

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTY-EIGHTH DAY**

(Monday, May 22, 2023)

The Senate met at 10:55 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, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

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

Pastor Betsy Buhler, Community Bible Church, San Antonio, offered the invocation as follows:

Thank You, God, for this day and for Your promises. Your word says in 2 Corinthians 5:7, We live by faith not by sight. These days are challenging and unknown, but I am thankful for the men and women in this room who care about our state and country. I pray that You give each one the wisdom, knowledge, clarity, and peace in all the plans and decisions that are set before them today. I pray these men and women take time to rest in the midst of decisions, pressures, and especially this high calling. I pray for joy in the journey You have each one traveling on now. I pray blessings over this building and each one who enters. I pray as men and women serve here today at the Capitol that You watch over their homes and be ever so present with their loved ones. I pray that You guard, guide, and protect our military and first responders who sacrificially stand in the gap for us as individuals and our nation. Let us never forget the ones who have laid down their lives so we may live freely, and we continue to ask that You be with their families. Our hope is built on the solid rock and in You, God, we trust. With respect to all beliefs, I pray in the precious name of Jesus. 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.

**GUEST PRESENTED**

Senator Campbell was recognized and introduced to the Senate Pastor Betsy Buhler, Community Bible Church.

The Senate welcomed its guest.

**PHYSICIAN OF THE DAY**

Senator Hinojosa was recognized and presented Dr. Chris Casso of McAllen as the Physician of the Day.

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

**SENATE RESOLUTION 626**

Senator Gutierrez offered the following resolution:

**SR 626**, Recognizing Rod Ponton for his contributions to West Texas.

GUTIERREZ  
BLANCO

The resolution was read and was adopted without objection.

**GUEST PRESENTED**

Senator Gutierrez was recognized and introduced to the Senate Rod Ponton.

The Senate welcomed its guest.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1188 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 1188**. The Conference Committee Report was filed with the Senate on Thursday, May 18, 2023.

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

**SENATE BILL 48 WITH HOUSE AMENDMENT**

Senator Zaffirini called **SB 48** 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 48** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) In this section:

(1) "Office" means the Office of Court Administration of the Texas Judicial System.

(2) "Protective order" means any order that is issued or rendered by a court and that prohibits a person from engaging in certain specified conduct directed toward another person or property, including:

(A) a protective order under Title 4, Family Code;

(B) a temporary restraining order under Section 6.501, Family Code, or a protective order under Section 6.504, Family Code;

(C) a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure; and

(D) a protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure.

(b) The office shall conduct a study on the effectiveness of protective orders in protecting victims of violence in this state.

(c) Notwithstanding any other law, the Department of Public Safety shall assist the office in conducting the study required by this section by providing the office criminal history records at the time and in the form requested by the office.

(d) The office shall create a report based on the study conducted under this section. The report must include:

(1) an evaluation of the effectiveness of protective orders in protecting victims of violence in this state by deterring the person who is the subject of the order from engaging in the conduct prohibited under those orders; and

(2) legislative recommendations on methods to improve the enforcement of protective orders in this state.

(e) Not later than September 1, 2024, the office shall submit the report required under Subsection (c) of this section to the governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature.

(f) This section expires January 1, 2025.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 48**.

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

### **SENATE BILL 614 WITH HOUSE AMENDMENT**

Senator Perry called **SB 614** 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 614** (house committee printing) on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 264.017, Family Code, is amended by adding Subsection (f) to read as follows:

(f) In addition to the other reports required by this section, the department shall publish a monthly report containing the following information for the preceding month with respect to parental child safety placement agreements:

(1) the number of children placed under a parental child safety placement agreement;

(2) the average duration of a placement under a parental child safety placement agreement;

(3) the average duration of a placement under a parental child safety placement agreement during an investigation; and

(4) the percentage of children removed from a placement under a parental child safety placement agreement and placed in the managing conservatorship of the department.

The amendment was read.

Senator Perry moved to concur in the House amendment to **SB 614**.

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

### **SENATE BILL 2040 WITH HOUSE AMENDMENTS**

Senator Springer called **SB 2040** 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 2040** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission, the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities, and the creation of the State Anatomical Advisory Committee; requiring registration; authorizing fees; authorizing an administrative penalty.

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

ARTICLE 1. STATE ANATOMICAL ADVISORY COMMITTEE; TEXAS  
FUNERAL SERVICE COMMISSION

SECTION 1.01. The heading to Chapter 691, Health and Safety Code, is amended to read as follows:

CHAPTER 691. DONATION OF BODIES AND ANATOMICAL SPECIMENS  
~~[ANATOMICAL BOARD OF THE STATE OF TEXAS]~~

SECTION 1.02. The heading to Subchapter A, Chapter 691, Health and Safety Code, is amended to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS; STATE [ORGANIZATION OF]  
ANATOMICAL ADVISORY COMMITTEE [BOARD OF THE STATE OF TEXAS]

SECTION 1.03. Section 691.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (4), (5), and (6) to read as follows:

(1) "Advisory committee [Board]" means the State Anatomical Advisory Committee [Board of the State of Texas].

(1-a) "Anatomical facility" means a facility in this state inspected and approved by the commission under Section 691.034 that does not operate as a willed body program or a non-transplant anatomical donation organization.

(4) "Commission" means the Texas Funeral Service Commission.

(5) "Non-transplant anatomical donation organization" means a person accredited to engage in the recovery, receipt, screening, testing, processing, storage, or distribution of tissue or human remains for any purpose other than transplantation into a living individual in this state.

(6) "Willed body program" means a program operated at an institution of higher education in this state that allows a living individual to donate the individual's body or anatomical specimen for educational or research purposes.

SECTION 1.04. Section 691.002, Health and Safety Code, is amended to read as follows:

Sec. 691.002. ADVISORY COMMITTEE [COMPOSITION OF BOARD]. (a) The State Anatomical Advisory Committee is established to advise and provide expertise to the commission on matters related to the regulation and operation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities in this state.

(b) The advisory committee is composed of seven members appointed by the commission as follows:

(1) two members who represent institutions of higher education that operate willed body programs;

(2) two members who represent non-transplant anatomical donation organizations;

(3) two members who represent anatomical facilities; and

(4) one public member [The Anatomical Board of the State of Texas is composed of one representative from each school or college of chiropractic, osteopathy, medicine, or dentistry incorporated in this state].

(c) Members of the advisory committee serve two-year terms [~~(b) On March 1 of each odd numbered year, the chief executive officer of each institution described by Subsection (a) shall appoint as the institution's representative on the board one professor of surgery or of basic anatomical sciences who is associated with the institution].~~

(d) An advisory committee member may be reappointed.

(e) [~~(c)~~] Appointments to the advisory committee [board] shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(f) Sections 2110.002 and 2110.008, Government Code, do not apply to the advisory committee.

SECTION 1.05. Section 691.007(c), Health and Safety Code, is redesignated as Section 691.011, Health and Safety Code, and amended to read as follows:

Sec. 691.011. RECORDS. [~~(c)~~] The commission [board] shall keep identification records of each body donated to the commission [board] and of each body or anatomical specimen distributed by the commission [board].

SECTION 1.06. Section 691.008(a), Health and Safety Code, is redesignated as Section 691.012, Health and Safety Code, and amended to read as follows:

Sec. 691.012. FEES. (a) The commission by rule [board] may set and collect fees in amounts reasonable and necessary to cover the cost of administering this chapter, including fees for:

(1) receiving and distributing bodies and anatomical specimens;

(2) conducting inspections and other verification activities authorized under Section 691.034; and

(3) registering willed body programs and non-transplant anatomical donation organizations.

(b) A non-transplant anatomical donation organization is exempt from a fee described by Subsection (a)(1).

SECTION 1.07. Section 691.010, Health and Safety Code, is amended to read as follows:

Sec. 691.010. PUBLIC INFORMATION AND PARTICIPATION; COMPLAINTS. (a) The commission [board] shall prepare information of public interest describing the functions of the commission under this chapter [board] and the commission's [board's] procedures by which complaints are filed with and resolved by the commission [board]. The commission [board] shall make the information available to the public and appropriate state agencies.

(b) The commission [board] by rule shall establish methods by which service recipients can be notified of the name, mailing address, and telephone number of the commission [board] for the purpose of directing complaints to the commission [board]. The commission [board] may provide for that notification by including the information on each written contract relating to bodies willed or donated to an entity regulated by the commission [board] or authorized by the commission [board] to receive bodies.

(c) The commission [board] shall keep an information file about each complaint filed with the commission [board] relating to its functions under this chapter. If a written complaint is filed with the commission [board] relating to a person or an entity regulated by the commission under this chapter [board], the commission [board, at least as frequently as quarterly and until final disposition of the complaint,] shall periodically notify the parties to the complaint of the status of the complaint until final disposition unless notice would jeopardize an undercover investigation.

(d) The commission [board] shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission [board] and to speak on any issue under the jurisdiction of the commission [board].

SECTION 1.08. Section 691.022, Health and Safety Code, is amended to read as follows:

Sec. 691.022. GENERAL DUTIES. (a) The commission [board] shall distribute bodies and anatomical specimens to [institutions and other] persons authorized to receive a body or specimen under this chapter [them]. This subsection does not apply to a body or specimen donated to a registered non-transplant anatomical donation organization.

(b) The commission [board] shall adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the commission [board] or person authorized to receive the body or specimen [an institution represented on the board is treated with respect].

(c) The commission shall adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter, including rules establishing registration and inspection requirements and procedures. The commission may issue a reprimand, assess an administrative penalty, impose other penalties, or revoke, suspend, or probate a registration or other authorization for a violation of this chapter or a commission rule adopted under this chapter, including a violation related to an inspection conducted under Section 691.034, in the manner provided by Chapter 651, Occupations Code.

SECTION 1.09. Section 691.0225, Health and Safety Code, is amended to read as follows:

Sec. 691.0225. INFORMATIONAL DOCUMENT. The commission [board] shall develop a document to inform a person making a gift of a decedent's body or anatomical specimen about the options for donation authorized under this chapter ~~[for purposes of education, including forensic science education, or research of the risks and benefits associated with donation]~~. The commission [board] shall make the document available on the commission's [board's] Internet website.

SECTION 1.10. Section 691.023, Health and Safety Code, is amended to read as follows:

Sec. 691.023. DUTY TO DELIVER CERTAIN BODIES TO COMMISSION [BOARD]. (a) An officer, employee, or representative of the state, of a political subdivision, or of an institution having charge or control of a body not claimed for burial or a body required to be buried at public expense shall:

(1) notify the commission [board] or the commission's [board's] representative of the body's existence when the body comes into the person's possession, charge, or control if notified in writing to do so by the commission [board] or the commission's [board's] representative;

(2) deliver the body in accordance with the direction of the commission [board]; and

(3) allow the commission [board], the commission's [board's] representative, or a physician designated by the commission [board] who complies with this chapter to remove the body to be used for the advancement of medical or forensic science.

(b) If the commission [board] does not require a political subdivision or agency of the political subdivision to deliver a body under this section, the political subdivision shall pay all costs of preparation for burial, including costs of embalming.

SECTION 1.11. Section 691.025(c), Health and Safety Code, is amended to read as follows:

(c) A body that is not claimed for burial within 48 hours after a relative receives notification shall be delivered as soon as possible to the commission [board] or the commission's [board's] representative.

SECTION 1.12. Section 691.026, Health and Safety Code, is amended to read as follows:

Sec. 691.026. BODY OF TRAVELER. If an unclaimed body is the body of a traveler who died suddenly, the commission [board] shall direct the institution or other person receiving the body to retain the body for six months for purposes of identification.

SECTION 1.13. Section 691.027, Health and Safety Code, is amended to read as follows:

Sec. 691.027. AUTOPSY. Only the commission [board] may grant permission to perform an autopsy on an unclaimed body. The commission [board] may grant permission after receiving a specific request for an autopsy that shows sufficient evidence of medical urgency.

SECTION 1.14. Section 691.028, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) An adult living in this state who is of sound mind may donate the adult's body by will or other written instrument to the commission [board], a willed body program of a medical or dental school, a non-transplant anatomical donation organization, or another donee authorized by the commission [board], to be used for the advancement of medical or forensic science.

(b) To be effective, the donor must provide informed consent by signing [sign] the will or other written instrument and it must be witnessed by two adults. The donor is not required to use a particular form or particular words in making the donation, but the will or other instrument must clearly convey:

(1) the donor's intent; and

(2) the donor's acknowledgment that the donor was informed about:

(A) the consequences of the donation before providing consent;

(B) the use the donee plans for the donated body parts; and

(C) if applicable, any body part and the condition in which the body part will be returned to the person designated by the donor.

(b-1) For purposes of Subsection (b), the donor must be informed in writing about the information described by Subsection (b)(2) in a clear manner on a single piece of paper that is 8-1/2 by 11 inches with 14-point type. The commission by rule shall design and adopt a form that complies with this subsection that willed body programs and non-transplant anatomical donation organizations must use.

SECTION 1.15. Section 691.029, Health and Safety Code, is amended to read as follows:

Sec. 691.029. AUTHORITY TO RECEIVE, DISTRIBUTE, AND TRANSFER [ACCEPT] BODIES OR ANATOMICAL SPECIMENS [FROM OUTSIDE THE STATE]. The commission [board] may receive, distribute, and transfer a body or anatomical specimen from inside or [a body transported to the board from] outside this state.

SECTION 1.16. Section 691.030, Health and Safety Code, is amended to read as follows:

Sec. 691.030. COMMISSION'S [BOARD'S] AUTHORITY TO DISTRIBUTE BODIES AND ANATOMICAL SPECIMENS. (a) The commission [board] or the commission's [board's] representative shall distribute bodies donated to it and may redistribute bodies donated to medical or dental schools or other donees authorized by the commission [board] to:

(1) willed body programs of schools and colleges of chiropractic, osteopathy, medicine, or dentistry incorporated in this state;

(2) forensic science programs;



(3) search and rescue organizations or recovery teams that are recognized by the commission [board], are exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and use human remains detection canines with the authorization of a local or county law enforcement agency;

(4) physicians; ~~and~~

(5) anatomical facilities; and

(6) other persons as provided by this section.

(b) In making the distribution, the commission [board] shall give priority to the schools and colleges that need bodies for lectures and demonstrations.

(c) If the commission [board] has remaining bodies, the commission [board] or the commission's [board's] representative shall distribute or redistribute those bodies to the schools and colleges proportionately and equitably according to the number of students in each school or college receiving instruction or demonstration in normal or morbid anatomy and operative surgery. The dean of each school or college shall certify that number to the commission [board] when required by the commission [board].

(d) The commission [board] may transport a body or anatomical specimen to an authorized recipient in another state if the commission [board] determines that the supply of bodies or anatomical specimens in this state exceeds the need for bodies or anatomical specimens in this state and if:

(1) the deceased donated the deceased's [his] body in compliance with Section 691.028 and at the time of the donation authorized the commission [board] to transport the body outside this state; or

(2) the body was donated in compliance with Chapter 692A and the person authorized to make the donation under Section 692A.009 authorized the commission [board] to transport the body outside this state.

(e) This section does not apply to a body or anatomical specimen donated to a registered non-transplant anatomical donation organization.

SECTION 1.17. Sections 691.031(a), (b), and (f), Health and Safety Code, are amended to read as follows:

(a) The commission [board] shall adopt rules to ensure that:

(1) each body or anatomical specimen received or distributed under this chapter [by the board] is properly transported;

(2) a label with a ~~[the]~~ statement that the container's contents are derived from human tissue [~~"CONTENTS DERIVED FROM DONATED HUMAN TISSUE"~~] is affixed to the container in which the body or anatomical specimen is transported; and

(3) each person who has control or possession of a body or anatomical specimen:

(A) satisfactorily completes the information required on a chain-of-custody form prescribed by the commission [board];

(B) maintains a copy of the form for the person's records; and

(C) transfers the form to any other person to whom control or possession of the body or anatomical specimen is transferred.

(b) The commission [board] may employ a public carrier to transport bodies or anatomical specimens received or distributed by the commission [board].

(f) The sender and receiver of each body or anatomical specimen shall file the records required under this section in accordance with commission [board] rules so that the commission [board] or a district or county attorney may inspect the records at any time.

SECTION 1.18. Section 691.032, Health and Safety Code, is amended to read as follows:

Sec. 691.032. COSTS OF DISTRIBUTION. A person or institution receiving a body or anatomical specimen under this chapter shall pay in a manner specified by the commission [board], or as otherwise agreed on, all costs incurred in distributing the body or anatomical specimen so that the state, a county, a municipality, or an officer, employee, or representative of the state, a county, or a municipality does not incur any expense.

SECTION 1.19. Sections 691.033(a), (b), and (d), Health and Safety Code, are amended to read as follows:

(a) To further medical or forensic science, a willed body program, non-transplant anatomical donation organization, anatomical facility, [school, college,] or other person designated by the commission [board] may use, dissect, operate on, examine, and experiment on a body or anatomical specimen distributed under this chapter.

(b) A willed body program, non-transplant anatomical donation organization, [school, college,] or other person shall keep a permanent record of each body or anatomical specimen received from the commission [board] or the commission's [board's] representative. The record:

(1) must be sufficient to identify the body or anatomical specimen;

(2) must track the body or anatomical specimen from intake to final disposition; and

(3) may be inspected by the commission [board] or the commission's [board's] representative.

(d) To aid prosecutions under Section 42.08, Penal Code, the commission [board] shall adopt rules that clearly state the activities that are authorized by the commission [board] in relation to the use or dissection of a body.

