

SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Continued)

(Tuesday, May 23, 2023)

AFTER RECESS

The Senate met at 10:16 a.m. and was called to order by Senator Birdwell.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 2023 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 26

Hughes

Sponsor: Clardy

Urging Congress to amend federal law to allow states to provide for the consolidation of federally funded workforce development services with federally funded social safety net services.

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

HB 17

House Conferees: Cook - Chair/Darby/Moody/Morales, Christina/Murr

HB 2026

House Conferees: Darby - Chair/González, Mary/Kuempel/Rogers/Stucky

HB 2454

House Conferees: Guillen - Chair/Harless/Holland/Lozano/Plesa

HB 2559

House Conferees: Vasut - Chair/Geren/Harris, Cody/Metcalf/Walle

HB 3059

House Conferees: King, Tracy O. - Chair/Kacal/Price/Rogers/Zwiener

HJR 3

House Conferees: Bonnen - Chair/Burrows/Hernandez/Kuempel/Walle

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

PHYSICIAN OF THE DAY

The Presiding Officer presented Dr. Zachary Sartor of Waco as the Physician of the Day.

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

GUESTS PRESENTED

Senator Springer, joined by Senator Parker, was recognized and introduced to the Senate University of North Texas Legislative Interns including Jacob Leal, Lorena Morales, and Kiana Cervantes.

The Senate welcomed its guests.

SENATE RESOLUTION 630

Senator Zaffirini offered the following resolution:

SR 630, In memory of former State Representative and Senator James William "Bill" Haley.

ZAFFIRINI	HANCOCK	NICHOLS
ALVARADO	HINOJOSA	PARKER
BETTENCOURT	HUFFMAN	PAXTON
BIRDWELL	HUGHES	PERRY
BLANCO	JOHNSON	SCHWERTNER
CAMPBELL	KING	SPARKS
CREIGHTON	KOLKHORST	SPRINGER
ECKHARDT	LAMANTIA	WEST
FLORES	MENÉNDEZ	WHITMIRE
GUTIERREZ	MIDDLETON	
HALL	MILES	

The resolution was read.

On motion of Senator Zaffirini, **SR 630** was adopted by a rising vote of the Senate.

In honor of the memory of James William "Bill" Haley, the text of the resolution will be printed in the *Senate Journal* upon adjournment of this legislative day.

Senator Zaffirini, joined by Senators Campbell, West, Nichols, Hinojosa, Kolkhorst, Hughes, and Eckhardt, was recognized and introduced to the Senate family members of former Senator Bill Haley including his wife, Mary Haley; his sons, Robert Haley and Jeffrey Haley; Lisa Haley; Andrew Haley; Ava Haley; and Alexis Haley.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 627

Senator Alvarado offered the following resolution:

SR 627, Recognizing Saad Nadeem on his graduation from the University of Houston.

ALVARADO
PARKER

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Alvarado was recognized and introduced to the Senate University of Houston graduate Saad Nadeem, accompanied by his father, Khawaja Nadeem, and his brother, Muhammad Zain.

The Senate welcomed its guests.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Hall and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet upon recess today in the Betty King Committee Room, 2E.20.

RECESS

On motion of Senator Zaffirini, the Senate at 10:59 a.m. recessed until 11:20 a.m. today.

AFTER RECESS

The Senate met at 11:41 a.m. and was called to order by Senator Birdwell.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 763 ADOPTED

Senator Middleton called from the President's table the Conference Committee Report on **SB 763**. The Conference Committee Report was filed with the Senate on Friday, May 19, 2023.

On motion of Senator Middleton, the Conference Committee Report was adopted 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 BILL 1080 WITH HOUSE AMENDMENTS

Senator Kolkhorst called **SB 1080** 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 1080** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to a mitigation program and fees for the Lost Pines Groundwater Conservation District.

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

SECTION 1. Subchapter C, Chapter 8849, Special District Local Laws Code, is amended by adding Section 8849.107 to read as follows:

Sec. 8849.107. MITIGATION PROGRAM. (a) The district by rule, adopted in accordance with Section 36.101, Water Code, may establish a mitigation program to address excessive drawdown of an aquifer or subdivision of an aquifer in the district that results in:

- (1) the potentiometric surface being below a desired future condition; or
- (2) nonproductive wells.

(b) In order to provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharge, and prevention of waste of groundwater and control of subsidence, a mitigation program established under this section may provide reimbursement for the cost of repairing or replacing wells described by Section 36.117(b)(1), Water Code, to access groundwater below the potentiometric surface of the aquifer or subdivision of an aquifer that is the subject of the program.

(c) The district may enter into a reciprocal agreement with an adjacent groundwater conservation district or a district located in Groundwater Management Area 12 to allow the transfer of groundwater rights in a district for production and use in another district or to support a jointly managed mitigation program. The district may fund the mitigation program with production fees, export fees, or any other revenue available to the district.

