unserved nor an underserved location ~~[(B) the federal government has awarded funding under a competitive process to support the deployment of broadband service to addresses in the designated area].~~

(b) The comptroller by rule may establish new threshold speeds for a location to qualify as an underserved location if the comptroller has required Internet service to be capable of matching federal standards to qualify as broadband service under Section 490I.0101(b) ~~[determine the scope of a designated area under Subsection (a)].~~

(c) After creation of the initial map described in Subsection (a), the office may evaluate the usefulness of the standards for unserved and underserved locations ~~eligible and ineligible areas~~ outlined in Subsection (a) and, if appropriate, make a recommendation to the legislature to revise the standards.

(d) The map required by Subsection (a) must organize broadband serviceable locations into designated areas and display for each area:

(1) the number of broadband service providers that serve the ~~each designated~~ area;

(2) ~~[for each eligible area,~~ an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service; ~~and]~~

(3) each public school campus ~~[in this state]~~ with an indication of whether the public school campus has access to broadband service; ~~and~~

(4) the number and percentage of unserved, underserved, and served locations within the area.

(f) Except as provided by Subsection (g), the office shall use the best available data, including information available from the Federal Communications Commission, to create or update the map.

(k) A person who contracts under Subsection (i) may not provide services in this state to [for] a broadband provider [in this state] before the second anniversary of the last day the contract is in effect.

(l) The office shall establish criteria for determining whether a broadband serviceable location [designated area] should be reclassified as an unserved or underserved location [eligible area or an ineligible area]. The criteria must include an evaluation of Internet speed test and reliability data [and information on end user addresses. The criteria may also include community surveys regarding the reliability of Internet service, where available].

(n) A broadband service provider or political subdivision may petition the office to reclassify a broadband serviceable location [designated area on the map as an eligible area or ineligible area]. The office shall provide notice of each accepted [the] petition to each affected broadband service provider and political subdivision by posting [that provides broadband service to the designated area and post] notice of the petition on the comptroller's Internet website.

(o) Not later than the 45th day after the date that the office posts [a broadband provider receives] notice under Subsection (n), each affected broadband service [the] provider or political subdivision may [shall] provide information to the office showing whether the broadband serviceable location [designated area] should or should not be reclassified.

(p) Not later than the 75th day after the date that the office posts the [a broadband provider receives] notice under Subsection (n), the office shall determine whether to reclassify the broadband serviceable location [designated area] on the map and update the map as necessary. A determination made by the office under this subsection is not a contested case for purposes of Chapter 2001.

SECTION 3. Section 490I.0106, Government Code, is amended to read as follows:

Sec. 490I.0106. BROADBAND DEVELOPMENT PROGRAM. (a) The broadband development office shall establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to and adoption of broadband service [in designated areas determined to be eligible areas by the office under Section 490I.0105].

(a-1) The office may award grants, low-interest loans, and other financial incentives to applicants for eligible broadband infrastructure projects designed to provide qualifying broadband service to unserved and underserved locations. For the purposes of this subsection, an eligible broadband infrastructure project includes a project in which not less than 80 percent of the broadband serviceable locations to be served by the project are unserved and underserved locations.

(a-2) The office may award grants, low-interest loans, and other financial incentives to applicants for middle-mile broadband infrastructure projects.

(a-3) The office may award grants, low-interest loans, and other financial incentives to applicants for projects not involving the deployment of broadband infrastructure that expand the accessibility, affordability, or adoption of broadband



service, including education, training, community outreach, remote learning or telehealth facilities, equipment purchases, or any other use permitted by the applicable funding source.

(b) The office shall establish eligibility and award ~~[and publish]~~ criteria for making awards under this chapter for each applicable notice of funds availability. The comptroller by rule may prescribe the manner in which the office shall provide notice to applicants of the applicable criteria ~~[Subsection (a)]~~. In establishing eligibility and award criteria, the ~~[The]~~ office shall:

(1) take into consideration grants and other financial incentives awarded by the federal government for the deployment of broadband service ~~[in a designated area];~~

(2) prioritize the applications of applicants that will expand access to and adoption of broadband service in designated ~~[eligible]~~ areas in which the highest ~~[lowest]~~ percentage of broadband serviceable locations are unserved or underserved locations; ~~[addresses have access to broadband service; and]~~

(3) prioritize the applications of applicants that will expand access to broadband service in public and private primary and secondary schools and institutions of higher education;

(4) give preference to an applicant that provided the information requested by the office under Section 490I.0105 or 490I.01061; and

(5) take into consideration whether an applicant has forfeited federal funding for defaulting on a project to deploy qualifying broadband service.