SECTION 1.20. Section 691.034, Health and Safety Code, is amended to read as follows:

Sec. 691.034. REGULATION AND REGISTRATION OF PERSONS AND INSTITUTIONS USING BODIES AND ANATOMICAL SPECIMENS. (a) A willed body program or non-transplant anatomical donation organization may not operate in this state unless the program or organization registers with the commission in the form and manner prescribed by the commission.

(a-1) To be eligible for registration under this section, a non-transplant anatomical donation organization must be accredited by the American Association of Tissue Banks under the association's Standards for Non-Transplant Anatomical Donation. The commission may issue conditional registration to a non-transplant anatomical donation organization that is not yet accredited.

(a-2) The commission [board] shall inspect and may approve willed body programs and anatomical facilities [institutions and other persons] for the receipt and use of bodies and anatomical specimens under this chapter.

(a-3) The commission shall establish a process to periodically verify a non-transplant anatomical donation organization's compliance with the Standards for Non-Transplant Anatomical Donation published by the American Association of Tissue Banks. The process:

(1) may authorize the commission to inspect a non-transplant anatomical donation organization; and

(2) may not:

(A) be duplicative of the accreditation process described by Subsection (a-1); or

(B) occur more frequently than once every five years.

(b) The commission [board] may investigate a willed body program, non-transplant anatomical donation organization, anatomical facility, or other person [or institution] if the commission [board] has reason to believe that the program, organization, facility, or person [or institution] has improperly used a body or anatomical specimen.

(b-1) The commission may inspect a non-transplant anatomical donation organization as part of an investigation described by Subsection (b).

(c) The commission [board] may suspend or revoke a willed body program's, non-transplant anatomical donation organization's, anatomical facility's, or other person's registration or other [or institution's] authorization to receive and use or dissect bodies or anatomical specimens if the commission [board] determines that the program, organization, facility, or person [or institution] has improperly used a body or anatomical specimen.

(d) A willed body program, non-transplant anatomical donation organization, anatomical facility, or other person [or institution] is entitled to a hearing before the commission [board] or a hearing examiner appointed by the commission [board] before the commission [board] may revoke the program's, organization's, facility's, or person's registration or other [or institution's] authorization to receive and use or dissect bodies or anatomical specimens. The commission [board] shall make all final decisions to suspend or revoke an authorization.

(e) A registered non-transplant anatomical donation organization must inform the commission within the time prescribed by commission rule if the organization loses its accreditation with the American Association of Tissue Banks.

(f) A commission member or holder of any license issued by the commission may not hold an ownership interest in a registered non-transplant anatomical donation organization.

(g) The commission shall adopt rules and procedures necessary to administer this section.

SECTION 1.21. Subchapter A, Chapter 651, Occupations Code, is amended by adding Section 651.005 to read as follows:

Sec. 651.005. REGULATION OF WILLED BODY PROGRAMS, NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND ANATOMICAL FACILITIES. The commission shall regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as

provided by Chapter 691, Health and Safety Code, and in accordance with the powers and duties granted by this chapter to the extent necessary to regulate the programs, organizations, and facilities under that chapter.

SECTION 1.22. The following provisions of the Health and Safety Code are repealed:

- (1) Section 691.003;
- (2) Section 691.004;
- (3) Section 691.005;
- (4) Section 691.006;
- (5) Sections 691.007(a), (b), and (d);
- (6) Sections 691.008(b) and (d);
- (7) the headings to Sections 691.007 and 691.008; and
- (8) Section 691.009.

## ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Article 43.25, Code of Criminal Procedure, is amended to read as follows:

Art. 43.25. BODY OF CONVICT. The body of a convict who has been legally executed shall be embalmed immediately and so directed by the Director of the correctional institutions division of the Texas Department of Criminal Justice [~~Department of Corrections~~]. If the body is not demanded or requested by a relative or bona fide friend within forty-eight hours after execution then it shall be delivered to the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], if requested by the commission [~~Board~~]. If the body is requested by a relative, a bona fide friend, or the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], such recipient shall pay a fee [~~of~~] not to exceed twenty-five dollars to the mortician for the mortician's [~~his~~] services in embalming the body for which the mortician shall issue to the recipient a written receipt. When such receipt is delivered to the Director of the correctional institutions division of the Texas Department of Criminal Justice [~~Department of Corrections~~], the body of the deceased shall be delivered to the party named in the receipt or the party's [~~his~~] authorized agent. If the body is not delivered to a relative, a bona fide friend, or the Texas Funeral Service Commission [~~Anatomical Board of the State of Texas~~], the Director of the correctional institutions division of the Texas Department of Criminal Justice [~~Department of Corrections~~] shall cause the body to be decently buried, and the fee for embalming shall be paid by the county in which the indictment which resulted in conviction was found.

SECTION 2.02. Section 404.093(b), Government Code, is amended to read as follows:

- (b) This subchapter does not apply to:
  - (1) funds pledged to the payment of bonds, notes, or other debts if the funds are not otherwise required to be deposited in the treasury;
  - (2) funds held in trust or escrow for the benefit of a person or entity other than a state agency;
  - (3) funds set apart out of earnings derived from investment of funds held in trust for others, as administrative expenses of the trustee agency; or

(4) funds, grants, donations, and proceeds from funds, grants, and donations, given in trust to the Texas State Library and Archives Commission for the establishment and maintenance of regional historical resource depositories and libraries in accordance with Section 441.154~~[-or~~

~~[(5) funds under the management of the secretary treasurer of the Anatomical Board of the State of Texas, as provided by Section 691.008, Health and Safety Code].~~

SECTION 2.03. Sections 692A.011(a), (b), and (c), Health and Safety Code, are amended to read as follows:

(a) An anatomical gift may be made to the following persons named in the document of gift:

(1) an organ procurement organization to be used for transplantation, therapy, research, or education;

(2) a hospital to be used for research;

(3) subject to Subsection (d), an individual designated by the person making the anatomical gift if the individual is the recipient of the part;

(4) an eye bank or tissue bank, except that use of a gift of a whole body must be coordinated through the Texas Funeral Service Commission ~~[Anatomical Board of the State of Texas]~~;

(5) a forensic science program at:

(A) a general academic teaching institution as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education as defined by Section 61.003, Education Code;

(6) a search and rescue organization or recovery team that is recognized by the Texas Funeral Service Commission ~~[Anatomical Board of the State of Texas]~~, is exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and uses human remains detection canines with the authorization of a local or county law enforcement agency; ~~[or]~~

(7) the Texas Funeral Service Commission; or

(8) a non-transplant anatomical donation organization ~~[Anatomical Board of the State of Texas]~~.

(b) Except for donations described by Subsections (a)(1) through (6), the Texas Funeral Service Commission or a non-transplant anatomical donation organization ~~[Anatomical Board of the State of Texas]~~ shall be the donee of gifts of bodies or parts of bodies made for the purpose of education or research that are subject to distribution by the commission or organization ~~[board]~~ under Chapter 691.

(c) A forensic science program that receives a donation under Subsection (a)(5) must submit a report to the Texas Funeral Service Commission ~~[Anatomical Board of the State of Texas]~~ on a quarterly basis that lists:

(1) the number of bodies or parts of bodies that the program received; and

(2) the method in which the program used the bodies or parts of bodies for education or research.

## ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

SECTION 3.01. (a) The Anatomical Board of the State of Texas is abolished but continues in existence until September 1, 2024, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Funeral Service Commission. The Texas Funeral Service Commission assumes all of the obligations, property, rights, powers, and duties of the Anatomical Board of the State of Texas as they exist immediately before the effective date of this Act. All unexpended and unobligated funds under the management of the secretary-treasurer of the Anatomical Board of the State of Texas, as provided by Section 691.008, Health and Safety Code, as that section existed immediately before the effective date of this Act, are transferred to the general revenue fund for the purpose of the Texas Funeral Service Commission administering duties under Chapter 691, Health and Safety Code, as amended by this Act.

(b) The Anatomical Board of the State of Texas and the Texas Funeral Service Commission shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Anatomical Board of the State of Texas to the Texas Funeral Service Commission is completed not later than September 1, 2024.

(c) All rules of the Anatomical Board of the State of Texas are continued in effect as rules of the Texas Funeral Service Commission until superseded by a rule of the Texas Funeral Service Commission. An authorization issued by the Anatomical Board of the State of Texas is continued in effect as provided by the law in effect immediately before the effective date of this Act. An authorization pending on the effective date of this Act is continued without change in status after the effective date of this Act. A complaint, investigation, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act.

(d) Unless the context indicates otherwise, a reference to the Anatomical Board of the State of Texas in a law or administrative rule means the Texas Funeral Service Commission.

(e) The terms of the members of the Anatomical Board of the State of Texas expire on September 1, 2024.

(f) For the state fiscal year ending August 31, 2024, the Texas Funeral Service Commission shall quarterly prepare and submit to the lieutenant governor, the speaker of the house of representatives, the Sunset Advisory Commission, and each standing committee of the legislature with primary jurisdiction over the Texas Funeral Service Commission a report on the progress of the transfer described by Subsection (a) of this section.

(g) Not later than December 1, 2024, the Texas Funeral Service Commission shall submit to the Sunset Advisory Commission and each standing committee of the legislature with primary jurisdiction over the Texas Funeral Service Commission any legislative recommendation necessary to improve the Texas Funeral Service Commission's administration of Chapter 691, Health and Safety Code, as amended by this Act.

SECTION 3.02. (a) Not later than the 60th day after the effective date of this Act, the Texas Funeral Service Commission shall appoint members to the State Anatomical Advisory Committee in accordance with Section 691.002, Health and Safety Code, as amended by this Act.

(b) The members of the Anatomical Board of the State of Texas whose terms expire under Section 3.01 of this Act shall continue to provide advice to the Texas Funeral Service Commission until a majority of the members of the State Anatomical Advisory Committee are appointed under Subsection (a) of this section and qualified. A member of the Anatomical Board of the State of Texas described by this subsection may be appointed to the State Anatomical Advisory Committee if the member is otherwise eligible for appointment under Section 691.002, Health and Safety Code, as amended by this Act.

SECTION 3.03. This Act takes effect September 1, 2023.

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

Amend **SB 2040** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 651.057(a), Occupations Code, is amended to read as follows:

(a) The governor shall designate one member of the commission as the presiding officer of the commission to serve in that capacity at the pleasure of the governor ~~[for three years. In designating presiding officers, the governor shall alternate between public and nonpublic members].~~

The amendments were read.

Senator Springer moved to concur in the House amendments to **SB 2040**.

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

**(Senator Flores in Chair)**

### **SENATE BILL 599 WITH HOUSE AMENDMENT**

Senator Birdwell called **SB 599** 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 599** by substituting in lieu thereof the following:

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

relating to the carrying or possession of a handgun by a district or county clerk and the issuance of a handgun license to a district or county clerk.

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

SECTION 1. Section 411.1882(a), Government Code, is amended to read as follows:

(a) A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a district or county clerk, as a supervision officer as defined by Article 42A.001, Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns.

SECTION 2. The heading to Section 411.201, Government Code, is amended to read as follows:

Sec. 411.201. ACTIVE AND RETIRED JUDICIAL OFFICERS; CERTAIN COURT OFFICERS.

SECTION 3. Section 411.201(h), Government Code, is amended to read as follows:

(h) The department shall issue a license to carry a handgun under the authority of this subchapter to an applicant who meets the requirements of this section for an active judicial officer and who is a United States attorney or an assistant United States attorney, ~~or to~~ an attorney elected or employed to represent the state in the prosecution of felony cases, or a district or county clerk ~~[who meets the requirements of this section for an active judicial officer]~~. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney, ~~or who is~~ an attorney elected or employed to represent the state in the prosecution of felony cases, or a district or county clerk.

SECTION 4. Section 46.15(a), Penal Code, is amended to read as follows:

(a) Sections 46.02 and 46.03 do not apply to:

(1) peace officers or special investigators under Article 2.122, Code of Criminal Procedure, and neither section prohibits a peace officer or special investigator from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon;

(2) parole officers, and neither section prohibits an officer from carrying a weapon in this state if the officer is:

(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) in compliance with policies and procedures adopted by the Texas Department of Criminal Justice regarding the possession of a weapon by an officer while on duty;

(3) community supervision and corrections department officers appointed or employed under Section 76.004, Government Code, and neither section prohibits an officer from carrying a weapon in this state if the officer is:



(A) engaged in the actual discharge of the officer's duties while carrying the weapon; and

(B) authorized to carry a weapon under Section 76.0051, Government Code;

(4) an active judicial officer as defined by Section 411.201, Government Code, who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(5) an honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency issued under Section 1701.357, Occupations Code, and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is an honorably retired peace officer or other qualified retired law enforcement officer;

(6) the attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(7) an assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code;

(8) a bailiff designated by an active judicial officer as defined by Section 411.201, Government Code, who is:

(A) licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; and

(B) engaged in escorting the judicial officer;

(9) a juvenile probation officer who is authorized to carry a firearm under Section 142.006, Human Resources Code; ~~or~~

(10) a person who is volunteer emergency services personnel if the person is:

(A) carrying a handgun under the authority of Subchapter H, Chapter 411, Government Code; and

(B) engaged in providing emergency services; or

(11) a district or county clerk who is carrying a handgun the clerk is licensed to carry under Subchapter H, Chapter 411, Government Code.

SECTION 5. Sections 411.1882(a) and 411.201(h), Government Code, as amended by this Act, apply only to an application for a license to carry a handgun submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 6. Section 46.15, Penal Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. This Act takes effect September 1, 2023.

The amendment was read.

Senator Birdwell moved to concur in the House amendment to **SB 599**.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Eckhardt, Gutierrez.

### SENATE BILL 1245 WITH HOUSE AMENDMENT

Senator Huffman called **SB 1245** 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 1245** (house committee report) as follows:

(1) On page 3, line 11, between "837.002(2)" and the underlined comma, insert "and subject to Subsection (d)".

(2) On page 3, line 16, strike "12" and substitute "six".

(3) On page 4, between lines 2 and 3, insert the following:

(d) A person may make an election under this section only once.

(4) On page 4, line 3, strike "(d)" and substitute "(e)".

(5) On page 7, between lines 9 and 10, insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 840, Government Code, is amended by adding Section 840.407 to read as follows:

Sec. 840.407. EXCESS BENEFIT ARRANGEMENT. (a) A separate, nonqualified, unfunded excess benefit arrangement is created outside the trust fund of the retirement system. This excess benefit arrangement shall be administered as a governmental excess benefit arrangement under Section 415(m) of the Internal Revenue Code of 1986 (26 U.S.C. Section 415(m)). The purpose of the excess benefit arrangement is to pay to annuitants of the retirement system benefits otherwise payable by the retirement system that exceed the limitations on benefits imposed by Section 415(b)(1)(A) of the Internal Revenue Code of 1986 (26 U.S.C. Section 415(b)(1)(A)).

(b) The board of trustees is responsible for the administration of this arrangement. Except as otherwise provided by this section, the board has the same rights, duties, and responsibilities concerning the excess benefit arrangement as it has to the trust fund.

(c) Benefits under this section are exempt from execution to the same extent as provided by Section 836.004, except that the benefits are completely unassignable. Contributions to this arrangement are not held in trust and may not be commingled with other funds of the retirement system.

(d) An annuitant is entitled to a monthly benefit under this section in an amount equal to the amount by which the benefit otherwise payable by the retirement system has been reduced by the limitation on benefits imposed by Section 415(b)(1)(A) of the Internal Revenue Code of 1986 (26 U.S.C. Section 415(b)(1)(A)). The benefit payable by this arrangement is payable at the times and in the form that the benefit payable under the trust fund is paid.

(e) The benefit payable under this section shall be paid from state contributions that otherwise would be made to the trust fund under Section 840.103. In lieu of deposit in the state accumulation account, an amount determined by the retirement system to be necessary to pay benefits under this section shall be paid monthly to the credit of a dedicated account in the general revenue fund maintained only for the excess benefit arrangement. The account may include amounts needed to pay reasonable and necessary expenses of administering this arrangement. The monthly amount to be paid to the credit of the account shall be transferred to the account at least 15 days before the date of a monthly disbursement under this section.

(f) The board of trustees may adopt rules governing the excess benefit arrangement that are necessary for the efficient administration of the arrangement in compliance with Section 415(m) of the Internal Revenue Code of 1986 (26 U.S.C. Section 415(m)).

The amendment was read.

Senator Huffman moved to concur in the House amendment to **SB 1245**.

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

#### **CONFERENCE COMMITTEE ON HOUSE BILL 1277**

Senator West called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1277** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1277** before appointment.

There were no motions offered.

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

#### **SENATE BILL 133 WITH HOUSE AMENDMENT**

Senator West called **SB 133** 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 133** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to prohibiting the use of certain restraints, chemical irritants, or a Taser or similar device on certain public school students.

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

SECTION 1. Section 37.0021(b), Education Code, is amended by adding Subdivision (5) to read as follows:

(5) "Taser" means a device manufactured, sold, or distributed by Taser International, Incorporated, that is intended, designed, made, or adapted to incapacitate a person by inflicting an electrical charge through the emission of a projectile or conductive stream. The term, for purposes of this section, includes a similar device manufactured, sold, or distributed by another person.