SECTION 2. Section 8849.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8849.151. ~~[PUMPING]~~ FEES. (a) The district may assess production ~~[regulatory pumping]~~ fees under Section 36.205(c), Water Code, and export fees under Section 36.122, Water Code ~~[for water produced in or exported from the district].~~

(b) The production ~~[regulatory pumping]~~ fees the district assesses for water for crop or livestock production or other agricultural uses may not exceed 20 percent of the rate applied to water for municipal uses.

(c) ~~Production [Regulatory pumping] fees [based on the amount of water withdrawn from a well]~~ may not exceed:

(1) \$1 for each acre-foot for water used to irrigate agricultural crops; or

(2) 17 cents for each thousand gallons for water used for any other purpose.

~~[(d) Combined regulatory pumping fees for production and export of water may not exceed 17 cents for each thousand gallons for water used.]~~

SECTION 3. Mitigation payments and fees assessed before the effective date of this Act are ratified, confirmed, and validated in all respects.

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

Floor Amendment No. 1

Amend **CSSB 1080** (house committee report) as follows:

(1) On page 1, line 8, between "district" and "by", insert "shall".

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

(3) On page 1, line 9, strike "may".

(4) On page 2, strike lines 1 through 5, and substitute the following:

(c) The district shall offer to enter into a reciprocal agreement with an adjacent groundwater conservation district or a groundwater conservation district located in Groundwater Management Area 12 to support a jointly managed mitigation program.

The

The amendments were read.

Senator Kolkhorst moved to concur in the House amendments to **SB 1080**.

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

SENATE BILL 1397 WITH HOUSE AMENDMENTS

Senator Schwertner called **SB 1397** 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 1397** 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 Environmental Quality.

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

SECTION 1. Section 382.05101, Health and Safety Code, is amended to read as follows:

Sec. 382.05101. DE MINIMIS AIR CONTAMINANTS. The commission may develop by rule the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which the following types of permits are not required:

(1) a permit under Section 382.0518 or 382.0519;
 (2) ~~[7]~~ a standard permit under Section 382.05195, ~~[or]~~ 382.05198, or 382.051985; or

(3) ~~[or]~~ a permit by rule under Section 382.05196 ~~[is not required]~~.

SECTION 2. Section 382.0511(c), Health and Safety Code, is amended to read as follows:

(c) The commission may authorize changes in a federal source to proceed before the owner or operator obtains a federal operating permit or revisions to a federal operating permit if:

(1) the changes are de minimis under Section 382.05101; or

(2) the owner or operator:

(A) has obtained a preconstruction permit or permit amendment required by Section 382.0518; or

(B) is operating under:

(i) a standard permit under Section 382.05195, ~~[or]~~ 382.05198, or 382.051985;

(ii) a permit by rule under Section 382.05196; or

(iii) an exemption allowed under Section 382.057.

SECTION 3. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.051985 to read as follows:

Sec. 382.051985. STANDARD PERMIT FOR CERTAIN TEMPORARY CONCRETE PLANTS FOR PUBLIC WORKS. (a) The commission shall issue a standard permit that meets the requirements of Section 382.05195 for a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project. A plant operating under the permit:

(1) may not support a project that is not related to the public works project; and

(2) must be located in or contiguous to the right-of-way of the public works project.

(b) A plant permitted under this section may occupy a designated site for not more than 180 consecutive days or to supply material for a single project, but not other unrelated projects.

SECTION 4. Section 382.056, Health and Safety Code, is amended by adding Subsection (k-2) to read as follows:

(k-2) Notwithstanding any other law, if the commission holds a public meeting for a permit application for which consolidated notice was issued under this subchapter, the commission shall hold open the public comment period and the period for which a contested case hearing may be requested for the permit application for at least 36 hours after the end of the meeting.

SECTION 5. Section 5.014, Water Code, is amended to read as follows:

Sec. 5.014. SUNSET PROVISION. The Texas Commission on Environmental Quality 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, 2035 ~~[2023]~~.

SECTION 6. Section 5.0535, Water 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 ~~operated by~~ the commission;
 - (3) the scope of and limitations on the rulemaking authority of the commission ~~the role and functions of the commission~~;
 - (4) the rules of the commission, with an emphasis on the rules that relate to disciplinary and investigatory authority;
~~(5) the current budget for the commission;~~
~~(6) the results of the most recent formal audit~~ [significant internal and external audits] of the commission;
 - (5) ~~(7)~~ the requirements of:
 - (A) laws relating to ~~the~~ open meetings, ~~[law, Chapter 551, Government Code;~~
~~(B) the~~ public information, ~~[law, Chapter 552, Government Code;~~
~~(C) the~~ administrative procedure, and disclosing conflicts-of-interest ~~[law, Chapter 2001, Government Code; and~~
~~(D) other laws relating to public officials, including conflict of interest laws];~~ and
 - (B) other laws applicable to members of a state policy-making body in performing their duties; and
 - (6) ~~(8)~~ any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

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

SECTION 7. Section 5.113, Water Code, is amended to read as follows:

Sec. 5.113. COMMISSION AND STAFF RESPONSIBILITY POLICY. The commission shall develop and implement policies that clearly separate the policy-making ~~the respective~~ responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

SECTION 8. The heading to Section 5.129, Water Code, is amended to read as follows:

Sec. 5.129. SUMMARY OF AND INFORMATION PROVIDED BY ~~FOR~~ PUBLIC NOTICES.