(c) Notwithstanding Subsection (b)(2), the office may establish criteria that take into account a cost benefit analysis for awarding money to the ~~[eligible]~~ areas described by that subdivision.

(d) The office may not:

(1) except as provided by Section 490I.01062, favor a particular broadband technology in awarding grants, loans, or other financial incentives;

(2) ~~[award grants, loans, or other financial incentives to a broadband provider that does not report information requested by the office under Section 490I.0105;~~

~~[(3)]~~ award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for a broadband serviceable location ~~[an eligible area]~~ if an eligible ~~[a]~~ commercial provider of broadband service has submitted an application for the same location; ~~[eligible area; or]~~

(3) ~~[(4)]~~ take into consideration distributions from the state universal service fund established under Section 56.021, Utilities Code, when deciding to award grants, loans, or other financial incentives; or

(4) except as provided by Section 490I.01061, award a grant, loan, or other financial incentive for deployment of last-mile broadband service for a location that is subject to a federal commitment to deploy qualifying broadband service on the date the application is submitted or during the application process.

(e) The office shall:

(1) post on the comptroller's Internet website information about the application process and the receipt of awards and shall update that information as necessary; and

(2) post on the comptroller's Internet website for at least 30 days information from each accepted application, including the applicant's name, the area targeted for expanded broadband service access or adoption by the application, and any other information the office considers relevant or necessary~~[, for a period of at least 30 days before the office makes a decision on the application].~~

(f) During the 30-day posting period described by Subsection (e) for an application, the office shall accept from any interested party, other than a broadband service provider that does not report information requested by the office under Section 490I.0105 or 490I.01061, a written protest of the application relating to whether the applicant or project is eligible for an award or should not receive an award based on the criteria prescribed by the office.

(g) Notwithstanding any deadline for submitting an application, if the office upholds a protest submitted under Subsection (f) on the grounds that one or more of the broadband serviceable locations are not eligible to receive funding under this chapter ~~[addresses in an eligible area subject to the application have access to broadband service]~~, the applicant may resubmit the application without the challenged locations ~~[addresses]~~ not later than 30 days after the date that the office upheld the protest.

(h) The office shall establish and publish criteria for award recipients. The criteria must include requirements that grants, loans, and other financial incentives awarded through the program for the deployment of broadband infrastructure may be used only for capital expenses, purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service.

(i) An award granted under this section does not affect the eligibility of a telecommunications provider to receive support from the state universal service fund under Section 56.021, Utilities Code.

SECTION 4. Chapter 490I, Government Code, is amended by adding Sections 490I.01061 and 490I.01062 to read as follows:

Sec. 490I.01061. EXISTING FEDERAL FUNDING; REPORTING REQUIREMENTS. (a) The broadband development office may award a grant, loan, or other financial incentive for deployment of last-mile broadband service for a location that is subject to a federal commitment to deploy qualifying broadband service if:

(1) federal funding is forfeited or the recipient of the federal funding is disqualified from receiving the funding; and

(2) the location otherwise may receive funding under the program.

(b) An applicant for an award under this chapter that has been awarded federal funding directly and has entered into an enforceable commitment to deploy broadband services in a location shall provide to the office information the office may require regarding:

(1) the existing enforceable commitment; and

(2) the proposed deployment of broadband.

Sec. 490I.01062. FIBER OPTIC PREFERENCE. (a) The broadband development office shall prioritize broadband infrastructure projects that connect each end-user location using end-to-end fiber optic facilities that meet speed, latency, reliability, consistency, scalability, and related criteria as the office shall determine for each applicable notice of funds availability.

(b) The office may consider an application for a broadband infrastructure project that does not employ end-to-end fiber optic facilities if the use of an alternative technology:

- (1) is proposed for a high cost area;
- (2) may be deployed at a lower cost; or
- (3) meets the criteria established by the office under Subsection (a).