SECTION 2. Section 37.0021, Education Code, is amended by amending Subsection (d) and adding Subsection (j) to read as follows:

(d) Subject to Subsection (j), the ~~The~~ commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

(1) be consistent with:

(A) professionally accepted practices and standards of student discipline and techniques for behavior management; and

(B) relevant health and safety standards;

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique; ~~and~~

(3) require a school district to:

(A) provide written notification to the student's parent or person standing in parental relation to the student for each use of restraint that includes:

(i) the name of the student;

(ii) the name of the district employee or volunteer or independent contractor of the district who administered the restraint;

(iii) the date of the restraint;

(iv) the time that the restraint started and ended;

(v) the location of the restraint;

(vi) the nature of the restraint;

(vii) a description of the activity in which the student was engaged immediately preceding the use of the restraint;

(viii) the behavior of the student that prompted the restraint;

(ix) any efforts made to de-escalate the situation and any alternatives to restraint that were attempted;

(x) if the student has a behavior improvement plan or a behavioral intervention plan, whether the plan may need to be revised as a result of the behavior that led to the restraint; and

(xi) if the student does not have a behavior improvement plan or a behavioral intervention plan, information on the procedure for the student's parent or person standing in parental relation to the student to request an admission, review, and dismissal committee meeting to discuss the possibility of conducting a functional behavioral assessment of the student and developing a plan for the student;

(B) include in a student's special education eligibility school records:

(i) a copy of the written notification provided to the student's parent or person standing in parental relation to the student under Paragraph (A);

(ii) information on the method by which the written notification was sent to the parent or person; and

(iii) the contact information for the parent or person to whom the district sent the notification; and

(C) if the student has a behavior improvement plan or behavioral intervention plan, document each use of time-out prompted by a behavior of the student specified in the student's plan, including a description of the behavior that prompted the time-out; and

(4) prohibit a district employee or volunteer or an independent contractor of a district from using any variation of a restraint or other technique that results in full body immobilization of the student in a prone or supine position on the floor or ground.

(j) A peace officer performing law enforcement duties or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person.

SECTION 3. As soon as practicable after the effective date of this Act, the commissioner of education in consultation with the continuing advisory committee established under Section 29.006, Education Code, shall adopt rules as necessary to implement Section 37.0021, Education Code, as amended by this Act, including rules to provide any required definitions of terms.

SECTION 4. This Act applies beginning with the 2023-2024 school year.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 133** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators West, Chair; Campbell, Birdwell, Bettencourt, and Hinojosa.

### BILL AND RESOLUTION SIGNED

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

#### HB 5174, HCR 119.

#### SENATE BILL 182 WITH HOUSE AMENDMENT

Senator Miles called **SB 182** 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 182** (house committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 7), strike "Section 40.082" and substitute "Sections 40.082 and 40.083".

(2) In SECTION 1 of the bill, in added Section 40.082(a), Human Resources Code (page 1, lines 13 and 14), strike "the Department of Public Safety" and substitute "a local law enforcement agency not later than the 48th hour after the hour the employee becomes aware of the conduct".

(3) In SECTION 1 of the bill, immediately following added Section 40.082, Human Resources Code (page 1, between lines 22 and 23), insert the following:

Sec. 40.083. EMPLOYER RETALIATION PROHIBITED. (a) In this section, "adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from submitting or supporting a report under Section 40.082.

(b) An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who in good faith:

(1) reports conduct constituting a criminal offense as required by Section 40.082; or

(2) initiates or cooperates with an investigation or proceeding relating to the conduct constituting a criminal offense reported under Section 40.082.

(c) An employee may sue for injunctive relief, damages, or both if, in violation of this section, the employee:

(1) is suspended or terminated from the person's employment;

(2) is discriminated against; or

(3) suffers any other adverse employment action.

(d) A plaintiff who prevails in a suit under this section may recover:

(1) actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;

(2) exemplary damages under Chapter 41, Civil Practice and Remedies Code, if the employer is a private employer;

- (3) court costs; and
- (4) reasonable attorney's fees.

(e) In addition to amounts recovered under Subsection (d), a plaintiff who prevails in a suit under this section is entitled to:

- (1) reinstatement to the person's former position or a comparable position in terms of compensation, benefits, and other conditions of employment;
- (2) reinstatement of any fringe benefits and seniority rights lost because of the suspension, termination, or discrimination; and
- (3) compensation for wages lost during the period of suspension or termination.

(f) A department employee who alleges a violation of this section may sue the department for the relief provided for by this section. Sovereign immunity is waived and abolished to the extent of liability created by this section.

(g) A plaintiff suing under this section has the burden of proof, except there is a rebuttable presumption that the plaintiff's employment was suspended or terminated or that the plaintiff was otherwise discriminated against for reporting abuse or neglect if the suspension, termination, or discrimination occurs before the 61st day after the date on which the person submitted a report in good faith.

(h) A suit under this section may be brought in a district or statutory county court of the county in which:

- (1) the plaintiff was employed by the defendant; or
- (2) the defendant conducts business.

(i) It is an affirmative defense to a suit under Subsection (c) that an employer would have taken against the employee the action that forms the basis of the suit based solely on information, observation, or evidence unrelated to the fact that the employee made a report under Section 40.082 or initiated or cooperated with an investigation or proceeding relating to the conduct constituting a criminal offense reported under Section 40.082.

(j) A public employee who has a cause of action under Chapter 554, Government Code, based on conduct described by Subsection (b) may not bring an action based on that conduct under this section.

(k) This section does not apply to a person who reports the person's own criminal conduct or who initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of the person's own criminal conduct.

(4) In the recital to SECTION 2 of the bill (page 1, line 24), strike "Section 203.020" and substitute "Sections 203.020 and 203.021".

(5) In SECTION 2 of the bill, in added Section 203.020(a), Human Resources Code (page 2, lines 6 and 7), strike "the Department of Public Safety" and substitute "a local law enforcement agency not later than the 48th hour after the hour the employee becomes aware of the conduct".

(6) In SECTION 2 of the bill, immediately following added Section 203.020, Human Resources Code (page 2, between lines 15 and 16), insert the following:

Sec. 203.021. EMPLOYER RETALIATION PROHIBITED. (a) In this section, "adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from submitting or supporting a report under Section 203.020.

(b) An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who in good faith:

(1) reports conduct constituting a criminal offense as required by Section 203.020; or

(2) initiates or cooperates with an investigation or proceeding relating to the conduct constituting a criminal offense reported under Section 203.020.

(c) An employee may sue for injunctive relief, damages, or both if, in violation of this section, the employee:

(1) is suspended or terminated from the person's employment;

(2) is discriminated against; or

(3) suffers any other adverse employment action.

(d) A plaintiff who prevails in a suit under this section may recover:

(1) actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown;

(2) exemplary damages under Chapter 41, Civil Practice and Remedies Code, if the employer is a private employer;

(3) court costs; and

(4) reasonable attorney's fees.

(e) In addition to amounts recovered under Subsection (d), a plaintiff who prevails in a suit under this section is entitled to:

(1) reinstatement to the person's former position or a comparable position in terms of compensation, benefits, and other conditions of employment;

(2) reinstatement of any fringe benefits and seniority rights lost because of the suspension, termination, or discrimination; and

(3) compensation for wages lost during the period of suspension or termination.

(f) A department employee who alleges a violation of this section may sue the department for the relief provided for by this section. Sovereign immunity is waived and abolished to the extent of liability created by this section.

(g) A plaintiff suing under this section has the burden of proof, except there is a rebuttable presumption that the plaintiff's employment was suspended or terminated or that the plaintiff was otherwise discriminated against for reporting abuse or neglect if the suspension, termination, or discrimination occurs before the 61st day after the date on which the person submitted a report in good faith.

(h) A suit under this section may be brought in a district or statutory county court of the county in which:

(1) the plaintiff was employed by the defendant; or

(2) the defendant conducts business.



(i) It is an affirmative defense to a suit under Subsection (c) that an employer would have taken against the employee the action that forms the basis of the suit based solely on information, observation, or evidence unrelated to the fact that the employee made a report under Section 203.020 or initiated or cooperated with an investigation or proceeding relating to the conduct constituting a criminal offense reported under Section 203.020.

(j) A public employee who has a cause of action under Chapter 554, Government Code, based on conduct described by Subsection (b) may not bring an action based on that conduct under this section.

(k) This section does not apply to a person who reports the person's own criminal conduct or who initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of the person's own criminal conduct.

The amendment was read.

Senator Miles moved to concur in the House amendment to **SB 182**.

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

### **SENATE BILL 2601 WITH HOUSE AMENDMENT**

Senator Hinojosa called **SB 2601** 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 2601** (house committee printing) by striking SECTION 1 of the bill (page 1, line 5, through page 2, line 8) and substituting the following:

SECTION 1. Section 203.092, Transportation Code, is amended by adding Subsection (a-5) to read as follows:

(a-5) Notwithstanding another provision of this section, a utility shall make a relocation of a utility facility required by improvement of the state highway system at the expense of this state if the commission determines that the utility:

(1) is a water supply or sewer service corporation organized and operating under Chapter 67, Water Code; and

(2) would not be able to receive a state infrastructure bank loan under Subchapter D, Chapter 222, to finance the cost of the relocation, or is otherwise unable to finance that cost.

The amendment was read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2601** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Nichols, West, Hancock, and Perry.

**SENATE BILL 1445 WITH HOUSE AMENDMENT**

Senator Paxton called **SB 1445** 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 1445** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the continuation and functions of the Texas Commission on Law Enforcement; authorizing a fee.

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

SECTION 1. Section 1701.001, Occupations Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Misconduct" means:

(A) a violation of law; or

(B) any of the following that have been sustained by a law enforcement agency employing a license holder:

(i) a violation of a law enforcement agency policy for which the agency may suspend, demote, or terminate a license holder's employment; or

(ii) an allegation of untruthfulness against a license holder.

SECTION 2. Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2031 [2023].

SECTION 3. Section 1701.059, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing [legislation that created the] commission operations;

(2) the programs, functions, rules, and budget of the commission;

(3) the scope of and limitations on the rulemaking authority of the commission;

(4) the results of the most recent formal audit of the commission;

(5) [(4)] the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of a state policy-making body in performing their duties; and

(6) [(5)] any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(d) The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each member of the commission. Each commission member shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 4. Section 1701.151, Occupations Code, is amended to read as follows:

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. The commission may:

(1) adopt rules for the administration of this chapter and for the commission's internal management and control;

(2) establish minimum standards relating to competence and reliability, including education, training, physical, and mental~~[-and moral]~~ standards, for licensing as an officer, county jailer, public security officer, or telecommunicator;

(3) report to the governor and legislature on the commission's activities, with recommendations on matters under the commission's jurisdiction, and make other reports that the commission considers desirable;

(4) require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information;

(5) contract as the commission considers necessary for services, facilities, studies, and reports required for:

(A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and

(B) performance of the commission's other functions; and

(6) conduct research and stimulate research by public and private agencies to improve law enforcement and police administration.

SECTION 5. Section 1701.163, Occupations Code, is amended to read as follows:

Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT AGENCIES ~~[INFORMATION PROVIDED BY COMMISSIONING ENTITIES]~~.

~~[(a) This section applies only to an entity authorized by statute or by the constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates a law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after September 1, 2009.~~

~~[(b) The [entity shall submit to the] commission, with input from an advisory committee, shall by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency, including [on creation of the law enforcement agency or police department information regarding]:~~

~~(1) a determination regarding the public benefit of creating the [need for the law enforcement] agency [or police department] in the community;~~

~~(2) the sustainable funding sources for the [law enforcement] agency [or police department];~~

~~(3) the physical resources available to officers, including:~~

~~(A) all standard duty firearms;~~

(B) less lethal force weapons, including a requirement of at least one per officer on duty;

(C) effective communications equipment;

(D) protective equipment, including a requirement of at least one bullet-resistant vest per officer on duty;

(E) officer uniforms; and

(F) patrol vehicles and associated equipment;

(4) the physical facilities of that the [law enforcement] agency [or police department will operate], including any [descriptions of the] evidence room, dispatch area, or [and] public area;

(5) the [law enforcement] policies of the [law enforcement] agency [or police department], including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers; [and]

(G) impartial policing;

(H) active shooters; and

(I) barricaded subjects;

(6) the administrative structure of the [law enforcement] agency [or police department];

(7) liability insurance; and

(8) any other standard [information] the commission considers necessary [requires by rule].

SECTION 6. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Sections 1701.165, 1701.166, 1701.167, 1701.168, 1701.169, 1701.170, and 1701.171 to read as follows:

Sec. 1701.165. ADVISORY COMMITTEES. (a) The commission by rule may establish advisory committees to make recommendations to the commission on programs, rules, and policies administered by the commission.

(b) In establishing an advisory committee under this section, the commission shall adopt rules, including rules regarding:

(1) the purpose, role, responsibility, goals, and duration of the committee;

(2) the size of and quorum requirement for the committee;

(3) qualifications for committee membership;

(4) appointment procedures for members;

(5) terms of service for members;

(6) training requirements for members;

(7) policies to avoid conflicts of interest by members;

(8) a periodic review process to evaluate the continuing need for the committee; and

(9) policies to ensure the committee does not violate any provision of Chapter 551, Government Code, applicable to the commission or the committee.

Sec. 1701.166. SUBPOENA. (a) The commission may compel by subpoena the production for inspection or copying of a record described by Section 1701.162(a) that is relevant to the investigation of an alleged violation of this chapter or a commission rule.

(b) The commission, acting through the attorney general, may bring an action to enforce a subpoena issued under Subsection (a) against a person who fails to comply with the subpoena.

(c) Venue for an action brought under Subsection (b) is in a district court in:

(1) Travis County; or

(2) any county in which the commission may conduct a hearing.

(d) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 1701.167. POLICY REGARDING EXAMINATION OF LICENSE HOLDER OR APPLICANT. (a) The commission, with input from an advisory committee, shall adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement agency to ensure the license holder or person is able to perform the duties for which the license is required. The model policy must:

(1) apply to examinations of:

(A) a person to whom Section 1701.306 applies;

(B) a person licensed as an officer or county jailer who is appointed as an officer or county jailer after the 180th day after the person's last date of service as an officer or county jailer;

(C) school marshals, as described by Section 1701.260; and

(D) a license holder, if ordered by the law enforcement agency employing the license holder for just cause;

(2) require, for an examination described by Subdivision (1)(D), that the employing agency:

(A) provide to the license holder written notice of the examination that includes the reasons for the examination not later than the 10th business day before the deadline to submit to the examination; and

(B) report to the commission, in the manner prescribed by the commission, the refusal of the license holder to submit to the examination within the period provided by Paragraph (A); and

(3) require the reporting to the commission, in the manner prescribed by the commission, of a license holder's failed examination, unless the license holder submits to and successfully completes an applicable treatment program within a reasonable time, as prescribed by the commission.

(b) Each law enforcement agency in this state shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) The providing of notice by a law enforcement agency to the commission of a license holder's refusal to submit to an examination does not preclude the agency employing the license holder from taking disciplinary action against the license holder, including termination of the license holder's employment with the agency.

(d) The commission shall issue an order requiring a license holder who refuses to submit to an examination required by a policy adopted under Subsection (b) to show cause for the license holder's refusal at a hearing on the order scheduled for not later than the 30th day after the date notice is served on the license holder. The commission shall provide notice under this section by personal service or by registered mail, return receipt requested.

(e) At the hearing, the license holder may appear in person and by counsel and present evidence to justify the license holder's refusal to submit to examination. After the hearing, the commission shall issue an order requiring the license holder to submit to an examination under this section or withdrawing the request for the examination.

(f) Unless the request is withdrawn, the commission may suspend or otherwise restrict the license of a license holder who refuses to submit to the examination.

(g) An appeal from the commission's order under this section is governed by Chapter 2001, Government Code.

(h) If the results of an examination under this section show that the license holder does not meet the standards of the policy adopted under Subsection (b), the commission shall suspend the license holder's license.

(i) Records relating to a request or order of the commission or a hearing or examination conducted under this section, including, if applicable, the identity of the person notifying the commission that a license holder may not meet the standards required by the policy adopted under Subsection (b), are confidential and not subject to disclosure under Chapter 552, Government Code.

(j) An order issued by the commission regarding a license holder that is based on information obtained during an examination under this section may only reference the statutory basis for the order and may not disclose the reason for the examination.

Sec. 1701.168. LICENSING STATUS DATABASE. (a) The commission shall establish a database containing, for each officer licensed under this chapter:

(1) the officer's license status, including a record of any action taken against the officer by the commission; and

(2) personnel files, as described by Section 1701.4535, provided by each law enforcement agency that employs the officer.

(b) The commission shall make available to a law enforcement agency on request any relevant information maintained in the database for purposes of Sections 1701.303 and 1701.451(a).

(c) On request of an officer, the commission shall provide to the officer free of charge any information maintained in the database regarding the officer, including any information relating to an investigation of misconduct by a law enforcement agency under the policy described by Section 1701.4522.

(d) Except as provided by Subsections (b) and (c), information maintained in the database established under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 1701.169. LAW ENFORCEMENT DATABASE. The commission shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check required under Sections 1701.303(a), 1701.3035, and 1701.451(a). A database designated under this section must be as comprehensive as possible.

Sec. 1701.170. SUBMISSION OF REVOKED LICENSE TO NATIONAL DATABASE. (a) The commission shall designate for purposes of this section a national database that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer.

(b) The commission shall submit to the designated database information necessary to create a record in the database for each officer license the commission revokes under Section 1701.501, 1701.502, or 1701.503.

Sec. 1701.171. STANDARDS OF CONDUCT. (a) The commission shall adopt a model policy prescribing minimum standards of conduct for officers. The policy must:

(1) prescribe minimum standards of conduct with respect to:

(A) pursuit of a suspect;

(B) arrest and control tactics;

(C) executing high-risk warrants; and

(D) conducting traffic stops, including a uniform standard for conducting a traffic stop for an offense punishable by fine only;

(2) establish a process by which a law enforcement agency must investigate alleged misconduct of an officer employed by the agency that is consistent with the model policy adopted under Section 1701.4522; and

(3) require a law enforcement agency to report to the commission an officer employed by the agency found to have engaged in egregious misconduct as determined by the commission.

(b) Each law enforcement agency in this state shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) The reporting by a law enforcement agency to the commission of an officer's misconduct under this section does not preclude the agency employing the officer from taking disciplinary action against the officer.