SECTION 9. Section 5.129, Water Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The commission by rule shall provide for each public notice issued or published by the commission or by a person under the jurisdiction of the commission as required by law or by commission rule to include:

(1) at the beginning of the notice a succinct statement of the subject of the notice; and

(2) to the extent applicable, the name of the permit applicant, the type of permit applied for, and the location of each proposed or existing site subject to the proposed permit.

(a-1) Rules adopted under this section [The rules] must provide that a summary statement must be designed to inform the reader of the subject matter of the notice without having to read the entire text of the notice.

SECTION 10. Subchapter D, Chapter 5, Water Code, is amended by adding Section 5.136 to read as follows:

Sec. 5.136. COMMUNITY OUTREACH. The commission shall provide outreach and education to the public on participating in the permitting process under the air, waste, and water programs within the commission's jurisdiction.

SECTION 11. Subchapter E, Chapter 5, Water Code, is amended by adding Section 5.1734 to read as follows:

Sec. 5.1734. ELECTRONIC POSTING OF PERMIT APPLICATIONS. (a) The commission shall post on its website at the time a permit application becomes administratively complete:

(1) the permit application and any associated materials; and

(2) for a permit application under Subchapter D, Chapter 11, any map accompanying the permit application.

(b) If a permit application is revised or amended after the permit application has become administratively complete, the commission shall post on its website the revised or amended permit application.

(c) The commission may exempt any associated materials from being posted on its website under Subsections (a) and (b) if the commission determines that:

(1) posting the materials on the website would be unduly burdensome; or

(2) the materials are too large to be posted on the website.

(d) Notwithstanding any other law, the commission shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Subsection (a).

(e) In implementing this section, the commission shall consider and accommodate residents of each area affected by a proposed permit, permit amendment, or permit renewal who may need assistance accessing the application and associated materials because of a lack of access to Internet services, particularly when there is a heightened public interest or in response to public comment.

SECTION 12. Chapter 5, Water Code, is amended by adding Subchapter M-1 to read as follows:

SUBCHAPTER M-1. PERMITTING PROCEDURES GENERALLY

Sec. 5.581. DEFINITION. In this subchapter, "permit" means a permit, approval, registration, or other form of authorization required by law for a person to engage in an action.

Sec. 5.582. APPLICABILITY. This subchapter applies to programs and permits arising under the air, waste, or water programs within the commission's jurisdiction.

Sec. 5.583. ELECTRONIC PUBLICATION OF NOTICE. (a) The commission shall publish notice of a permit application on the commissions website and may provide additional electronic notice through other means, including direct e-mail. Notice published under this section is in addition to any other notice requirement.

(b) The commission shall consider and accommodate residents of each area affected by a proposed permit, permit amendment, or permit renewal who may need assistance accessing notice published by electronic means because of a lack of access to Internet services, particularly when there is a heightened public interest or in response to public comment.

Sec. 5.584. VERIFICATION OF NOTICE BY NEWSPAPER. If an applicant for a permit is required to publish notice in a newspaper, the applicant shall provide to the commission a copy of the published notice and an affidavit from the publisher certifying that the notice was published and the publication meets all applicable requirements, including newspaper circulation.

Sec. 5.585. SECURITY AT PUBLIC MEETING OR PUBLIC HEARING. The commission may request that an applicant for a permit that is the subject of a public meeting or public hearing provide uniformed security at the meeting or hearing sufficient to provide for the safety of all attendees and orderly conduct at the meeting or hearing.

Sec. 5.586. NOTICE TO STATE SENATOR AND STATE REPRESENTATIVE. (a) This section applies only to a permit application for which public notice is required.

(b) The commission shall send notice of receipt of the application for a permit to each state senator and state representative who represent the area in which the facility or activity to which the application relates is or will be located.

Sec. 5.587. TEMPORARY AND INDEFINITE PERMIT REPORTING. (a) This section does not apply to a person who holds a temporary permit or permit with an indefinite term that has a regular reporting requirement.

(b) A person who holds a temporary permit or permit with an indefinite term shall report to the commission annually whether the activity subject to the permit is ongoing.