SECTION 5. Section 490I.0107(b), Government Code, is amended to read as follows:

(b) In developing the state broadband plan, the office shall:

(1) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services and technology access;

~~(2) [consider the policy recommendations of the governor's broadband development council];~~

~~[(3)] favor policies that are technology-neutral and protect all members of the public;~~

~~(3) [(4)] explore state and regional approaches to broadband development;~~  
and

~~(4) [(5)] examine broadband service needs related to:~~

~~(A) public safety, including the needs of state agencies involved in the administration of criminal justice, as that term is defined by Article 66.001, Code of Criminal Procedure;~~

~~(B) public education and state and local education agencies, including any agency involved in the electronic administration of an assessment instrument required under Section 39.023, Education Code; and~~

~~(C) public health, including the needs of state agencies involved in the administration of public health initiatives such as the Health and Human Services Commission and the Department of State Health Services.~~

SECTION 6. Sections 490I.0110(b), (h), and (i), Government Code, are amended to read as follows:

(b) The broadband development office board of advisors is composed of 10 members, appointed as follows:

(1) two members appointed by the governor, including:

(A) one member to represent the Texas Economic Development and Tourism Office; and

(B) one member of the public with experience in telecommunications  
~~or [to represent nonprofit corporations that work on the expansion, adoption, affordability, and use of] broadband service;~~

(2) three members appointed by the lieutenant governor, including:

(A) one member who resides in an urban area;

(B) one member to represent the public primary and secondary education community; and

(C) one member who resides in a county that:

(i) is adjacent to an international border;

(ii) is located not more than 150 miles from the Gulf of Mexico;

and

(iii) has a population of more than 60,000;

(3) three members appointed by the speaker of the house of representatives, including:

(A) one member who resides in a rural area;

(B) one member to represent the health and telemedicine industry; and

(C) one member to represent the public higher education community;

(4) the comptroller or the comptroller's designee; and

(5) one nonvoting member appointed by the broadband development office to represent the office.

(h) ~~The [Beginning one year after the effective date of the Act enacting this chapter, the]~~ board of advisors shall meet at least semiannually ~~[once every other month]~~ with representatives from the broadband development office for the purpose of advising the work of the office in implementing the provisions of this chapter.

(i) A person who is professionally affiliated with a person serving as a member of the board of advisors is not eligible for funding from the broadband development program under Section 490I.0106 if the member is involved in decisions regarding the award of grants, loans, or other financial incentives under that section.

SECTION 7. The following provisions of the Government Code are repealed:

(1) Section 490I.0101(c); and

(2) Section 490I.0105(m).

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1238** was filed with the Secretary of the Senate.

### **CO-AUTHOR OF SENATE BILL 758**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 758**.

### **CO-AUTHOR OF SENATE BILL 1195**

On motion of Senator Hughes, Senator Creighton will be shown as Co-author of **SB 1195**.

### **CO-AUTHOR OF SENATE BILL 1613**

On motion of Senator Perry, Senator Sparks will be shown as Co-author of **SB 1613**.

**CO-AUTHOR OF SENATE BILL 1675**

On motion of Senator Johnson, Senator Perry will be shown as Co-author of **SB 1675**.

**CO-AUTHOR OF SENATE BILL 1719**

On motion of Senator Zaffirini, Senator LaMantia will be shown as Co-author of **SB 1719**.

**CO-AUTHOR OF SENATE BILL 2029**

On motion of Senator Creighton, Senator Sparks will be shown as Co-author of **SB 2029**.

**CO-SPONSOR OF HOUSE BILL 4**

On motion of Senator Hughes, Senator Creighton will be shown as Co-sponsor of **HB 4**.

**CO-SPONSORS OF HOUSE BILL 59**

On motion of Senator Zaffirini, Senators Blanco and Perry will be shown as Co-sponsors of **HB 59**.

**CO-SPONSORS OF HOUSE BILL 242**

On motion of Senator Zaffirini, Senators Blanco, Hinojosa, and Whitmire will be shown as Co-sponsors of **HB 242**.

**CO-SPONSOR OF HOUSE BILL 567**

On motion of Senator Miles, Senator Whitmire will be shown as Co-sponsor of **HB 567**.

**CO-SPONSOR OF HOUSE BILL 916**

On motion of Senator Paxton, Senator Huffman will be shown as Co-sponsor of **HB 916**.

**CO-SPONSOR OF HOUSE BILL 1488**

On motion of Senator Miles, Senator Whitmire will be shown as Co-sponsor of **HB 1488**.

**CO-SPONSORS OF HOUSE BILL 1575**

On motion of Senator Kolkhorst, Senators Blanco, King, Middleton, and Paxton will be shown as Co-sponsors of **HB 1575**.