(d) The commission may take disciplinary action in accordance with Subchapter K against an officer for whom a report of misconduct is submitted to the commission.

(e) The commission shall maintain a record of each report submitted to the commission and any actions taken by the commission as a result of the report as part of the personnel files maintained in the licensing database established under Section 1701.168.

SECTION 7. Section 1701.202, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), on ~~On~~ request, a license holder is entitled to ~~may~~ obtain information regarding a complaint made against the license holder under this chapter, including a complete copy of the complaint file. On receipt of a request under this subsection, the commission shall provide the requested information in a timely manner to allow the license holder time to respond to the complaint.

(d) The commission is not required to provide the identity of any nontestifying complainant in response to a request under Subsection (b).

SECTION 8. Section 1701.203(c), Occupations Code, is amended to read as follows:

(c) The commission shall periodically notify the complaint parties [~~to the complainant~~] of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 9. Subchapter E, Chapter 1701, Occupations Code, is amended by adding Section 1701.205 to read as follows:

Sec. 1701.205. OFFICER PERSONAL SERVICE REPORTS. (a) The commission shall establish a public database containing personal service reports of each officer licensed under this chapter. A service report must:

(1) include the information required by Subsection (b); and

(2) be compiled in a format that makes the information readily available to the public.

(b) Except as otherwise provided by this section, a service report must contain the following information with respect to each officer:

(1) the date the officer completed the basic training course;

(2) whether the officer is in compliance with continuing education requirements and the continuing education courses completed;

(3) the total hours of training the officer has completed; and

(4) the date the officer's license was issued.

(c) The commission shall adopt rules to exclude from the database personal service reports for certain officers if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation. Rules adopted under this section must allow an officer described by this subsection or the law enforcement agency employing the officer to request, in a manner prescribed by the commission, the service report of the officer to be excluded from the database. A request to exclude an officer's personal service report under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(d) The commission shall:

(1) require a person accessing information in the database to register as a user before accessing the database; and

(2) track each user's activity on the database, including the personal service reports the user accesses.

(e) The user information collected and maintained by the commission under Subsection (d) is confidential and not subject to disclosure under Chapter 552, Government Code, except as required to comply with a court order.

SECTION 10. Section 1701.253, Occupations Code, is amended by adding Subsection (a-1) and amending Subsections (g), (h), (i), (j), (l), (m), (o), and (p) to read as follows:

(a-1) The commission by rule shall establish deadlines for an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course.

(g) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. [~~An officer shall complete a program established under this subsection~~



~~not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(h) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(i) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on identity theft under Section 32.51, Penal Code, for officers licensed under this chapter. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~ An officer may not satisfy the requirements of this subsection or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(l) As part of the minimum curriculum requirements, the commission shall require an officer licensed by the commission on or after January 1, 2016, to complete a canine encounter training program established by the commission under Section 1701.261. ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.]~~

(m) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on procedures for interacting with drivers who are deaf or hard of hearing, as defined by Section 81.001, Human Resources Code, including identifying specialty license plates issued to individuals who are deaf or hard of hearing under Section 504.204, Transportation Code. ~~[An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.]~~

(o) As part of the minimum curriculum requirements, the commission shall require an officer to complete the civilian interaction training program developed under Section 1701.268. ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.]~~

(p) As part of the minimum curriculum requirements, the commission shall require an officer to complete the basic education and training program on the trafficking of persons developed under Section 1701.258(a). ~~[An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.]~~

SECTION 11. Section 1701.303, Occupations Code, is amended to read as follows:

Sec. 1701.303. LICENSE APPLICATION; DUTIES OF APPOINTING ENTITY. (a) Before a [A] law enforcement agency or governmental entity [that] hires a person for whom a license is sought, the agency or entity must:

(1) review any information relating to the person available:

(A) in a database established under Section 1701.168;

(B) in a database designated under Section 1701.169; and

(C) if applicable, in a file provided to the commission under Section

1701.3035; and

(2) file an application with the commission as provided by commission rule.

(b) A person who appoints an officer or county jailer licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment. If the person appoints an individual who previously served as an officer or county jailer and the appointment occurs after the 180th day after the last date of service as an officer or county jailer, the person must have on file for the license holder [officer or county jailer] in a form readily accessible to the commission:

(1) new criminal history record information;

(2) a new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and

(3) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder [two completed fingerprint cards].

(c) A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

(1) new criminal history record information; and

(2) new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder [two completed fingerprint cards].

SECTION 12. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Sections 1701.3035 and 1701.3135 to read as follows:

Sec. 1701.3035. OUT-OF-STATE LICENSE HOLDERS. (a) Before issuing an officer license under this chapter to an applicant who holds or previously held an equivalent license in another state, the commission must request from the licensing authority of the other state the personnel file and any other relevant record regarding the applicant.

(b) An applicant for an officer license may not be denied a license for the sole reason that the licensing authority of another state did not provide a record requested by the commission under this section.

Sec. 1701.3135. DISQUALIFICATION: REVOCATION OR SUSPENSION IN ANOTHER STATE. A person is disqualified to be an officer, and the commission may not issue an officer license to the person, if the person has been issued a license or other authorization to act as an officer in another state and, at the time the person applies for a license in this state, that license or authorization is revoked or suspended for a reason that would be grounds for the commission to revoke or suspend a license in this state.

SECTION 13. Section 1701.404(b), Occupations Code, is amended to read as follows:

(b) The commission may certify a sheriff, sheriff's deputy, constable, other peace officer, county jailer, or justice of the peace as a special officer for offenders with mental impairments if the person:

(1) completes a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) completes a training course administered by the commission on mental health issues and offenders with mental impairments; and

(3) passes an examination administered by the commission that is designed to test the person's:

(A) knowledge and recognition of the characteristics and symptoms of mental illness, intellectual disabilities [~~mental retardation~~], and developmental [~~mental~~] disabilities; and

(B) knowledge of mental health crisis intervention strategies for people with mental impairments.

SECTION 14. Section 1701.451(a), Occupations Code, is amended to read as follows:

(a) Before a law enforcement agency may hire a person licensed under this chapter, the agency must, on a form and in the manner prescribed by the commission:

(1) obtain the person's written consent for the agency to review the information required to be reviewed under this section;

(2) request from the commission and any other applicable person information required to be reviewed under this section; and

(3) submit to the commission confirmation that the agency, to the best of the agency's ability before hiring the person:

(A) contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and

(B) except as provided by Subsection (b), obtained and reviewed as related to the person, as applicable:

(i) personnel files, as described by Section 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer;

(ii) employment termination reports and misconduct investigation reports maintained by the commission under this subchapter;

(iii) service records maintained by the commission;

(iv) proof that the person meets the minimum qualifications for enrollment in a training program under Section 1701.251(a);

(v) a military veteran's United States Department of Defense Form DD-214 or other military discharge record;

(vi) criminal history record information;

(vii) information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center;

(viii) evidence of financial responsibility as required by Section 601.051, Transportation Code;

(ix) a driving record from the Department of Public Safety;

(x) proof of United States citizenship; ~~and~~

(xi) information on the person's background from at least three personal references and at least two professional references; and

(xii) information on the person's law enforcement background as available through a database designated by the commission under Section 1701.169 and, if applicable, a file or record obtained by the commission under Section 1701.3035.

SECTION 15. Subchapter J, Chapter 1701, Occupations Code, is amended by adding Section 1701.4522 to read as follows:

Sec. 1701.4522. MISCONDUCT INVESTIGATION AND HIRING PROCEDURES. (a) The commission shall adopt a model policy establishing procedures applicable to a law enforcement agency:

(1) investigating alleged misconduct by a license holder employed by the agency; and

(2) hiring a license holder.

(b) The policy adopted under this section must:

(1) require a law enforcement agency to:

(A) initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by the law enforcement agency at the time the agency becomes aware of the alleged misconduct;

(B) complete the investigation described by Paragraph (A) in a timely manner, as prescribed by the commission;

(C) report an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder to the commission in a timely manner after the investigation is completed;

(D) complete an administrative investigation of alleged misconduct and prepare and submit to the commission a summary report on the investigation, including the disposition of the investigation and any informational findings, in a format prescribed by the commission, in a timely manner but not later than the 30th day after the date of the license holder's separation from the agency, if applicable;

(E) include documentation of the completed investigation in the personnel file, as described by Section 1701.4535, of the license holder maintained by the agency; and

(F) submit to the commission each report of a completed investigation;

(2) provide that an investigation into the alleged misconduct of a license holder may not be terminated by the resignation, retirement, termination, death, or separation from employment of the license holder;

(3) specify that a license holder under investigation for misconduct is entitled to any internal due process procedures provided by the investigating agency to contest the investigation or completed report;

(4) require a law enforcement agency to request and review any information regarding an applicant for employment maintained by the commission in the licensing status database established under Section 1701.168 as part of the preemployment procedures required under Section 1701.451(a);

(5) establish a provisional hiring period of at least 45 days for any license holder employed by a law enforcement agency and allow a law enforcement agency to terminate the employment of the license holder if information relating to an investigation of alleged misconduct by the license holder is made available to the agency by the commission as part of the preemployment procedures required under Section 1701.451(a) within the provisional period; and

(6) take into account the variation in size, function, and jurisdiction of law enforcement agencies in this state.

(c) A law enforcement agency shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission and the commission shall maintain a copy of the policy.

(d) The commission shall maintain each report received under a policy adopted under this section as part of the license holder's record in the licensing status database established under Section 1701.168.

(e) The commission shall notify a law enforcement agency seeking to appoint a license holder of a completed investigation report submitted to the commission with respect to the license holder not later than the fifth business day after the date the commission receives the report.

SECTION 16. Section 1701.453, Occupations Code, is amended to read as follows:

Sec. 1701.453. MAINTENANCE OF REPORTS [~~AND STATEMENTS~~]. The commission shall maintain a copy of each report [~~and statement~~] submitted to the commission under this subchapter until at least the 10th anniversary of the date on which the report [~~or statement~~] is submitted.

SECTION 17. Subchapter J, Chapter 1701, Occupations Code, is amended by adding Section 1701.4535 to read as follows:

Sec. 1701.4535. PERSONNEL FILE. (a) The commission shall adopt a model policy regarding personnel files maintained with respect to a license holder. The policy must:

(1) require the head of a law enforcement agency or the head's designee to maintain a personnel file on each license holder employed by the agency that contains any letter, memorandum, or document relating to:

(A) a commendation, congratulation, or honor bestowed on the license holder by a member of the public or by the employing agency for an action, duty, or activity that relates to the license holder's official duties;

(B) any misconduct by the license holder if the letter, memorandum, or document is from the employing agency and the misconduct resulted in disciplinary action by the employing agency; and

(C) the periodic evaluation of the license holder by a supervisor; and

(2) provide that:

(A) a letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the employing agency determines that there is insufficient evidence to sustain the charge of misconduct;

(B) if a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:

(i) the agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail; and

(ii) the license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation;

(C) information contained in a license holder's personnel file may not be released without the license holder's written permission, unless the release is required by law;

(D) a license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder's personnel file; and

(E) an employing agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies described by Paragraph (D).

(b) A law enforcement agency shall adopt the model policy described by Subsection (a) or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the commission, and the commission shall maintain a copy of the policy.

(c) Except as provided by Subsections (d) and (e), a law enforcement agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license holder unless required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

(d) A law enforcement agency shall provide a license holder's personnel file to the commission:

(1) not later than the 30th day after the date the license holder separates from the agency; or

(2) on request by the commission as part of an ongoing investigation relating to the license holder.

(e) As provided by Section 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's personnel file.

SECTION 18. Section 1701.456(a), Occupations Code, is amended to read as follows:

(a) The commission is not liable for civil damages for providing information contained in a report [~~or statement~~] maintained by the commission under this subchapter if the commission released the information as provided by this subchapter.

SECTION 19. The heading to Subchapter K, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER K. DISCIPLINARY GROUNDS AND PROCEDURES

SECTION 20. Section 1701.501, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Except with respect to an officer elected under the Texas Constitution, the commission shall revoke or suspend a law enforcement agency's authority to employ a license holder, place on probation an agency whose authority to employ a license holder has been suspended, or reprimand a law enforcement agency for a violation described by Subsection (a).

SECTION 21. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.5011 to read as follows:

Sec. 1701.5011. EMERGENCY SUSPENSION. (a) The commission shall adopt rules specifying the circumstances under which the commission may issue an emergency order, without a hearing, suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare.

(b) An order suspending a license under this section must state the length of the suspension in the order.

(c) If an emergency order is issued without a hearing under this section, the commission shall, not later than the 10th day after the date the order was issued, set the time and place for a hearing on the order. The hearing must be conducted as soon as practicable. A hearing under this section to affirm, modify, or set aside the emergency order shall be conducted by the State Office of Administrative Hearings. The order shall be affirmed to the extent that good cause existed to issue the order.

(d) The commission by rule may prescribe procedures for the determination and appeal of an emergency order issued under this section, including a rule allowing the commission to affirm, modify, or set aside a decision made by the State Office of Administrative Hearings under Subsection (c).

(e) A proceeding under this section is a contested case under Chapter 2001, Government Code.

SECTION 22. The following provisions of the Occupations Code are repealed:

- (1) Sections 1701.452(b) and (c);
- (2) Section 1701.4521; and
- (3) Section 1701.4525.

SECTION 23. (a) Except as provided by Subsection (b) of this section, Section 1701.059, Occupations Code, as amended by this Act, applies to a member of the Texas Commission on Law Enforcement appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Commission on Law Enforcement who, before the effective date of this Act, completed the training program required by Section 1701.059, Occupations Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this Act to the training program required by Section 1701.059, Occupations Code. A

commission member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2023, until the member completes the additional training.

SECTION 24. (a) Not later than March 1, 2024, the Texas Commission on Law Enforcement shall:

(1) adopt rules and update forms as necessary to implement the changes in law made by this Act to Chapter 1701, Occupations Code;

(2) adopt the model policies required by Sections 1701.167, 1701.171, 1701.4522, and 1701.4535, Occupations Code, as added by this Act;

(3) establish the licensing status database as required by Section 1701.168, Occupations Code, as added by this Act;

(4) designate the databases required by Sections 1701.169 and 1701.170, Occupations Code, as added by this Act; and

(5) establish a date by which each law enforcement agency in this state shall adopt the policies required by Sections 1701.167, 1701.171, 1701.4522, and 1701.4535, Occupations Code, as added by this Act.

(b) Not later than September 1, 2024, the Texas Commission on Law Enforcement shall establish the database containing officer personal service reports as required by Section 1701.205, Occupations Code, as added by this Act.

SECTION 25. Sections 1701.303 and 1701.451(a), Occupations Code, as amended by this Act, and Section 1701.3035, Occupations Code, as added by this Act, apply only with respect to a person hired on or after March 1, 2024. A person hired before March 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 26. The changes in law made by this Act to Subchapter J, Chapter 1701, Occupations Code, apply only to a report required to be submitted under Section 1701.452, Occupations Code, as amended by this Act, regarding a separation of a license holder that occurs on or after March 1, 2024. A separation that occurs before March 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 27. Section 1701.3135, Occupations Code, as added by this Act, applies only to an application for an officer license submitted under Chapter 1701, Occupations Code, on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 28. Section 1701.501(a-1), Occupations Code, as added by this Act, applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 29. This Act takes effect September 1, 2023.

The amendment was read.

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

The motion prevailed without objection.



The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 1445** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Paxton, Chair; Johnson, King, Springer, and Huffman.

### **SENATE JOINT RESOLUTION 75 WITH HOUSE AMENDMENTS**

Senator Perry called **SJR 75** from the President's table for consideration of the House amendments to the resolution.

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

#### **Amendment**

Amend **SJR 75** by substituting in lieu thereof the following:

#### **A JOINT RESOLUTION**

proposing a constitutional amendment creating the Texas water fund to assist in financing water projects in this state.

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

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-d-16 to read as follows:

Sec. 49-d-16. (a) The Texas water fund is created as a special fund in the state treasury outside the general revenue fund. The fund is administered by the Texas Water Development Board or by that board's successor in function as provided by general law.

(b) The administrator of the Texas water fund may use the fund only to transfer money to other funds or accounts administered by the Texas Water Development Board or that board's successor in function. The administrator may restore to the fund money transferred from the fund and deposited to the credit of another fund or account. Legislative appropriation is not required for the administrator to transfer money from or restore money to the fund.

(c) The Texas water fund consists of:

(1) money transferred or deposited to the credit of the fund by general law, including money appropriated by the legislature directly to the fund and money from any source transferred or deposited to the credit of the fund authorized by general law;

(2) any other revenue that the legislature by statute dedicates for deposit to the credit of the fund;

(3) investment earnings and interest earned on amounts credited to the fund;

(4) money from gifts, grants, or donations to the fund; and

(5) money returned from any authorized transfer.

(d) The legislature by general law shall provide for the manner in which money from the Texas water fund may be used, subject to the limitations provided by this section.

(e) The legislature by general law may provide for costs of investment of the Texas water fund to be paid from that fund.

(f) For purposes of Section 22, Article VIII, of this constitution:

(1) money in the Texas water fund is dedicated by this constitution; and

(2) an appropriation of state tax revenues for the purpose of depositing money to the credit of the Texas water fund is treated as if it were an appropriation of revenues dedicated by this constitution.

(g) On January 1, 2024, the comptroller of public accounts shall transfer \$3 billion of the unencumbered balance of the general revenue fund that exists on that date to the Texas water fund. This subsection expires December 31, 2024.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment creating the Texas water fund to assist in financing water projects in this state."

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

Amend **CSSJR 75** (house committee report) as follows:

(1) On page 1, line 13, between "function" and the underlined period, insert "or to pay for expenses of administering the fund".