SECTION 13. Section 5.754, Water Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) In classifying a person's compliance history, the commission shall:

(1) determine whether a violation of an applicable legal requirement is of major, moderate, or minor significance;

(2) establish criteria for classifying a repeat violator, including:

(A) setting the number of major, moderate, and minor violations needed to be classified as a repeat violator; and

(B) giving consideration to the size and complexity of the site at which the violations occurred, and limiting consideration to violations of the same nature and the same environmental media that occurred in the preceding five years; and

(3) consider:

(A) the significance of the violation and whether the person is a repeat violator;

(B) the size and complexity of the site, including whether the site is subject to Title V of the federal Clean Air Act (42 U.S.C. Section 7661 et seq.); and

(C) the potential for a violation at the site that is attributable to the nature and complexity of the site.

(c-1) The executive director may review, suspend, or reclassify a person's compliance history in accordance with commission rules if the executive director determines that exigent circumstances exist.

SECTION 14. Section 7.052(c), Water Code, is amended to read as follows:

(c) Except as provided by this subsection, the [~~The~~] amount of the penalty for all other violations within the jurisdiction of the commission to enforce may not exceed \$25,000 a day for each violation. The amount of the penalty for such a violation may not exceed \$40,000 a day if:

(1) the violation involves:

(A) an actual release of pollutants to the air, water, or land that exceeds levels that are protective of human health or environmental receptors; or

(B) an actual unauthorized diversion, taking, or storage of state water or an unauthorized change in the flood elevation of a stream that deprives others of water, severely affects aquatic life, or results in a safety hazard, property damage, or economic loss;

(2) the person previously committed a violation of the same nature that resulted in the assessment of an administrative penalty; and

(3) the commission determines the person could have reasonably anticipated and avoided the violation.

SECTION 15. Subchapter C, Chapter 7, Water Code, is amended by adding Section 7.0675 to read as follows:

Sec. 7.0675. ENFORCEMENT DIVERSION PROGRAM FOR SMALL BUSINESSES AND LOCAL GOVERNMENTS. (a) In this section, "small business" means a legal entity, including a corporation, partnership, or sole proprietorship, that:

(1) is formed for the purpose of making a profit;

(2) is independently owned and operated; and

(3) has fewer than 100 employees.

(b) The commission shall establish an enforcement diversion program for small businesses and local governments. The program must include:

(1) resources developed for the small business compliance assistance program under Section 5.135;

(2) compliance assistance training; and

(3) on-site technical assistance and training performed by commission staff.

(c) Before the commission initiates an enforcement action for a violation committed by a small business or local government, the commission may enroll the business or government into the enforcement diversion program.

(d) The commission may not enroll a small business or local government into the enforcement diversion program if an enforcement action against the business or government is required by federal law.

(e) The commission may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program.

(f) A small business or local government is not eligible to enroll in the enforcement diversion program if the business or government:

(1) committed a violation that:

(A) resulted in an imminent threat to public health; or

(B) was a major violation, as classified under Section 5.754; or

(2) was enrolled in the program in the two years preceding the date of the violation.

SECTION 16. Subchapter B, Chapter 11, Water Code, is amended by adding Section 11.02363 to read as follows:

Sec. 11.02363. PERIODIC REVIEW OF ENVIRONMENTAL FLOW STANDARDS; STATEWIDE WORK PLAN. (a) Periodically, the advisory group shall review the environmental flow standards for each river basin and bay system adopted by the commission under Section 11.1471. In conducting a review of the environmental flow standards, the advisory group shall:

(1) work with the science advisory committee and the pertinent basin and bay area stakeholder committees and basin and bay expert science teams in a manner similar to that provided by Section 11.02362;

(2) take into consideration the work plans developed under Section 11.02362(p);

(3) analyze previous environmental flow recommendations and standards;

(4) prescribe future monitoring, studies, and activities needed to better understand the environmental flow; and

(5) validate or refine:

(A) the environmental flow recommendations;

(B) the environmental flow standards adopted by the commission; and

(C) strategies to achieve the environmental flow standards.

(b) The advisory group shall develop a biennial statewide work plan to prioritize and schedule the review of environmental flow standards under Subsection (a). The work plan must establish:

(1) the methodology used to prioritize the review of the environmental flow standards of each river basin and bay system; and

(2) a timeline for the review of the environmental flow standards of each river basin and bay system.

(c) The advisory group shall submit to the commission:

(1) any review conducted under Subsection (a), including recommendations to the commission for use in adopting rules under Section 11.1471; and

(2) the biennial work plan developed under Subsection (b).

SECTION 17. Section 11.1471, Water Code, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) An environmental flow standard or environmental flow set-aside adopted under Subsection (a) may be altered by the commission in a rulemaking process undertaken in accordance with a schedule established by the commission. The

commission shall consider the review of environmental flow standards by the advisory group under Section 11.02363(a) when altering an environmental flow standard or environmental flow set-aside. In establishing a schedule, the commission shall consider the work plan developed by the advisory group under Section 11.02363(b) and the applicable work plan approved by the advisory group under Section 11.02362(p). The commission's schedule may not provide for the rulemaking process to occur more frequently than once every 10 years unless the work plans provide [plan provides] for a periodic review under Sections 11.02363(a) and [Section] 11.02362(p) to occur more frequently than once every 10 years. In that event, the commission may provide for the rulemaking process to be undertaken in conjunction with the periodic review if the commission determines that schedule to be appropriate. A rulemaking process undertaken under this subsection must provide for the participation of stakeholders having interests in the particular river basin and bay system for which the process is undertaken.