**CO-SPONSOR OF HOUSE BILL 1605**

On motion of Senator Creighton, Senator Paxton will be shown as Co-sponsor of **HB 1605**.

**CO-SPONSOR OF HOUSE BILL 1760**

On motion of Senator Hughes, Senator Creighton will be shown as Co-sponsor of **HB 1760**.

**CO-SPONSOR OF HOUSE BILL 1809**

On motion of Senator Kolkhorst, Senator Hinojosa will be shown as Co-sponsor of **HB 1809**.

**CO-SPONSOR OF HOUSE BILL 2209**

On motion of Senator Hinojosa, Senator Blanco will be shown as Co-sponsor of **HB 2209**.

**CO-SPONSORS OF HOUSE BILL 3287**

On motion of Senator LaMantia, Senators Birdwell, Perry, Schwertner, and West will be shown as Co-sponsors of **HB 3287**.

**CO-SPONSOR OF HOUSE BILL 3297**

On motion of Senator Middleton, Senator Schwertner will be shown as Co-sponsor of **HB 3297**.

**CO-SPONSOR OF HOUSE BILL 3474**

On motion of Senator Hughes, Senator Hinojosa will be shown as Co-sponsor of **HB 3474**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 548** by Blanco, In memory of Elena Peña Gallego.

**SR 551** by Perry, In memory of Nina Lee Green Sinclair.

**SR 552** by Perry, In memory of the life of Noel Keith White.

**SR 556** by Eckhardt, In memory of Lee Brooks Wilson.

**Congratulatory Resolution**

**SR 555** by Eckhardt, Recognizing Roman Alexander Davis for achieving the rank of Eagle Scout.

**Official Designation Resolution**

**SR 550** by Paxton, Recognizing May 13, 2023, as Falun Dafa Day.

**RECESS**

On motion of Senator Whitmire, the Senate at 5:02 p.m. recessed until 10:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

May 11, 2023

**BUSINESS AND COMMERCE — CSHB 2194**

**LOCAL GOVERNMENT — CSHB 2121**

**BUSINESS AND COMMERCE — CSHB 679**

**TRANSPORTATION — HB 659, HB 898, HB 1275, HB 1277, HB 1964, HB 2083, HB 2921, HB 3125, HB 3643, HB 3989, HB 4797, HB 1263, SB 2376, HB 2901, HB 627, HB 628, HB 1846, HB 1885, CSHB 3099, HB 2195**

**LOCAL GOVERNMENT — CSSB 2526, CSSB 2521**

**CRIMINAL JUSTICE — HB 28, HB 165, HB 393, HB 517, HB 541, HB 568, HB 1221, HB 1826, HB 2251, HB 2306, HB 2708, HB 3075**

**HEALTH AND HUMAN SERVICES — HB 711, HB 730**

**TRANSPORTATION — CSHB 282**

**LOCAL GOVERNMENT — CSHB 1195**

**HEALTH AND HUMAN SERVICES — HB 1890, HB 4332, HB 4331, HB 4166, HB 2802, HB 2059, HB 728, HB 63**

**BILLS ENGROSSED**

May 11, 2023

**SB 833, SB 1117, SB 1438, SB 1787, SB 1836, SB 2570, SB 2620**

**BILLS AND RESOLUTIONS ENROLLED**

May 11, 2023

**SB 58, SB 68, SB 294, SB 435, SB 602, SB 604, SB 840, SB 888, SB 1021, SB 1319, SB 1373, SB 1401, SB 1457, SB 1484, SB 1603, SB 1650, SB 1732, SB 2085, SR 529, SR 547, SR 548, SR 549, SR 550, SR 551, SR 552, SR 554, SR 555, SR 556, SR 557**

**SENT TO GOVERNOR**

May 11, 2023

**SB 63, SB 65, SB 188, SB 347, SB 371, SB 380, SB 502, SB 578, SB 656, SB 702, SB 760, SB 850, SB 869, SB 870, SB 1088, SB 1097, SB 1112, SB 1187, SB 1191, SB 1243, SB 1260, SB 1343, SB 1371, SB 1524, SB 1598, SB 1766, SB 1778, SB 1841, SB 1887, SB 2057, SB 2158, SB 2196, SB 2571, SB 2580, SB 2603, SCR 31**