(2) On page 2, strike lines 9 through 10 and substitute the following:

(e) The expenses of managing the investments of the fund shall be paid from the fund.

(3) On page 2, strike lines 19 through 22 and substitute the following:

(g) Not later than January 15, 2024, the comptroller shall transfer \$3 billion from the general revenue fund to the Texas water fund. This subsection expires December 31, 2024.

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SJR 75** before appointment.

There were no motions offered.

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

### **SENATE BILL 28 WITH HOUSE AMENDMENTS**

Senator Perry called **SB 28** 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 28** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to financial assistance provided and programs administered by the Texas Water Development Board.

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

SECTION 1. Section 10.010, Water Code, is amended to read as follows:

Sec. 10.010. POWERS AND DUTIES OF COUNCIL. The council shall:

- (1) monitor trends in water conservation implementation;
- (2) monitor new technologies for possible inclusion by the board as best management practices in the best management practices guide developed by the water conservation implementation task force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003;
- (3) monitor the effectiveness of the statewide water [~~conservation~~] public awareness program developed under Section 16.026 [~~16.401~~] and associated local involvement in implementation of the program;
- (4) develop and implement a state water management resource library;
- (5) develop and implement a public recognition program for water conservation;
- (6) monitor the implementation of water conservation strategies by water users included in regional water plans; and
- (7) monitor target and goal guidelines for water conservation to be considered by the board and commission.

SECTION 2. Chapter 15, Water Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. NEW WATER SUPPLY FOR TEXAS FUND

Sec. 15.151. DEFINITION. In this subchapter, "fund" means the new water supply for Texas fund.

Sec. 15.152. FUND. (a) The new water supply for Texas fund is a special fund in the state treasury. The fund consists of:

- (1) money appropriated for transfer or deposit to the credit of the fund;
- (2) money the board transfers to the fund from any available source;
- (3) depository interest allocable to the fund and other investment returns on money in the fund;
- (4) money from gifts, grants, or donations to the fund; and
- (5) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund.

(b) The fund is exempt from the application of Section 403.095, Government Code.

Sec. 15.153. USE OF FUND. (a) The board by rule shall undertake to finance projects through the fund that will lead to the acquisition or creation of seven million acre-feet of new water supplies by December 31, 2033.

(b) The fund may be used to:

(1) provide financial assistance to political subdivisions to develop water supply projects that create new water sources for the state, including:

(A) the acquisition of water from other states;

(B) desalination projects, including marine and brackish water desalination;

(C) produced water treatment projects, other than projects that are only for purposes of oil and gas exploration;

(D) aquifer storage and recovery projects;

(E) potable water reuse projects; and

(F) the development of infrastructure to transport water that is made available by a project described by this subdivision;

(2) make transfers from the fund:

(A) to the state water implementation fund for Texas established under Subchapter G or the Texas Water Development Fund II established under Subchapter L, Chapter 17; and

(B) for a purpose described by Subdivision (1); and

(3) make transfers from the fund to the water bank account established under Section 15.707 only for the acquisition or transfer of water originating outside this state.

(c) The fund may be used for any purpose described by Subsection (b) under criteria developed by the board. A loan made from the fund under this subchapter may provide for repayment terms of up to 30 years, in the board's discretion.

(d) Financial assistance for a purpose described by Subsection (b)(1):

(1) may be provided for a qualifying project under Chapter 2267, Government Code, only if the project complies with that chapter; and

(2) may not be provided for expenses associated with the maintenance or operation of a water supply project described by Subsection (b)(1).

Sec. 15.154. FINANCIAL ASSISTANCE. (a) The board shall adopt rules necessary to administer this subchapter, including rules establishing procedures for the application for and award of financial assistance, the distribution of financial assistance, the investment of funds, and the administration of financial assistance and the fund.

(b) When evaluating an application for financial assistance from a political subdivision, the board shall consider:

(1) the intended end users of the water supply, the needs of the area to be served by the project, the expected benefit of the project to the area, the relationship of the project to the water supply needs of this state overall, and the relationship of the project to the state water plan;

(2) the amount of water expected to be produced by the project; and

(3) the availability of money or revenue to the political subdivision from all sources for the ultimate repayment of the cost of the project, including all interest.

(c) The board by resolution may approve an application if, after considering the factors listed in Subsection (b) and other relevant factors, the board finds that:

(1) the public interest is served by state assistance for the project; and

(2) for an application for financial assistance in the form of a loan, the money or revenue pledged by the political subdivision will be sufficient to meet all the obligations assumed by the political subdivision during the term of the loan.

(d) The repayment of principal or interest on a loan made under this subchapter must be deposited to the credit of the Texas water fund. This subsection does not apply to a loan made under other law with money transferred under Section 15.153(b)(2).

(e) An application from a political subdivision for financial assistance under this subchapter must comply with the requirements of Section 16.4021.

(f) Sections 17.183-17.187 apply to the construction of projects funded under this subchapter.

SECTION 3. Section 15.438(a), Water Code, is amended to read as follows:

(a) The State Water Implementation Fund for Texas Advisory Committee is composed of the following seven members:

(1) the comptroller, or a person designated by the comptroller;

(2) three members of the senate appointed by the lieutenant governor, including:

(A) a member of the committee of the senate having primary jurisdiction over matters relating to finance; and

(B) the chair [~~a member~~] of the committee of the senate having primary jurisdiction over water [~~natural~~] resources; and

(3) three members of the house of representatives appointed by the speaker of the house of representatives, including:

(A) a member of the committee of the house of representatives having primary jurisdiction over appropriations; and

(B) the chair [~~a member~~] of the committee of the house of representatives having primary jurisdiction over water [~~natural~~] resources.

SECTION 4. Section 15.472(a), Water Code, is amended to read as follows:

(a) The state water implementation revenue fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board, without further legislative appropriation, only for the purpose of providing financing for projects included in the state water plan that are authorized under Subchapter C-1, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J or L, Chapter 17. The board may establish separate accounts in the fund. The board has legal title to money and investments in the fund until the money is disbursed as provided by this subchapter and board rules. It is the intent of the legislature that the fund will never be used:

(1) for a purpose other than the support of projects in the state water plan; or

(2) to certify that appropriations from the treasury are within the amount estimated to be available in a fund of the treasury affected by the appropriation.

SECTION 5. Section 15.474(a), Water Code, is amended to read as follows:

(a) Except as provided by Subsection (c), money in the fund may be used by the board only to provide financing or refinancing, under terms specified by the board, for projects included in the state water plan that are authorized under Subchapter C-1, Q,

or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J or L, Chapter 17, including water conservation or reuse projects designed to reduce the need for this state or political subdivisions of this state to develop additional water resources.

SECTION 6. Chapter 15, Water Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. TEXAS WATER FUND

Sec. 15.501. DEFINITION. In this subchapter, "fund" means the Texas water fund.

Sec. 15.502. FUND. (a) The Texas water fund is a special fund in the state treasury outside the general revenue fund. The fund is administered by the board.

(b) The board may use the fund only to transfer money to:

(1) the water assistance fund established under Subchapter B;

(2) the new water supply for Texas fund established under Subchapter C-1;

(3) the state water implementation fund for Texas established under

Subchapter G;

(4) the state water implementation revenue fund for Texas established under

Subchapter H;

(5) a revolving fund established under Subchapter J;

(6) the rural water assistance fund established under Subchapter R;

(7) the statewide water public awareness account established under Section

16.027;

(8) the Texas Water Development Fund II water financial assistance account established under Section 17.959; and

(9) the Texas Water Development Fund II state participation account established under Section 17.957.

(c) Money and investments in the fund shall be kept and held for and in the name of the board.

(d) The comptroller may not use the fund for certification under Section 49a, Article III, Texas Constitution.

(e) Money in the fund may be used only as provided by this subchapter.

(f) The fund consists of:

(1) money transferred or deposited to the credit of the fund by law, including money appropriated by the legislature directly to the fund and money from any source transferred or deposited to the credit of the fund as authorized by law;

(2) any other revenue that the legislature by statute dedicates for deposit to the credit of the fund;

(3) investment earnings and interest earned on amounts credited to the fund;

(4) money from gifts, grants, or donations to the fund; and

(5) money returned from any authorized transfer.

Sec. 15.503. MANAGEMENT AND INVESTMENT OF FUND. (a) Money in the fund shall be invested as determined by the board. If managed by the comptroller, the fund may be invested with the state treasury pool.

(b) The fund and any accounts established in the fund shall be kept and maintained by or at the direction of the board.

(c) The money in the fund may be managed by the board, the comptroller, or a corporate trustee that is a trust company or a bank that has the powers of a trust company for and on behalf of the board and pending the money's use for the purposes provided by this subchapter, if managed by a corporate trustee, may be invested as provided by an order, resolution, or rule of the board.

(d) If directed by the board to manage the fund under Subsection (c), a corporate trustee shall manage the fund in strict accordance with this subchapter and the orders, resolutions, and rules of the board. In managing the assets of the fund, the board, comptroller, or corporate trustee may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment. The reasonable expenses of managing the fund's assets shall be paid from the fund.

Sec. 15.504. USE OF FUND. (a) The board by resolution may make transfers from the fund to a fund or account described by Section 15.502(b) for an authorized purpose of the receiving fund or account.

(b) The board may not transfer money to a fund or account described by Section 15.502(b) until the application for the project for which the money is to be used has been approved.

(c) The board shall ensure that a portion of the money transferred from the fund is used for:

(1) water or wastewater infrastructure projects, prioritized by risk or need,  
for:

(A) rural political subdivisions; and

(B) municipalities with a population of less than 150,000;

(2) projects for which all required state or federal permitting has been substantially completed, as determined by the board;

(3) the statewide water public awareness program established under Section 16.026; and

(4) water conservation strategies.

(d) Money transferred from the fund for the purposes described by Subsection (c) may be transferred to funds or accounts described by Section 15.502(b) to be used to provide financial assistance for any purpose described by Subsection (c) under criteria developed by the board and in accordance with law.

(e) Money deposited to the credit of the fund as provided by Section 15.154(d) may be used only for the purposes described by Section 15.153(b).

(f) The board may use the fund to pay the necessary and reasonable expenses of the board in administering the fund.

Sec. 15.505. TRANSFER OF MONEY. Notwithstanding any other law:

(1) the board may:

(A) transfer money from the fund into any other fund or account described by Section 15.502(b); and

(B) restore to the fund money transferred from the fund and deposited to the credit of a fund or account described by Section 15.502(b); and

(2) a fund or account described by Section 15.502(b) may accept a transfer of money made under this subchapter.

Sec. 15.506. ADVISORY COMMITTEE. (a) The State Water Implementation Fund for Texas Advisory Committee established under Section 15.438:

(1) shall submit comments and recommendations to the board regarding the use of money in the fund for use by the board in adopting rules under Section 15.507;

(2) shall review the overall operation, function, and structure of the fund at least annually and may provide comments and recommendations to the board on any matter; and

(3) may adopt rules, procedures, and policies as needed to administer this section and implement its responsibilities.

(b) The advisory committee may not recommend specific projects for consideration for receipt of financial assistance from the fund.

Sec. 15.507. RULES. (a) The board may adopt rules providing for the use of money in the fund that are consistent with this subchapter.

(b) Rules adopted under this section must require each recipient of financial assistance administered through the fund to submit to the board a water conservation plan consistent with the requirements of Section 16.4021.

SECTION 7. Section 15.994(c), Water Code, is amended to read as follows:

(c) The board may use money in the fund to contract for outreach, financial, planning, and technical assistance to assist rural political subdivisions [~~in obtaining and using financing from any source~~] for a purpose described by this section, including in obtaining and using financing from funds and accounts administered by the board.

SECTION 8. Section 16.0121, Water Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) The board by rule shall establish a program to provide technical assistance to retail public utilities in conducting water audits required under Subsections (b) and (b-1) and in applying for financial assistance from the board to mitigate the utility system's water loss. The board may provide for the implementation of the program established under this subsection by contracting or partnering with other entities. Rules adopted under this section must provide for the prioritization of technical assistance to retail public utilities based on:

(1) water loss audits submitted to the board;

(2) the population served by the utility; and

(3) the integrity of the utility's system.

(l) The board shall post on the board's Internet website information that:

(1) summarizes the information compiled under Subsection (f);

(2) summarizes the measures taken by retail public utilities to reduce water loss; and

(3) identifies the retail public utilities participating in the program established under Subsection (k) and details the use of financial assistance provided under that subsection.

SECTION 9. Section 16.401, Water Code, is transferred to Subchapter B, Chapter 16, Water Code, redesignated as Section 16.026, Water Code, and amended to read as follows:



Sec. 16.026 [~~16.401~~]. STATEWIDE WATER [~~CONSERVATION~~] PUBLIC AWARENESS PROGRAM. (a) The executive administrator shall develop and implement a statewide water [~~conservation~~] public awareness program to educate residents of this state about water [~~conservation~~]. The program shall take into account the differences in water [~~conservation~~] needs of various geographic regions of the state and shall be designed to complement and support existing local and regional water education or awareness [~~conservation~~] programs.

(b) The executive administrator is required to develop and implement the program required by Subsection (a) in a state fiscal biennium only if the legislature appropriates sufficient money in that biennium specifically for that purpose.

SECTION 10. Subchapter B, Chapter 16, Water Code, is amended by adding Section 16.027 to read as follows:

Sec. 16.027. STATEWIDE WATER PUBLIC AWARENESS ACCOUNT. (a) The statewide water public awareness account is an account in the general revenue fund. The account consists of:

(1) money appropriated to the board for deposit to the credit of the account;  
(2) money transferred by the board to the credit of the account from other funds available to the board;

(3) money from gifts or grants to the account from any source, including the federal government, an educational institution, or a private donor;

(4) proceeds from the sale of educational or public awareness materials, publications, and other items deposited to the credit of the account; and

(5) interest earned on the investment of money in the account and depository interest allocable to the account.

(b) The account may be used by the board to develop, administer, and implement the statewide water public awareness program established by Section 16.026.

(c) The board may invest, reinvest, and direct the investment of available money in the account as provided by law for the investment of money under Section 404.024, Government Code.

(d) The account is exempt from the application of Section 403.095, Government Code.

SECTION 11. Section 16.4021(b), Water Code, is amended to read as follows:

(b) This section applies to an application for financial assistance under:

(1) Subchapters C, C-1, D, E, G, H, J, O, Q, and R, Chapter 15;

(2) Subchapters E and F of this chapter; and

(3) Subchapters D, F, I, K, and L, Chapter 17.

SECTION 12. Not later than January 1, 2024, the Texas Water Development Board shall adopt rules as required by Section 16.0121(k), Water Code, as added by this Act.

SECTION 13. (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2023.

(b) Section 6 of this Act takes effect January 1, 2024, but only if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, creating the Texas water fund to assist in financing water projects in this state is approved by the voters. If that constitutional amendment is not approved by the voters, Section 6 of this Act has no effect.

### Floor Amendment No. 1

Amend **CSSB 28** (house committee report) as follows:

(1) On page 2, line 10, between "treasury" and the underlined period, insert "administered by the board".

(2) On page 8, strike lines 14 through 15 and reletter subsequent subsections and references to those subsections accordingly.

(3) On page 9, strike lines 4 through 6 and substitute the following:  
in the fund shall be held and invested by the Texas Treasury Safekeeping Trust Company, taking into account the purposes for which money in the fund may be used.

(4) On page 9, strike lines 9 through 19 and substitute the following:

(c) In managing the assets of the fund, the trust company may acquire, exchange, sell,

(5) On page 9, between lines 26 and 27, insert the following:

(d) Section 404.094(d), Government Code, applies to the fund.

(6) On page 14, strike lines 22 through 24 and reletter subsequent subsections and references to those subsections accordingly.

### Floor Amendment No. 2

Amend **CSSB 28** (house committee report) as follows:

(1) On page 10, line 18, strike "and".

(2) On page 10, line 19, between "strategies" and the underlined period, insert the following:

; and

(5) water loss mitigation projects

### Floor Amendment No. 3

Amend **CSSB 28** (house committee report) on page 10 as follows:

(1) On line 11, strike "and".

(2) On line 13, immediately following the underlined semicolon, add the following:

and

(C) economically distressed areas, as defined by Section 17.921;

The amendments were read.

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

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 28** before appointment.

There were no motions offered.

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

### **CONCLUSION OF MORNING CALL**

The Presiding Officer, Senator Flores in Chair, at 12:05 p.m. announced the conclusion of morning call.

### **HOUSE BILL 5142 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 5142** at this time on its second reading:

**HB 5142**, Relating to the issuance of specially marked driver's licenses and personal identification certificates to veterans.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 5142 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 5142** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 1743 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **HB 1743** at this time on its second reading:

**HB 1743**, Relating to a memorandum of understanding between the Health and Human Services Commission and the Texas Department of Criminal Justice to assess the eligibility of certain inmates for supplemental nutrition assistance program benefits on discharge or release from confinement.

The motion prevailed.

Senators Creighton, 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 and was passed to third reading by a viva voce vote.

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

Nays: Creighton, Hall, Hughes, Middleton.

**HOUSE BILL 1743 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1743** be placed on its third reading and final passage.

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

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

Nays: Creighton, Hall, Hughes, Middleton.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**HOUSE BILL 2947 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2947** at this time on its second reading:

**HB 2947**, Relating to the definition of agricultural operations.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 2947 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2947** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 2019 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 2019** at this time on its second reading:

**HB 2019**, Relating to the statute of limitations for certain burglary offenses.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 2019 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 2019** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 3130 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 3130** at this time on its second reading:

**HB 3130**, Relating to the protection of certain occupational licensing information regarding clients of family violence shelter centers, victims of trafficking shelter centers, and sexual assault programs and survivors of family violence, domestic violence, and sexual assault.