(g) The commission shall submit a biennial report to the advisory group on the implementation and effectiveness of environmental flow standards. The report must include:

(1) a description of progress made over the previous biennium in implementing environmental flow standards, including the status of any efforts to set aside unappropriated water for environmental flow protection;

(2) input provided by the board and the Parks and Wildlife Department on their:

(A) activities related to environmental flow standards; and

(B) recommendations for the work plan developed under Section 11.02363(b); and

(3) recommendations for the work plan developed under Section 11.02363(b).

SECTION 18. Section 49.011(b), Water Code, is amended to read as follows:

(b) The commission by rule shall establish a procedure for public notice and hearing of applications. The rules must require an applicant to publish the notice issued by the commission under Subsection (a) once a week for two consecutive weeks in a newspaper regularly published or circulated in the county where the district is proposed to be located not later than the 30th day before the date on which the commission may act on the application. The commission shall provide the notice to each state representative and state senator who represents an area inside the proposed district's boundaries.

SECTION 19. The following provisions are repealed:

- (1) Section 11.0236(m), Water Code;
- (2) Section 11.02361(g), Water Code; and
- (3) Section 11.02362(s), Water Code.

SECTION 20. (a) Except as provided by Subsection (b) of this section, Section 5.0535, Water Code, as amended by this Act, applies to a member of the Texas Commission on Environmental Quality appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Commission on Environmental Quality who, before the effective date of this Act, completed the training program required by Section 5.0535, Water 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 5.0535, Water Code. A 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 21. A permit holder subject to Section 5.587, Water Code, as added by this Act, shall first report to the Texas Commission on Environmental Quality the status of the permitted activity not later than December 31, 2024.

SECTION 22. The change in law made by this Act to Section 7.052, Water Code, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 23. (a) The Texas Commission on Environmental Quality shall submit to the environmental flows advisory group the first biennial report on the implementation and effectiveness of environmental flow standards under Section 11.1471(g), Water Code, as added by this Act, not later than January 1, 2024.

(b) The environmental flows advisory group shall produce and deliver to the commission the first biennial statewide work plan developed under Section 11.02363, Water Code, as added by this Act, not later than January 1, 2025.

SECTION 24. This Act takes effect September 1, 2023.

Floor Amendment No. 1

Amend **CSSB 1397** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 28A, Water Code, is amended to read as follows:

CHAPTER 28A. ~~REGISTRATION AND INSPECTION OF~~ CERTAIN
AGGREGATE PRODUCTION OPERATIONS

SECTION _____. Chapter 28A, Water Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. BEST MANAGEMENT PRACTICES

Sec. 28A.151. BEST MANAGEMENT PRACTICES. (a) The commission shall develop and make accessible on the commission's Internet website recommended best management practices for aggregate production operations that operate under the jurisdiction of the commission. The best management practices must include operational issues related to:

- (1) dust control;
- (2) water use; and
- (3) water storage.

(b) The commission may coordinate with other agencies when developing the best management practices under this section.

(c) The best management practices developed under this section are not subject to enforcement by the commission.

The amendments were read.

Senator Schwertner moved to concur in the House amendments to **SB 1397**.

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

GUEST PRESENTED

Senator Miles was recognized and introduced to the Senate The University of Texas legislative intern Alina Khawaja.

The Senate welcomed its guest.

HOUSE BILL 614 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 614** at this time on its second reading:

HB 614, Relating to property owners' association fines.

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 614 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 614** 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 1707 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSHB 1707** at this time on its second reading:

CSHB 1707, Relating to the applicability of certain laws to open-enrollment charter schools.

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

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

Nays: Blanco, Eckhardt, Gutierrez, Menéndez, Miles, West.

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)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1707 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 1707** 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, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, Whitmire, Zaffirini.

Nays: Blanco, Eckhardt, Gutierrez, Menéndez, Miles, West.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

SENATE BILL 61 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 61** 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 61** (house committee printing) as follows:

- (1) On page 1, line 11, strike ", [~~or~~]" and substitute "or by electronic means or".
- (2) On page 1, lines 12 through 14, strike ", or at the election of the holder of the permit or license, may be served by electronic means".
- (3) On page 2, line 1, strike "~~or~~" and substitute "or by electronic means or".
- (4) On page 2, lines 2 and 3, strike ", or at the election of the holder of the permit, may be served by electronic means".
- (5) On page 2, lines 16 and 17, strike "at the election of the corporation,".
- (6) On page 2, line 20, strike "at the election of the corporation,".
- (7) On page 3, lines 1 and 2, strike "or at the election of the corporation, send the notice by electronic means," and substitute "or send the notice by electronic means".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 61**.

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

(President in Chair)

ACKNOWLEDGMENT

The President acknowledged the presence of former Prime Minister of the United Kingdom Boris Johnson.

The Senate welcomed its guest.

The Right Honorable Boris Johnson briefly addressed the Senate.

(Senator Birdwell in Chair)

HOUSE BILL 5330 ON SECOND READING

Senator Miles moved to suspend the regular order of business to take up for consideration **HB 5330** at this time on its second reading:

HB 5330, Relating to the service area of the Houston Community College System District.

The motion prevailed.

Senators Hughes, Kolkhorst, Middleton, 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: Hughes, Kolkhorst, Middleton, Springer.

HOUSE BILL 5330 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 5330** 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, Hall, Hancock, Hinojosa, Huffman, Johnson, King, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Hughes, Kolkhorst, Middleton, Springer.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 5373 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 5373** at this time on its second reading:

CSHB 5373, Relating to the powers and duties of the Hidalgo County Drainage District No. 1.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 5373 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 5373** 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 4233 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 4233** at this time on its second reading:

HB 4233, Relating to training regarding runaway prevention for certain individuals who provide care for children in the conservatorship of the Department of Family and Protective Services.

The motion prevailed.

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

The bill was read second time 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, Middleton.

HOUSE BILL 4233 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 4233** 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, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Middleton.

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 1540 ON SECOND READING**

On motion of Senator Paxton and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1540** at this time on its second reading:

CSHB 1540, Relating to the San Jacinto River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

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 1540 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 **CSHB 1540** 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 4256 ON SECOND READING**

Senator Blanco moved to suspend the regular order of business to take up for consideration **CSHB 4256** at this time on its second reading:

CSHB 4256, Relating to the establishment of a grant program to plug leaking water wells in certain counties.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4256 ON THIRD READING**

Senator Blanco moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 4256** 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 3265 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **HB 3265** at this time on its second reading:

HB 3265, Relating to the submission of certain reports by the Health and Human Services Commission.

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

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

Nays: Hughes, King, Middleton, Nichols, Perry, Springer.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3265** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 531.06021(b), Government Code, strike Subdivisions (2) through (4) (page 1, lines 36 through 46) and substitute the following:

(2) requests relating to interest list placements under Section 531.0601;

(3) use of the Medicaid escalation help line established under Section 533.00253, if the help line was operational during the applicable six-month period [~~state fiscal quarter~~];

(4) use of, requests for, and outcomes of the external medical review procedure established under Section 531.024164; and

(5) complaints relating to the medically dependent children (MDCP) waiver program, categorized by disposition.

(2) Strike SECTIONS 2, 3, and 4 of the bill, amending Section 536.003(g), the heading to Section 536.008, and Section 536.008(a), Government Code (page 1, line 47, through page 2, line 8), and renumber the SECTIONS of the bill accordingly.

(3) In the recital to SECTION 5 of the bill (page 2, lines 9 and 10), strike "Sections 32.155(d) and (e), Health and Safety Code, are" and substitute "Section 32.155(e), Health and Safety Code, is".

(4) In SECTION 5 of the bill, strike amended Section 32.155(d), Health and Safety Code (page 2, lines 11 through 18).

(5) In SECTION 6 of the bill, in amended Section 255.005, Health and Safety Code (page 2), strike lines 24 through 29 and substitute the following:

Sec. 255.005. REPORT. (a) The Health and Human Services Commission [~~department~~] shall assess and evaluate the effectiveness of the quality assurance early warning system and shall report its findings annually to the governor, the lieutenant governor, and the speaker of the house of representatives.

The amendment to **HB 3265** 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 3265 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, King, Middleton, Nichols, Springer.

HOUSE BILL 3265 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 3265** 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, Hancock, Hinojosa, Huffman, Johnson, Kolkhorst, LaMantia, Menéndez, Miles, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Hughes, King, Middleton, Nichols, Springer.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

HOUSE BILL 4169 ON SECOND READING

On motion of Senator Sparks and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4169** at this time on its second reading:

HB 4169, Relating to providing prevocational or similar services under certain Medicaid waiver programs.

The bill was read second time.

Senator Sparks offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4169** (senate committee report) in SECTION 1 of the bill, in added Section 32.0755(b), Human Resources Code (page 1, lines 29 through 36), by striking "must be designed to assist the recipient in achieving permanent integrated employment" and substituting "should be designed to assist the recipient in achieving competitive integrated employment in the community".

The amendment to **HB 4169** 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 4169 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 4169 ON THIRD READING

Senator Sparks moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4169** 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 4997 ON SECOND READING

Senator Campbell moved to suspend the regular order of business to take up for consideration **HB 4997** at this time on its second reading:

HB 4997, Relating to a campus of the Texas State Technical College System located in Comal County and Guadalupe County.

The motion prevailed.

Senator 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: Kolkhorst.

HOUSE BILL 4997 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 4997** be placed on its third reading and final passage.