The motion prevailed.

Senator Middleton 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: Middleton.

### **HOUSE BILL 3130 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 3130** be placed on its third reading and final passage.

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

Nays: Middleton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

### **HOUSE BILL 4337 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4337** at this time on its second reading:

**HB 4337**, Relating to licenses and similar documents issued by certain foreign governments.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 4337 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 **HB 4337** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### HOUSE BILL 4227 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 4227** at this time on its second reading:

**HB 4227**, Relating to the repeal of a municipal civil service system for firefighters and police officers in certain municipalities.

The bill was read second time.

Senator Hancock offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 4227** (senate committee report) in SECTION 1 of the bill, in amended Section 143.004(e), Local Government Code (page 1, line 25), by striking "900,000" and substituting "950,000".

The amendment to **HB 4227** was read and was adopted by a viva voce vote.

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

**HB 4227** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### HOUSE BILL 4227 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 4227** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### HOUSE BILL 1193 ON SECOND READING

Senator Miles moved to suspend the regular order of business to take up for consideration **HB 1193** at this time on its second reading:

**HB 1193**, Relating to prohibiting housing discrimination by a property owners' association against a residential tenant based on the tenant's method of payment.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Nichols, Paxton, Schwertner, Springer, West, Whitmire, Zaffirini.

Nays: Campbell, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Perry, Sparks.

The bill was read second time and was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

### **HOUSE BILL 1193 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1193** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Huffman, Hughes, King, Kolkhorst, Parker, Sparks.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Creighton, Eckhardt, Flores, Gutierrez, Hall, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Nichols, Paxton, Schwertner, Springer, West, Whitmire, Zaffirini.

Nays: Campbell, Hancock, Huffman, Hughes, King, Kolkhorst, Middleton, Parker, Perry, Sparks.

### **COMMITTEE SUBSTITUTE HOUSE BILL 33 ON SECOND READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **CSHB 33** at this time on its second reading:

**CSHB 33**, Relating to the enforcement of certain federal laws regulating oil and gas operations within the State of Texas.

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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE HOUSE BILL 33 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 **CSHB 33** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Blanco, Eckhardt, Johnson, Miles, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12.

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

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

### **COMMITTEE SUBSTITUTE HOUSE BILL 4390 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSHB 4390** at this time on its third reading and final passage:

**CSHB 4390**, Relating to the Texas Industry-Recognized Apprenticeship Programs Grant Program.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

### **HOUSE BILL 617 ON SECOND READING**

Senator Alvarado moved to suspend the regular order of business to take up for consideration **HB 617** at this time on its second reading:

**HB 617**, Relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas.

The motion prevailed.

Senator Parker 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: Parker.



**HOUSE BILL 617 ON THIRD READING**

Senator Alvarado moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 617** be placed on its third reading and final passage.

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

Nays: Parker.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**HOUSE BILL 4779 ON SECOND READING**

Senator Whitmire moved to suspend the regular order of business to take up for consideration **HB 4779** at this time on its second reading:

**HB 4779**, Relating to the prosecution of the criminal offense of organized retail theft.

The motion prevailed.

Senators Hughes and Middleton 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: Hughes, Middleton.

**HOUSE BILL 4779 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 4779** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Hughes, Middleton.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**HOUSE BILL 3224 ON SECOND READING**

Senator LaMantia moved to suspend the regular order of business to take up for consideration **HB 3224** at this time on its second reading:

**HB 3224**, Relating to the status of the registration of a vehicle after a failure to establish financial responsibility.

The motion prevailed.

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

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

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

Nays: Hughes.

#### **HOUSE BILL 3224 ON THIRD READING**

Senator LaMantia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3224** be placed on its third reading and final passage.

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

Nays: Hughes.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

#### **HOUSE BILL 2334 ON THIRD READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 2334** at this time on its third reading and final passage:

**HB 2334**, Relating to an exemption from the plumbing licensing law for certain work performed on certain private property.

The motion prevailed by the following vote: Yeas 23, Nays 8.

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

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

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8. (Same as previous roll call)

#### **HOUSE BILL 2965 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 2965** at this time on its second reading:

**HB 2965**, Relating to certain construction liability claims concerning public buildings and public works.

The motion prevailed.

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

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

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

Nays: Eckhardt, Gutierrez.

### **HOUSE BILL 2965 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2965** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Eckhardt, Gutierrez.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

### **HOUSE BILL 3144 ON SECOND READING**

On motion of Senator Campbell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3144** at this time on its second reading:

**HB 3144**, Relating to designating October as Fentanyl Poisoning Awareness Month.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 3144 ON THIRD READING**

Senator Campbell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3144** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2263 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 2263** at this time on its second reading:

**CSHB 2263**, Relating to the authority of a natural gas local distribution company to offer energy conservation programs.

The motion prevailed.

Senators Hall, Kolkhorst, Middleton, and Sparks 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: Hall, Kolkhorst, Middleton, Sparks.

### **COMMITTEE SUBSTITUTE HOUSE BILL 2263 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 **CSHB 2263** be placed on its third reading and final passage.

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

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

Nays: Hall, Kolkhorst, Middleton, Sparks.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

**(President in Chair)**

### **HOUSE BILL 3858 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3858** at this time on its second reading:

**HB 3858**, Relating to peace officer wellness programs within certain law enforcement agencies.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 3858 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3858** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE**  
**HOUSE JOINT RESOLUTION 2 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHJR 2** at this time on its second reading:

**CSHJR 2**, Proposing a constitutional amendment limiting the authority of the legislature to provide cost-of-living adjustments or other benefit enhancements to certain annuitants of the Teacher Retirement System of Texas and providing a one-time transfer of funds to the retirement system to provide a cost-of-living adjustment.

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **CSHJR 2** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Article XVI, Texas Constitution, is amended by adding Section 67-a to read as follows:

Sec. 67-a. (a) As the Teacher Retirement System of Texas is actuarially sound according to an actuarial valuation update performed in February 2023, the 88th Legislature, Regular Session, 2023:

(1) by general law may provide a cost-of-living adjustment to annuitants of the Teacher Retirement System of Texas who are eligible for the adjustment as determined by that general law; and

(2) may appropriate an amount of money from the general revenue fund to the comptroller of public accounts for deposit to the trust fund of the Teacher Retirement System of Texas to pay the adjustment authorized by Subdivision (1) of this subsection.

(b) For purposes of Section 22, Article VIII, of this constitution, an appropriation of state tax revenues made by the 88th Legislature, Regular Session, 2023, for the purpose described by Subsection (a)(1) of this section is treated as if it were an appropriation of revenues dedicated by this constitution.

(c) This section expires September 1, 2025.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas."

The amendment to **CSHJR 2** 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.

**CSHJR 2** 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.

**COMMITTEE SUBSTITUTE  
HOUSE JOINT RESOLUTION 2 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 **CSHJR 2** be placed on its third reading and final passage.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 30 ON SECOND READING**

On motion of Senator King and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 30** at this time on its second reading:

**CSHB 30**, Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 30 ON THIRD READING**

Senator King moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 30** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**REMARKS ORDERED PRINTED**

On motion of Senator Kolkhorst and by unanimous consent, the remarks by Senators King and Kolkhorst regarding **CSHB 30** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Kolkhorst, for what purpose?

**Senator Kolkhorst:** To ask the author—

**President:** Do you yield?

**Senator Kolkhorst:** —a few questions.

**President:** Do you yield?

**Senator Kolkhorst:** Thank you, Senator King, appreciate you bringing this bill forward. And you and I have had several discussions today about what the record is and what information would be available.

**Senator King:** I think that's another bill that's coming up. I'm sorry, which probably shows you that my layout was not that clear.

**Senator Kolkhorst:** It's not 30?

**Senator King:** I think you were thinking about Moody, Chairman Moody's other bill, which is 1385 on criminal history records.

**President:** Excuse me, Members, can both of you speak up more? It's very hard to hear you. Into the mic.

**Senator Kolkhorst:** Can I have one second?

**President:** Okay.

**Senator King:** My mistake, it is this bill.

**Senator Kolkhorst:** Thank you, Mr. President. So, you and I had a discussion earlier today about the, what you're trying to accomplish here is to have more transparency and to release some of this information to the public. And you and I were talking about what record is defined as in the bill. One of the things that I became aware of during the Protect All Texans that Senator Nichols chaired, the interim committee was something I wasn't completely aware of is that toxicology reports usually are not made public. In fact, we don't even know if we always do toxicology reports on those that commit these murders. Is that correct?

**Senator King:** That's correct, we're not sure.

**Senator Kolkhorst:** And so, in our discussion, one of the things that we talked about was should that be made available. And one of the things that I, as Chair of Health and Human Services, have become concerned about is, is there a pattern there? Is there something that maybe, we talk about mental health, the mental well-being, what makes someone do these, commit these heinous crimes, and is there something to that? Whether that would be meth or a number of illegal drugs, even legal drugs. And so, is it your understanding that if toxicology reports are a part of the record, that those would be made available to the public?

**Senator King:** And to where you're going, I understand completely. Part of the reason we're doing this is for transparency, for one, for the family's sake and the others who were closely involved with that. And the other is so that people can take a hard look at this, legislators, criminologists, people who are trying to find out what's going on with someone who commits a crime. And what you're talking about is, if there is a toxicology report, that, should that not also be a part of what is released so we can say, was this person a meth addict or were they a heavy user of marijuana or were they, you know, what was going on, other drugs that might be there. And the statute simply, as it is written, calls for a record to be released. It does not define record to my knowledge, record is not defined in the code. It may be somewhere, but to my knowledge, I'm not aware of that. When something's not defined, then you go to the common use of the word in general language, and the dictionary would say a record is a form or a report, something like that. I hope that a toxicology report fits under that definition of records. I honestly do not, why it would not, because it is a record just like other investigative reports that would be produced in that homicide investigation. So, if it is not, it certainly should be. My thought is that the common

use of that word would say that the toxicology report would be a part of that. Now there may be some HIPPA regulation that's federal that supersedes that from being released since it's medical information, but my hope is under this bill that it would be released.

**Senator Kolkhorst:** And so, the intent, just so you and I are clear, that it would be released if it was a part of that. Correct?

**Senator King:** Absolutely.

**Senator Kolkhorst:** Thank you for that clarification. And let me say, Senator King, and to the Members, other Senators, I think this is an area that we really have to look at in the interim. I know that I had a bill that was trying to work through State Affairs that talked about toxicology reports. When we look at, again, characteristics of someone that would murder another person, especially those that are acts of targeting a group of people, we have to start understanding what makes that person act in those violent situations. And we, you know, we can look at different things that we have. You know, were they isolated? Was it gaming? Was it, you and I talked about the characteristics of a potential or those that have committed these crimes. And so, I look forward to working with you and other Members in the interim to make toxicology tests mandatory, and that then, again, it is released to the public so that we can begin to see if there is a pattern and so that parents and loved ones and everyone else knows that certain things could lead to psychosis, which then leads to someone not being sane and doing actions that harm others. And so, thank you for your clarifications. Mr. President, I move to have the remarks between Senator King and I reduced to writing and placed in the Journal.

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

Senator Hall submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 5.14, the Intent Calendar rule, in order to move the Intent Calendar deadline to 8 p.m. today.

HALL

The Motion In Writing was read and prevailed without objection.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1613 ON SECOND READING**

Senator Flores moved to suspend the regular order of business to take up for consideration **CSHB 1613** at this time on its second reading:

**CSHB 1613**, Relating to the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of ad valorem tax relief to disabled veterans.

The motion prevailed.



Senators Creighton and Springer 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: Creighton, Springer.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1613 ON THIRD READING**

Senator Flores moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1613** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Creighton, Springer.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Creighton and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills upon recess today in the Press Room, 2E.9: **HB 5330, HB 3991.**

**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 the following bills at 2:20 p.m. today in the Betty King Committee Room, 2E.20: **HB 5360, HB 5418.**

**RECESS**

On motion of Senator Whitmire, the Senate at 1:57 p.m. recessed until 3:30 p.m. today.

**AFTER RECESS**

The Senate met at 3:48 p.m. and was called to order by Senator King.



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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

#### **HOUSE BILL 4520 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 4520** at this time on its second reading:

**HB 4520**, Relating to employment and retirement consequences for an educator convicted of or placed on deferred adjudication community supervision for the sale, distribution, or display of harmful material to a minor.

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

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

Nays: Eckhardt, Gutierrez, Menéndez, Miles, West.

The bill was read second time and was passed to third reading by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

#### **HOUSE BILL 4520 ON THIRD READING**

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4520** be placed on its third reading and final passage.

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

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

Nays: Eckhardt, Gutierrez, Menéndez, Miles, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

#### **HOUSE BILL 4087 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 4087** at this time on its second reading:

**HB 4087**, Relating to the use of certain on-site sewage disposal systems.

The motion prevailed.

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

The bill was read second time.

Senator Springer offered the following amendment to the bill:

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

Amend proposed **HB 4087** in SECTION 1 of the bill, adding (F), to Section 366.012 of the Health and Safety Code (page 1 after line 59) as follows:

(F) for a county with a population of more than 40,000 and less than 50,000 that borders the Red River along the Oklahoma State Line and has a major interstate road running through it, allow for the installation of aerobic drip emitter systems on subdivided or platted properties less than one-half acre in size, serving single-family residences supplied by a public drinking water system if site-specific planning materials have been:

- (i) submitted by a licensed engineer or registered sanitarian, and
- (ii) approved by the appropriate authorize agent.

The amendment to **HB 4087** was read and was adopted by a viva voce vote.

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

**HB 4087** as amended was passed to third reading by a viva voce vote.

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

Nays: Hughes.

### **HOUSE BILL 4087 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 4087** be placed on its third reading and final passage.

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

Nays: Hughes.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

### **HOUSE BILL 2951 ON SECOND READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **HB 2951** at this time on its second reading:

**HB 2951**, Relating to the establishment of a service dog pilot program for certain veterans.

The motion prevailed.

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

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

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

Nays: Creighton.

### **HOUSE BILL 2951 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 2951** be placed on its third reading and final passage.

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

Nays: Creighton.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE HOUSE BILL 1058 ON SECOND READING**

Senator Perry moved to suspend the regular order of business to take up for consideration **CSHB 1058** at this time on its second reading:

**CSHB 1058**, Relating to a franchise or insurance premium tax credit for certain housing developments.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Hall, Hughes, Kolkhorst, Middleton, Parker, Schwertner.

The bill was read second time.

Senator Perry offered the following amendment to the bill:

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

Amend **CSHB 1058** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 171.565(a), Tax Code (page 5, lines 16 and 21), strike "December 31, 2025" in both places it appears to substitute "December 31, 2029".

(2) In SECTION 1 of the bill, in added Section 171.565 (b), Tax Code (page 5, line 26), strike "January 1, 2026" and substitute "January 1, 2030".

The amendment to **CSHB 1058** was read and was adopted by a viva voce vote.

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

**CSHB 1058** as amended was passed to third reading by the following vote: Yeas 25, Nays 6.

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

Nays: Hall, Hughes, Kolkhorst, Middleton, Parker, Schwertner.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1058 ON THIRD READING**

Senator Perry moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1058** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Hall, Hughes, Kolkhorst, Middleton, Parker, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

#### **HOUSE BILL 2313 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 2313** at this time on its second reading:

**HB 2313**, Relating to training materials for certain transportation network company drivers regarding human trafficking awareness and prevention.

The motion prevailed.

Senators Hancock, Hughes, King, Middleton, and Sparks 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: Hancock, Hughes, King, Middleton, Sparks.

#### **HOUSE BILL 2313 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2313** be placed on its third reading and final passage.

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

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

Nays: Hancock, Hughes, King, Middleton, Sparks.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4759 ON SECOND READING**

Senator Menéndez moved to suspend the regular order of business to take up for consideration **CSHB 4759** at this time on its second reading:

**CSHB 4759**, Relating to an attack by a dangerous dog; increasing criminal penalties.

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

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

Nays: Hall, Hughes, King, Middleton, Sparks.

The bill was read second time and was passed to third reading by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 4759 ON THIRD READING**

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4759** be placed on its third reading and final passage.

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

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

Nays: Hall, Hughes, King, Middleton, Sparks.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**HOUSE BILL 1905 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **HB 1905** at this time on its second reading:

**HB 1905**, Relating to allowing school districts to make available certain school safety training courses to employees of certain private schools, child-care facilities, or organizations providing out-of-school-time care.

The motion prevailed.

Senators Hall, Hancock, and Schwertner 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: Hall, Hancock, Schwertner.

### **HOUSE BILL 1905 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1905** be placed on its third reading and final passage.

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

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

Nays: Hall, Hancock, Schwertner.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### **HOUSE BILL 3361 ON SECOND READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 3361** at this time on its second reading:

**HB 3361**, Relating to the slaughtering of livestock.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

### **HOUSE BILL 3361 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 3361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Alvarado, Eckhardt, Menéndez, Miles, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.



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

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

### **HOUSE BILL 4082 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 4082** at this time on its second reading:

**HB 4082**, Relating to the purposes for which a municipality or county may issue an anticipation note or certificate of obligation.

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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE**

### **HOUSE BILL 3837 ON SECOND READING**

Senator Sparks moved to suspend the regular order of business to take up for consideration **CSHB 3837** at this time on its second reading:

**CSHB 3837**, Relating to the designation of advanced clean energy projects.

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

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

Nays: Hall, Hughes, Middleton, Parker, West.

The bill was read second time and was passed to third reading by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### **COMMITTEE SUBSTITUTE**

### **HOUSE BILL 3837 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 **CSHB 3837** be placed on its third reading and final passage.