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

Nays: Kolkhorst.

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

(Senator Flores in Chair)

HOUSE BILL 3359 ON SECOND READING

On motion of Senator Schwertner and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3359** at this time on its second reading:

HB 3359, Relating to network adequacy standards and other requirements for preferred provider benefit plans.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3359** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, immediately after added Section 1301.0055(b), Insurance Code (page 4, between lines 12 and 13), insert the following:

(c) Subsection (b)(6) does not apply to an exclusive provider benefit plan if the plan has:

(1) contracted with preferred provider hospitals in sufficient number capable of meeting the covered inpatient and outpatient health care benefits for current and actuarially projected utilization in accordance with Subsection (b)(3); or

(2) received a waiver under Subsection (a).

(2) In SECTION 10 of the bill, in added Section 1301.0642(a), Insurance Code (page 11, line 50), between "contract" and "that", insert "with a physician, health care practitioner, or organization of physicians or health care practitioners".

(3) In SECTION 10 of the bill, immediately after added Section 1301.0642(f), Insurance Code (page 12, between lines 29 and 30), insert the following:

(g) This section does not apply to a preferred provider contract:

(1) with an unspecified and indefinite duration;

(2) with no stated or automatic renewal period or event; and

(3) that may only be terminated by notice from one party to the other.

(4) In SECTION 11(a) of the bill, in the transition language (page 12, lines 32 and 33), strike "January" each time it appears and substitute "September".

(5) In SECTION 11 of the bill, in the transition language immediately after Subsection (a) of that section (page 12, between lines 35 and 36), add the following appropriately lettered subsection and reletter subsequent subsections accordingly:

() Notwithstanding Subsection (a) of this section, maximum appointment wait time standards prescribed by Sections 1301.0055(b) and 1301.00555, Insurance Code, as added by this Act, apply only to an insurance policy that is delivered, issued for delivery, or renewed on or after September 1, 2025.

The amendment to **HB 3359** 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 3359 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 3359 ON THIRD READING

Senator Schwertner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3359** 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 4494 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **HB 4494** at this time on its second reading:

HB 4494, Relating to eligible coastal municipalities for purposes of the municipal hotel occupancy tax.

The motion prevailed by the following vote: Yeas 24, Nays 7.

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

Nays: Bettencourt, Hall, Hancock, Hughes, Kolkhorst, Middleton, Springer.

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 4494 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 4494** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hall, Hughes, Kolkhorst, Middleton, Springer.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Bettencourt, Hall, Hancock, Hughes, Kolkhorst, Middleton, Springer.

HOUSE BILL 729 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **HB 729** at this time on its second reading:

HB 729, Relating to the statewide intellectual and developmental disability coordinating council.

The motion prevailed.

Senators Hughes, Middleton, 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: Hughes, Middleton, Springer.

HOUSE BILL 729 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 729** 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, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Hughes, Middleton, Springer.

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 681 ON SECOND READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSHB 681** at this time on its second reading:

CSHB 681, Relating to the provision of virtual education in public schools and to certain waivers and modifications by the commissioner of education to the method of calculating average daily attendance in an emergency or crisis for purposes of preserving school district funding entitlements under the Foundation School Program during that emergency or crisis; authorizing a fee.

The motion prevailed.

Senators Gutierrez, Kolkhorst, Perry, and Schwertner asked to be recorded as voting "Nay" 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 **CSHB 681** (senate committee report) in SECTION 1.03 of the bill as follows:

(1) In added Section 30B.053(b), Education Code (page 3, line 69), strike "A" and substitute "Subject to Subsection (b-1), a".

(2) In added Section 30B.053, Education Code (page 4, between lines 5 and 6), insert the following:

(b-1) A student enrolled in a virtual course offered under this chapter may only participate in an activity sponsored by the University Interscholastic League for the school in the school district or an open-enrollment charter school that the student would be eligible to attend based on the student's residential address.

The amendment to **CSHB 681** 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 681** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2. ____. Section 48.101(a), Education Code, is amended to read as follows:

(a) Small and mid-sized districts are entitled to an annual allotment in accordance with this section. In this section:

(1) "AA" is the district's annual allotment per student in average daily attendance;

(2) "ADA" is the number of students in average daily attendance for which the district is entitled to an allotment under Section 48.051, excluding those students whose inclusion in the average daily attendance of the district is based on the student's participation in a virtual course or a full-time virtual or full-time hybrid campus under Chapter 30B; and

(3) "BA" is the basic allotment determined under Section 48.051.

The amendment to **CSHB 681** 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.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 681** (senate committee report) as follows:

(1) In SECTION 4.03(a) of the bill, providing transition language on page 11, lines 10 between "Act," and "may," insert "during the 2022-2023 school year,"

(2) In SECTION 4.03(a) of the bill, providing transition language on page 11, lines 12 and 13 strike "end of the 2024-2025 school year" and insert "local remote program fails to receive a rating of C or higher under subsection (d)"

(3) In SECTION 4.03 of the bill, providing transition language, on page 11, between lines 27 and 28 insert "(d) Section 39.0549, as that law existed immediately before the effective date of this Act, is continued for purposes of determining eligibility under subsection (a) except that no provision of that section may be construed to prevent the assigning of a rating that removes eligibility of a district to provide a local remote program under subsection (a)."