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

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

Nays: Hall, Hughes, Middleton, Parker, West.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

### HOUSE BILL 2102 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 2102** at this time on its second reading:

**HB 2102**, Relating to the establishment of a new open-enrollment charter school campus by certain charter holders and to the expansion of an open-enrollment charter school.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

### HOUSE BILL 755 ON SECOND READING

On motion of Senator Menéndez and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 755** at this time on its second reading:

**HB 755**, Relating to prior authorization for prescription drug benefits related to the treatment of autoimmune diseases and certain blood disorders.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

### HOUSE BILL 755 ON THIRD READING

Senator Menéndez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 755** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(President in Chair)****COMMITTEE SUBSTITUTE  
HOUSE BILL 3452 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 3452** at this time on its second reading:

**CSHB 3452**, Relating to the discipline of judges by the State Commission on Judicial Conduct and the legislature.

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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

**BIRTHDAY GREETINGS EXTENDED**

Senator Gutierrez was recognized and, on behalf of the Senate, extended birthday greetings to Senator Parker.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3452 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3452** be placed on its third reading and final passage:

**CSHB 3452**, Relating to the discipline of judges by the State Commission on Judicial Conduct and the legislature.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Alvarado, Eckhardt, LaMantia, Menéndez, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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



(Committee Substitute/Amended)

**SB 1040** Kolkhorst Sponsor: Oliverson  
Relating to health benefit plan coverage of a transplant of an organ that originated from or is transplanted in a country known to have participated in forced organ harvesting.

(Amended)

**SB 1308** Hancock Sponsor: Geren  
Relating to the operation of an unmanned aircraft over an airport or military installation; creating a criminal offense.

(Committee Substitute)

**SB 1346** Miles Sponsor: Bowers  
Relating to the prosecution of certain littering offenses.

**SB 1517** King Sponsor: Paul  
Relating to prohibiting certain academic boycotts of foreign countries by public institutions of higher education.

(Amended)

**SB 1518** King Sponsor: Guillen  
Relating to the establishment of a terrorist offender registry and to the supervision of those terrorist offenders; creating criminal offenses related to terrorism.

(Amended)

**SB 1745** Perry Sponsor: Burrows  
Relating to the equalization of the rates of production fees charged on certain wells by the Barton Springs-Edwards Aquifer Conservation District; authorizing an increase in the rate of the fee.

**SB 1802** Springer Sponsor: Goldman  
Relating to administrative procedures in the architectural barriers program at the Texas Department of Licensing and Regulation.

**SB 1900** Birdwell Sponsor: Guillen  
Relating to foreign terrorist organizations, including the compilation of information regarding, certain civil actions brought against, and the prosecution of certain organized crime offenses involving a foreign terrorist organization.

(Amended)

**SB 1929** Johnson Sponsor: Dean  
Relating to the registration of virtual currency mining facilities in the ERCOT power region that demand a large load of interruptible power.

(Committee Substitute/Amended)

**SB 1979** Hughes Sponsor: Harris, Caroline  
Relating to an annual study by the Texas A&M University Texas Real Estate Research Center of the purchase and sale of single-family homes by certain institutional buyers.

(Amended)

**SB 2016** Zaffrini Sponsor: Goldman  
Relating to the licensing and regulation of dietitians.

**SB 2304** LaMantia Sponsor: Hernandez

Relating to the regulation of driver education courses and driving safety courses and the provision of information regarding the Texas Driving with Disability Program to certain public school students.

Respectfully,  
/s/Stephen Brown,  
Chief Clerk  
House of Representatives

### HOUSE BILL 1883 ON SECOND READING

On motion of Senator Kolkhorst and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1883** at this time on its second reading:

**HB 1883**, Relating to the administration of assessment instruments to public school students on religious holy days.

The bill was read second time.

Senator Hall offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 1883** (senate committee report) in SECTION 1 of the bill, by striking added Section 39.0238(a), Education Code (page 1, lines 29 through 47), and substituting the following:

(a) In this section, "religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code.

The amendment to **HB 1883** was read and was adopted by a viva voce vote.

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

**HB 1883** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### HOUSE BILL 1883 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1883** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Flores in Chair)

### HOUSE BILL 5135 ON SECOND READING

On motion of Senator King and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 5135** at this time on its second reading:

**HB 5135**, Relating to the issuance of K9s4KIDs specialty license plates.

The bill was read second time.

Senator King offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 5135** (senate committee report) in SECTION 1 of the bill, in added Section 504.6661(b), Transportation Code (page 1, line 30), by striking "office of the governor" and substituting "Texas Education Agency".

The amendment to **HB 5135** was read and was adopted by a viva voce vote.

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

**HB 5135** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 5135 ON THIRD READING**

Senator King moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 5135** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 4219 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **HB 4219** at this time on its second reading:

**HB 4219**, Relating to the maximum rate or amount of interest of certain consumer loans.

The motion prevailed.

Senators Hall, 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 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, Kolkhorst.

**HOUSE BILL 4219 ON THIRD READING**

Senator Creighton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4219** be placed on its third reading and final passage.

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

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

Nays: Hall, Hughes, Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3440 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3440** at this time on its second reading:

**CSHB 3440**, Relating to posting and other requirements applicable to certain governmental bodies under the open meetings law.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 3440** (senate committee report) in SECTION 1 of the bill, as follows:

(1) In the recital (page 1, line 27), strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) In amended Section 551.056(b), Government Code (page 1, lines 33 to 36), strike ", along with any supplemental written materials provided to the members of the governmental body or economic development corporation in advance of the meeting for use during the meeting,".

(3) In amended Section 551.056, Government Code (page 1, between lines 53 and 54) insert the following:

(b-1) In addition to the requirements of Subsection (b), a governmental body or economic development corporation described by that subsection shall also post on the governmental body's or economic development corporation's Internet website any supplemental written materials provided to the members of the governmental body or economic development corporation in advance of a meeting for use during the meeting. The governmental body or economic development corporation must post the materials as soon as practicable in advance of the meeting.

(4) In added Section 551.056(b-1), Government Code (page 1, line 54), strike "(b-1)" and substitute "(b-2)".

(5) In added Section 551.056(b-1), Government Code (page 1, line 56), between "(b)" and "that", insert "or (b-1)".

The amendment to **CSHB 3440** was read and was adopted by a viva voce vote.

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

**CSHB 3440** 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.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3440 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 3440** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 1087 ON SECOND READING**

On motion of Senator Middleton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1087** at this time on its second reading:

**HB 1087**, Relating to the contents of a petition in certain suits affecting the parent-child relationship.

The bill was read second time.

Senator Middleton offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 1087** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 262.101(b), Family Code (page 1, line 43), immediately following "describe", insert "with specificity in a separate section".

(2) In SECTION 2 of the bill, in added Section 262.102(e), Family Code (page 1, line 51), between "describe" and "the", insert "with specificity in a separate section".

(3) In SECTION 3 of the bill, in added Section 262.105(c), Family Code (page 1, line 57), immediately following "describe", insert "with specificity in a separate section".

(4) In SECTION 4 of the bill, in added Section 262.107(c), Family Code (page 2, line 4), between "writing" and "the", insert "and in a separate section".

(5) In SECTION 5 of the bill, in added Section 262.201(g-2), Family Code (page 2, line 11), between "writing" and the underlined colon, insert "and in a separate section".

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

SECTION \_\_\_\_\_. Section 161.001, Family Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) In a suit for termination of the parent-child relationship filed by the Department of Family and Protective Services, the court may not order termination of the parent-child relationship under Subsection (b)(1) unless the court finds by clear and convincing evidence and describes in writing with specificity in a separate section of the order that:

(1) the department made reasonable efforts to return the child to the parent before commencement of a trial on the merits and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent; or

(2) reasonable efforts to return the child to the parent, including the requirement for the department to provide a family service plan to the parent, have been waived under Section 262.2015.

(g) In a suit for termination of the parent-child relationship filed by the Department of Family and Protective Services in which the department made reasonable efforts to return the child to the child's home but a continuing danger in the home prevented the child's return, the court shall include in a separate section of its order written findings describing with specificity the reasonable efforts the department made to return the child to the child's home.

The amendment to **HB 1087** was read and was adopted by a viva voce vote.

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

**HB 1087** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **HOUSE BILL 1087 ON THIRD READING**

Senator Middleton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1087** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 4041 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 4041** at this time on its second reading:

**CSHB 4041**, Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **COMMITTEE SUBSTITUTE**

#### **HOUSE BILL 4041 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4041** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### HOUSE BILL 1848 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **HB 1848** at this time on its second reading:

**HB 1848**, Relating to a study by the secretary of state on the feasibility of central counting stations complying with federal standards for facilities that contain sensitive information.

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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

### BILLS AND RESOLUTION SIGNED

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

**SB 37, SB 52, SB 135, SB 252, SB 280, SB 348, SB 361, SB 372, SB 374, SB 414, SB 485, SB 496, SB 526, SB 539, SB 540, SB 646, SB 658, SB 691, SB 739, SB 867, SB 904, SB 983, SB 994, SB 1045, SB 1122, SB 1393, SB 1439, SB 1551, SB 1599, SB 1614, SB 1653, SB 1710, SB 2017, SB 2106, SB 2119, SB 2150, SB 2269, SB 2275, SB 2310, SB 2333, SB 2379, SB 2399, SB 2493, SB 2612, SJR 74.**

### HOUSE BILL 4628 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 4628** at this time on its second reading:

**HB 4628**, Relating to the duties of law enforcement agencies, crime laboratories, and the Department of Public Safety following the performance of certain DNA profile comparisons.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 4628** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 420.043(a-1), Government Code (page 1, lines 23 through 30) and substitute the following:

(a-1) An accredited crime laboratory that submits a DNA profile to the department to perform the comparison required under Subsection (a) shall monitor the accredited crime laboratory's database for any matches between the DNA profile submitted to the department and the DNA profiles contained in the databases described by Subsections (a)(1) and (2). For purposes of Section 420.0431, the date on which a match is displayed in an accredited crime laboratory's database is considered written notification of a match.

(2) In SECTION 2 of the bill, adding Section 420.0431, Government Code (page 1, lines 36 and 48), strike "Section 402.043" in each place it appears and substitute "Section 420.043".

(3) In SECTION 3 of the bill, adding transition language (page 2, line 26), strike "Section 420.0431" and substitute "Sections 420.0431 and 420.0432".

The amendment to **HB 4628** was read and was adopted by a viva voce vote.

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

**HB 4628** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **HOUSE BILL 4628 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 4628** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**(Senator Hughes in Chair)**

#### **HOUSE BILL 1996 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1996** at this time on its second reading:

**HB 1996**, Relating to the regulation of group family leave insurance issued through an employer to pay for certain losses of income.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

#### **HOUSE BILL 1996 ON THIRD READING**

Senator Johnson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1996** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### HOUSE BILL 3899 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 3899** at this time on its second reading:

**HB 3899**, Relating to the issuance of bonds by certain local government corporations.

The motion prevailed.

Senators Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Whitmire, and Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

Senator West asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Bettencourt offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 3899** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 431.003(3), Transportation Code, is amended to read as follows:

- (3) "Local government" means:
  - (A) a municipality;
  - (B) a county; or
  - (C) for purposes of Subchapter D or D-1:
    - (i) a navigation district, hospital district, or hospital authority;
    - (ii) a regional transportation authority governed by Chapter 452;
    - (iii) a rapid transit authority governed by Chapter 451; or
    - (iv) a coordinated county transportation authority governed by

Chapter 460.

SECTION 2. Section 431.070(a), Transportation Code, is amended to read as follows:

(a) Subject to Subchapter D-1, a [A] corporation may issue bonds and notes to carry out its purpose.

SECTION 3. Section 431.101(b), Transportation Code, is amended to read as follows:

(b) Except as provided by Subchapter D-1, a [A] local government corporation has the powers of a corporation authorized for creation by the commission under this chapter.

SECTION 4. Chapter 431, Transportation Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. ISSUANCE OF BONDS BY CERTAIN LOCAL  
GOVERNMENT CORPORATIONS CREATED BY MUNICIPALITIES OR  
COUNTIES

Sec. 431.120. SHORT TITLE. This subchapter may be cited as the No Blank Checks Act.

Sec. 431.121. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a local government corporation created by a municipality or county independently or with another local government that has entered into an agreement with a municipality or county for the transfer to the corporation of revenue from an increase in ad valorem taxes that was approved by the voters of the municipality or county under Section 26.07, Tax Code, and dedicated to the corporation for the purpose stated on the ballot.

Sec. 431.122. DEFINITION. In this subchapter, "bond" includes a bond, warrant, certificate of obligation, or other evidence of indebtedness that is payable in installments over a period of more than one year.

Sec. 431.123. REQUIREMENTS FOR ISSUANCE OF BONDS; BOND FINANCING. (a) Notwithstanding any other law, a local government corporation may not issue bonds to be paid wholly or partly from ad valorem taxes transferred from a municipality or county to the corporation that were approved by the voters of the municipality or county under Section 26.07, Tax Code.

(b) A local government corporation may issue bonds, other than bonds described by Subsection (a), only if the local government corporation obtains authorization to issue the bonds in the same manner required for the municipality or county that created the local government corporation to issue the bonds. Bonds authorized under this subchapter to finance a project may be issued in one or more series.

(c) If an election is required under Subsection (b) to authorize a local government corporation to issue bonds, the election held for purposes of this section must be:

- (1) conducted as provided by Section 1251.003, Government Code; and
- (2) held in the municipality or county on the uniform election date in

November.

Sec. 431.124. FORM OF BALLOT. (a) A ballot proposition for a measure seeking voter approval for the issuance of bonds under this subchapter must include:

(1) a plain language description of the purposes for which the bonds are to be authorized;

(2) the principal amount not to be exceeded in the aggregate of the bonds authorized to be issued in one or more series;

(3) the maximum maturity date of the bonds to be authorized, not to exceed 40 years; and

(4) the nature and source of funds to be used to wholly or partly pay the principal of and interest on the bonds.

(b) A proposition may include as a purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the purpose.

Sec. 431.125. CONDITION OF BONDS. A bond authorized to be issued under this subchapter may not mature more than 40 years after the date the bond was issued.

SECTION 5. Section 1207.001(1), Government Code, is amended to read as follows:

(1) "Issuer" means this state or any department, board, authority, agency, subdivision, municipal corporation, district, public corporation, body politic, or instrumentality of this state which has the power to borrow money and issue bonds, notes, or other evidences of indebtedness. The term includes a county, municipality, state-supported institution of higher education, junior college district, regional college district, school district, hospital district, water district, road district, navigation district, conservation district, local government corporation, and any other kind or type of political or governmental entity.

SECTION 6. The change in law made by Subchapter D-1, Chapter 431, Transportation Code, as added by this Act, applies only to a bond issued on or after the effective date of this Act.

SECTION 7. 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 to **HB 3899** was read and was adopted by a viva voce vote.

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

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

Present-not voting: West.

**HB 3899** 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: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, LaMantia, Menéndez, Miles, Whitmire, Zaffirini.

Present-not voting: West.

### HOUSE BILL 3899 ON THIRD READING

Senator Bettencourt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Blanco, Eckhardt, LaMantia.

Present-not voting: West.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11, Present-not voting 1.

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

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

Present-not voting: West.

### **STATEMENT REGARDING HOUSE BILL 3899**

Senator Eckhardt submitted the following statement regarding **HB 3899**:

The Austin bashing continues. In the waning days of the 88th Regular Session, a Senator from Houston offers a never before seen amendment attempting to mortally wound an Austin transit plan that was approved by nearly two thirds of Austin voters. But Austin will push forward into a transit future even though the State keeps trying to turn back time.

ECKHARDT

### **HOUSE BILL 783 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **HB 783** at this time on its second reading:

**HB 783**, Relating to cemeteries in certain municipalities and counties.

The motion prevailed.

Senators Hughes, Middleton, 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 third reading by a viva voce vote.

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

Nays: Hughes, Middleton, Kolkhorst.

### **HOUSE BILL 783 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 783** be placed on its third reading and final passage.

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

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

Nays: Hughes, Kolkhorst, Middleton.



The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

### HOUSE BILL 3579 ON SECOND READING

On motion of Senator King and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3579** at this time on its second reading:

**HB 3579**, Relating to the issuance of an emergency order by the Texas Department of Licensing and Regulation against a massage establishment.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **HB 3579** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 455.005, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1), (c-1), (c-2), and (e) to read as follows:

(b) Subject to Subsections (b-1), (c), (c-1), and (c-2), this [This] chapter does not affect a local regulation that:

(1) relates to:

(A) zoning requirements, including conditional use permits;

(B) hours of operation; or

(C) other [similar] regulations similar to those described by Paragraph

(A) or (B) for massage establishments;

(2) authorizes or requires an investigation into the background of an owner or operator of, or an investor in, a massage establishment; or

(3) does not relate directly to the practice of massage therapy as performed by a licensed massage therapist, including a regulation related to a license holder listed in Section 455.004, while the therapist:

(A) performs under the applicable licensing law; and

(B) works with a licensed massage therapist.

(b-1) Except as provided by Chapter 243, Local Government Code, a political subdivision may not adopt a regulation of the type described by Subsection (b) that is more restrictive for massage therapists than for other health care professionals.

(c) A [Except as provided by Chapter 243, Local Government Code, a] political subdivision may not adopt a regulation of the type described by Subsection (b) that is more restrictive for [massage therapists or] massage establishments than for other health care [professionals or] establishments, except that a more restrictive regulation of the type described by Subsection (b) may be adopted:

(1) as provided by Chapter 243, Local Government Code; or

(2) if the regulation relates to the location, ownership, hours of operation, or operation of a massage establishment:

(A) where three or more arrests have occurred or citations in lieu of arrest have been issued for an offense under Section 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal Code, that was committed at the massage establishment;

(B) where an offense under Chapter 20A, or Section 34.02, 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal Code, was committed that resulted in a conviction;

(C) that is operating at a location where another massage establishment against which a sanction was imposed for a violation of this chapter previously operated; or

(D) that is operating at a location where another massage establishment owned or operated by an individual against whom a sanction was imposed for a violation of this chapter previously operated.

(c-1) The owner or operator of a massage establishment subject to a regulation adopted under Subsection (c)(2)(C) may submit a request to the applicable political subdivision for an exemption from the regulation. The request must include documentation sufficient to demonstrate the owner or operator has undertaken or implemented procedures and controls to prevent the commission of any offense listed in Subsection (c)(2)(A) or (B).

(c-2) The governing body of a political subdivision that receives a request under Subsection (c-1) shall:

(1) consider, but is not required to approve, the requested exemption at the governing body's next regularly scheduled meeting to be held on a date after the date on which the request is received and that allows sufficient time to comply with Chapter 551, Government Code, if:

(A) the ownership of the massage establishment subject to a regulation adopted under Subsection (c)(2)(C) changed less than two years before the date of the request under Subsection (c-1); and

(B) the current owner of the massage establishment is not an individual against whom a sanction has been imposed for a violation of this chapter; or

(2) approve the requested exemption as soon as practicable after the date on which the request is received if:

(A) the ownership of the massage establishment subject to a regulation adopted under Subsection (c)(2)(C) changed at least two years before the date of the request under Subsection (c-1);

(B) in the two-year period preceding the date of the request under Subsection (c-1), an arrest has not occurred for, a citation in lieu of arrest has not been issued for, and a conviction has not resulted from an offense listed in Subsection (c)(2)(A) or (B) committed at the massage establishment; and

(C) the current owner of the massage establishment is not an individual against whom a sanction has been imposed for a violation of this chapter.

(e) In this section, "sanction" has the meaning assigned by Section 51.001.

The amendment to **HB 3579** was read and was adopted by a viva voce vote.

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

**HB 3579** as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

### **HOUSE BILL 3579 ON THIRD READING**

Senator King moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3579** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **HOUSE BILL 181 ON SECOND READING**

Senator Miles moved to suspend the regular order of business to take up for consideration **HB 181** at this time on its second reading:

**HB 181**, Relating to the establishment of the sickle cell disease registry.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Creighton, Hughes, King, Middleton, Paxton, Springer.

The bill was read second time and was passed to third reading by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

### **HOUSE BILL 181 ON THIRD READING**

Senator Miles moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 181** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Creighton, Hughes, King, Middleton, Paxton, Springer.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**(President in Chair)**

### **HOUSE BILL 1299 ON SECOND READING**

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 1299** at this time on its second reading:

**HB 1299**, Relating to the signature required on a carrier envelope for a ballot voted by mail; changing the elements of a criminal offense.

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

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

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

The bill was read second time and was passed to third reading by the following vote: Yeas 20, Nays 11. (Same as previous roll call)

### REMARKS ORDERED PRINTED

On motion of Senator Miles and by unanimous consent, the remarks by Senators Paxton and Miles regarding **HB 1299** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** You wanted to speak, I'm sorry, I missed your light. You're recognized, for what purpose?

**Senator Miles:** Question to the author, Mr. President.

**President:** Do you yield?

**Senator Paxton:** Of course.

**Senator Miles:** Thank you.

**President:** Members, can we have it a little quiet in here because they're talking across the entire room, thank you.

**Senator Miles:** Senator Paxton, you and I already had this conversation. I just wanted to get it on record. You know, I represent an aging community, and I'm sure some of my colleagues, as well, do. In this history of Texas, Mr. President, we, seniors were known to make their mark.

**Senator Paxton:** Umh hmm.

**Senator Miles:** It was not their signature, it was called their mark and it was simply an X. So, my question is simply, when somebody fills out a ballot and they just make an X, which is considered their mark, a lot of people do, especially in rural parts of Texas and our seniors, will their vote still be counted?

**Senator Paxton:** Senator Miles, I really appreciate you bringing this up to me. You brought it up with me last night in advance, which I appreciated as well, so I could make sure I got the answer to this question, which is kind of a technical question about the envelopes. And that is already provided for in the Election Code, as it is right now, and this bill does nothing to change that.

**Senator Miles:** And that's what I want to, clarification of, thank you.

**Senator Paxton:** Thank you.

**Senator Miles:** Thank you. Thank you, Mr. President.

**President:** Are you good?

**Senator Miles:** Yes, and all I ask is that our conversation be put into writing. Simple.

**HOUSE BILL 4246 ON SECOND READING**

On motion of Senator LaMantia and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4246** at this time on its second reading:

**HB 4246**, Relating to delivery of certain unclaimed money for scholarships for rural students, rural economic development, and energy efficiency assistance.

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

All Members are deemed to have voted "Yea" on the passage to third reading.

**HOUSE BILL 4246 ON THIRD READING**

Senator LaMantia moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4246** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**HOUSE BILL 1299 ON THIRD READING**

Senator Paxton moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1299** be placed on its third reading and final passage:

**HB 1299**, Relating to the signature required on a carrier envelope for a ballot voted by mail; changing the elements of a criminal offense.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

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

The bill was read third time and was passed by the following vote: Yeas 20, Nays 11.

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

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

**AT EASE**

The President at 6:58 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 7:34 p.m. called the Senate to order as In Legislative Session.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 890 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 890** at this time on its second reading:

**CSHB 890**, Relating to parental rights and public school responsibilities regarding instructional materials.

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

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

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

The bill was read second time.

Senator Kolkhorst offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 890** (senate committee report) in SECTION 9 of the bill, amending Section 26.009, Education Code, as follows:

(1) In the recital to the SECTION (page 6, line 33), strike "(c), and (d)" and substitute "(a-4), (c), (d), and (e)".

(2) In amended Subsection (a)(1) (page 6, lines 37 and 38), strike "examination, test, or treatment" and substitute "or psychiatric examination or [5] test [5] or psychological or psychiatric treatment".

(3) Strike added Subsection (a-1) (page 6, lines 52 through 55) and substitute the following:

(a-1) For purposes of Subsection (a):

(1) "Biometric identifier" means a blood sample, hair sample, skin sample, DNA sample, body scan, retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

(2) "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(3) "Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

(4) In added Subsection (a-2) (page 6, line 57), between "be" and "signed", insert "obtained for each separate activity in which the child participates, and each written consent must be".

(5) Immediately following added Subsection (a-3) (page 7, between lines 1 and 2), insert the following:

(a-4) Subsection (a) does not require an employee of a school district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being, and for purposes of Subsections (a) and (a-1)(2), the term "check-in" does not include such an inquiry.

(6) Immediately following added Subsection (d) (page 7, between lines 17 and 18), insert the following:

(e) Nothing in this section may be construed to affect:

(1) a child's consent to counseling under Section 32.004, Family Code; or

(2) the duty to report child abuse or neglect under Chapter 261, Family Code, or an investigation of a report of abuse or neglect under that chapter.

The amendment to **CSHB 890** 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.

Senator Bettencourt offered the following amendment to the bill:

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

Amend **CSHB 890** (senate committee report) in SECTION 18 of the bill, amending Section 12.104(b), Education Code, as follows:

(1) In added Subdivision (3)(AA) (page 11, line 55), strike "and".

(2) In added Subdivision (3)(BB) (page 11, line 59), between "26.0083" and the period, insert the following:  
; and

(CC) establishing a local school health advisory council in which members are appointed by the governing body of the school and health education instruction complies with Section 28.004

The amendment to **CSHB 890** 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.

**CSHB 890** as amended was passed to third reading by the following vote: Yeas 19, Nays 12.

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

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

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

Senator Whitmire 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 8:30 p.m. today.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Schwertner and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet 15 minutes upon recess today in the Betty King Committee Room, 2E.20.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, May 22, 2023 - 3

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**SJR 81**

Birdwell

Sponsor: Wilson

Proposing a constitutional amendment providing for the creation of funds to support the capital needs of educational programs offered by the Texas State Technical College System and certain component institutions of the Texas State University System and repealing the limitation on the allocation to the Texas State Technical College System and its campuses of the annual appropriation of certain constitutionally dedicated funding for public institutions of higher education.  
(Committee Substitute)

**SJR 93**

Schwertner

Sponsor: Hunter

Proposing a constitutional amendment providing for the creation of the Texas energy fund to support the construction, maintenance, modernization, and operation of electric generating facilities.  
(Committee Substitute)

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

**CO-AUTHOR OF SENATE BILL 1236**

On motion of Senator Flores, Senator Perry will be shown as Co-author of **SB 1236**.



**CO-AUTHORS OF SENATE JOINT RESOLUTION 86**

On motion of Senator Bettencourt, Senators LaMantia and Parker will be shown as Co-authors of **SJR 86**.

**CO-SPONSORS OF HOUSE BILL 7**

On motion of Senator Birdwell, Senators Hall and Kolkhorst will be shown as Co-sponsors of **HB 7**.

**CO-SPONSOR OF HOUSE BILL 33**

On motion of Senator Springer, Senator Sparks will be shown as Co-sponsor of **HB 33**.

**CO-SPONSOR OF HOUSE BILL 181**

On motion of Senator Miles, Senator West will be shown as Co-sponsor of **HB 181**.

**CO-SPONSOR OF HOUSE BILL 238**

On motion of Senator Flores, Senator Hinojosa will be shown as Co-sponsor of **HB 238**.

**CO-SPONSOR OF HOUSE BILL 400**

On motion of Senator Kolkhorst, Senator Blanco will be shown as Co-sponsor of **HB 400**.

**CO-SPONSOR OF HOUSE BILL 617**

On motion of Senator Alvarado, Senator Blanco will be shown as Co-sponsor of **HB 617**.

**CO-SPONSOR OF HOUSE BILL 755**

On motion of Senator Menéndez, Senator Blanco will be shown as Co-sponsor of **HB 755**.

**CO-SPONSORS OF HOUSE BILL 800**

On motion of Senator Flores, Senators Hall and Kolkhorst will be shown as Co-sponsors of **HB 800**.

**CO-SPONSOR OF HOUSE BILL 890**

On motion of Senator Creighton, Senator Kolkhorst will be shown as Co-sponsor of **HB 890**.

**CO-SPONSOR OF HOUSE BILL 1009**

On motion of Senator West, Senator Menéndez will be shown as Co-sponsor of **HB 1009**.

**CO-SPONSOR OF HOUSE BILL 1193**

On motion of Senator Miles, Senator Eckhardt will be shown as Co-sponsor of **HB 1193**.

**CO-SPONSOR OF HOUSE BILL 1357**

On motion of Senator Huffman, Senator Eckhardt will be shown as Co-sponsor of **HB 1357**.

**CO-SPONSOR OF HOUSE BILL 1361**

On motion of Senator Eckhardt, Senator Blanco will be shown as Co-sponsor of **HB 1361**.

**CO-SPONSOR OF HOUSE BILL 1432**

On motion of Senator Whitmire, Senator Eckhardt will be shown as Co-sponsor of **HB 1432**.

**CO-SPONSOR OF HOUSE BILL 1673**

On motion of Senator Johnson, Senator Blanco will be shown as Co-sponsor of **HB 1673**.

**CO-SPONSORS OF HOUSE BILL 1743**

On motion of Senator West, Senators Blanco, Hinojosa, and Menéndez will be shown as Co-sponsors of **HB 1743**.

**CO-SPONSOR OF HOUSE BILL 1883**

On motion of Senator Kolkhorst, Senator Menéndez will be shown as Co-sponsor of **HB 1883**.

**CO-SPONSOR OF HOUSE BILL 1905**

On motion of Senator West, Senator Blanco will be shown as Co-sponsor of **HB 1905**.

**CO-SPONSOR OF HOUSE BILL 2263**

On motion of Senator Hughes, Senator Eckhardt will be shown as Co-sponsor of **HB 2263**.

**CO-SPONSOR OF HOUSE BILL 2366**

On motion of Senator LaMantia, Senator Hinojosa will be shown as Co-sponsor of **HB 2366**.

**CO-SPONSOR OF HOUSE BILL 2414**

On motion of Senator Hancock, Senator Perry will be shown as Co-sponsor of **HB 2414**.

**CO-SPONSOR OF HOUSE BILL 2466**

On motion of Senator West, Senator Blanco will be shown as Co-sponsor of **HB 2466**.

**CO-SPONSOR OF HOUSE BILL 2488**

On motion of Senator Alvarado, Senator Middleton will be shown as Co-sponsor of **HB 2488**.

**CO-SPONSOR OF HOUSE BILL 2715**

On motion of Senator Alvarado, Senator Kolkhorst will be shown as Co-sponsor of **HB 2715**.

**CO-SPONSOR OF HOUSE BILL 2951**

On motion of Senator Hancock, Senator Menéndez will be shown as Co-sponsor of **HB 2951**.

**CO-SPONSOR OF HOUSE BILL 3130**

On motion of Senator Zaffirini, Senator Eckhardt will be shown as Co-sponsor of **HB 3130**.

**CO-SPONSORS OF HOUSE BILL 3137**

On motion of Senator Springer, Senators Hughes, Kolkhorst, Middleton, and Sparks will be shown as Co-sponsors of **HB 3137**.

**CO-SPONSORS OF HOUSE BILL 3144**

On motion of Senator Campbell, Senators Hinojosa and Menéndez will be shown as Co-sponsors of **HB 3144**.

**CO-SPONSOR OF HOUSE BILL 3338**

On motion of Senator Johnson, Senator Blanco will be shown as Co-sponsor of **HB 3338**.

**CO-SPONSOR OF HOUSE BILL 3466**

On motion of Senator Campbell, Senator Eckhardt will be shown as Co-sponsor of **HB 3466**.

**CO-SPONSOR OF HOUSE BILL 3556**

On motion of Senator Parker, Senator Eckhardt will be shown as Co-sponsor of **HB 3556**.

**CO-SPONSOR OF HOUSE BILL 3858**

On motion of Senator Johnson, Senator Hinojosa will be shown as Co-sponsor of **HB 3858**.

**CO-SPONSOR OF HOUSE BILL 4758**

On motion of Senator Springer, Senator Kolkhorst will be shown as Co-sponsor of **HB 4758**.

**CO-SPONSORS OF HOUSE BILL 5012**

On motion of Senator Birdwell, Senator Hinojosa and Whitmire will be shown as Co-sponsors of **HB 5012**.

**CO-SPONSORS OF HOUSE JOINT RESOLUTION 2**

On motion of Senator Huffman, Senators Bettencourt, Blanco, Campbell, Hinojosa, West, and Whitmire will be shown as Co-sponsors of **HJR 2**.

## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

### Congratulatory Resolutions

**SR 628** by Hancock, Recognizing Kit Tennison Moncrief for her election as chair of Texas Christian University Board of Trustees.

**SR 631** by Birdwell, Recognizing Leonard and Martha Evans on the occasion of their 50th wedding anniversary.

**SR 632** by Hinojosa, Recognizing Everardo "Ever" Villarreal for his service as a commissioner of Hidalgo County.

### MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:58 p.m. agreed to recess, pending the receipt of committee reports, until 10:00 a.m. tomorrow.

### RECESS

Pursuant to a previously adopted motion, the Senate at 9:59 a.m. Tuesday, May 23, 2023, recessed until 10:00 a.m. today.

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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 22, 2023

LOCAL GOVERNMENT — **CSHB 5376, CSHB 5361**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 5264**

TRANSPORTATION — **CSHB 3672, CSHB 2323, CSHB 108**

LOCAL GOVERNMENT — **HB 866, HB 4835**

BUSINESS AND COMMERCE — **CSHB 1437**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 5105**

LOCAL GOVERNMENT — **HB 614, HB 886, HB 2542, HB 3528, HB 4217, HB 4250, HB 5340**

BUSINESS AND COMMERCE — **CSHB 4524**

ADMINISTRATION — **CSHB 5125**

BUSINESS AND COMMERCE — **HB 4025, HB 3335**

LOCAL GOVERNMENT — **HB 5175**

BUSINESS AND COMMERCE — **CSHB 4389**  
TRANSPORTATION — **CSHB 718**  
STATE AFFAIRS — **CSHB 1243**  
JURISPRUDENCE — **HB 4714**  
EDUCATION — **CSHB 1590**  
LOCAL GOVERNMENT — **HB 5360, HB 5418, HB 191, HB 3980, HB 4550**  
EDUCATION — **HB 1960, HB 114**  
LOCAL GOVERNMENT — **HB 1766**  
EDUCATION — **HB 2273, HB 2285, HB 5330**  
BUSINESS AND COMMERCE — **CSHB 4952**  
EDUCATION — **HB 3708**  
LOCAL GOVERNMENT — **HB 2533, CSHB 2239**  
EDUCATION — **CSHB 100**  
NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSHB 4433**  
BUSINESS AND COMMERCE — **CSHB 5**

#### **BILLS AND RESOLUTIONS ENROLLED**

May 22, 2023

**SB 37, SB 48, SB 129, SB 182, SB 375, SB 467, SB 493, SB 599, SB 614, SB 736, SB 867, SB 994, SB 998, SB 1045, SB 1122, SB 1245, SB 1346, SB 1393, SB 1439, SB 1614, SB 1653, SB 1745, SB 1802, SB 2016, SB 2040, SB 2304, SB 2333, SB 2612, SJR 74, SR 626, SR 628, SR 631, SR 632**

#### **SENT TO SECRETARY OF STATE**

May 22, 2023

**SJR 64**

#### **SENT TO GOVERNOR**

May 22, 2023

**SB 247, SB 261, SB 267, SB 323, SB 576, SB 621, SB 780, SB 944, SB 975, SB 1246, SB 1471, SB 1849, SB 2139, SCR 2, SCR 13, SCR 42**