The amendment to **CSHB 681** was read and was adopted by a viva voce vote.

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

CSHB 681 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: Gutierrez, Kolkhorst, Perry, Schwertner.

COMMITTEE SUBSTITUTE HOUSE BILL 681 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 **CSHB 681** 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, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, LaMantia, Menéndez, Middleton, Miles, Nichols, Parker, Paxton, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Gutierrez, Kolkhorst, Perry, Schwertner.

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

HOUSE BILL 968 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 968** at this time on its second reading:

HB 968, Relating to procedures in certain suits affecting the parent-child relationship filed by the Department of Family and Protective Services.

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 968 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 968** 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)

HOUSE BILL 1688 ON SECOND READING

Senator Flores moved to suspend the regular order of business to take up for consideration **HB 1688** at this time on its second reading:

HB 1688, Relating to water quality protection areas.

The motion prevailed.

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

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

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

Nays: Hughes, Middleton, Perry.

HOUSE BILL 1688 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 **HB 1688** 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, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hughes, Middleton, Perry.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

HOUSE BILL 3436 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 3436** at this time on its second reading:

HB 3436, Relating to the authority of the Texas Military Department to negotiate the release of a reversionary interest and certain other interests of the state in certain property in Palo Pinto County owned by the Palo Pinto County Livestock Association.

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 3436 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 3436** 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 1695 REREFERRED
(Motion In Writing)**

Senator West submitted a Motion In Writing requesting that **HB 1695** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Jurisprudence.

The Motion In Writing was read and prevailed without objection.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider **HB 1695** at 2:00 p.m. today in the Betty King Committee Room, 2E.20.

RECESS

On motion of Senator Whitmire, the Senate at 1:47 p.m. recessed until 2:30 p.m. today.

AFTER RECESS

The Senate met at 2:50 p.m. and was called to order by Senator Birdwell.

**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 10 p.m. today.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 1337 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 1337** at this time on its second reading:

HB 1337, Relating to step therapy protocols required by health benefit plans for coverage of prescription drugs for serious mental illnesses.

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 1337 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 1337** 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 3810 ON SECOND READING**

On motion of Senator Perry and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3810** at this time on its second reading:

CSHB 3810, Relating to certain notices provided to the Texas Commission on Environmental Quality by public water supply systems.

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 3810 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 3810** 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 1105 ON SECOND READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **CSHB 1105** at this time on its second reading:

CSHB 1105, Relating to preventative health care and public health, including prohibited immunization and face-covering requirements, private business or school closures, and the ordering and administration of immunizations by a pharmacist.

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

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

Nays: Alvarado, Birdwell, Eckhardt, Gutierrez, Hinojosa, Johnson, 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 1105** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 38.001, Education Code (page 1, line 27), strike "amending Subsections (a) and (b-1) and".

(2) In SECTION 1 of the bill, strike amended Sections 38.001(a) and (b-1), Education Code (page 1, lines 29 through 41).

(3) Strike SECTION 2 of the bill, amending Section 38.019(a), Education Code (page 1, line 46 through page 2, line 3).

(4) In the recital to SECTION 4 of the bill, amending Section 51.933, Education Code (page 2, line 18), strike "amending Subsections (b) and (b-1) and".

(5) In SECTION 4 of the bill, strike amended Sections 51.933(b) and (b-1), Education Code (page 2, lines 20 through 36).

(6) Strike SECTION 5 of the bill, amending Sections 81.023(a) and (c), Health and Safety Code (page 2, lines 41 through 50).

(7) Strike SECTION 7 of the bill, amending Section 161.004(a), Health and Safety Code (page 3, lines 9 through 18).

(8) Strike SECTION 14 of the bill, adding repealer language (page 6, lines 8 through 10).

(9) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSHB 1105** 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 1105 as amended was passed to third reading by the following vote: Yeas 21, Nays 10.

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

Nays: Alvarado, Birdwell, Eckhardt, Gutierrez, Hinojosa, Johnson, Miles, West, Whitmire, Zaffirini.

HOUSE BILL 1592 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 1592** at this time on its second reading:

HB 1592, Relating to the application of balance billing prohibitions and out-of-network dispute resolution procedures to certain self-insured or self-funded employee welfare benefit plans.

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 1592 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 1592** 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 1105 ON THIRD READING

Senator Kolkhorst moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1105** be placed on its third reading and final passage:

CSHB 1105, Relating to preventative health care and public health, including prohibited immunization and face-covering requirements, private business or school closures, and the ordering and administration of immunizations by a pharmacist.

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

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

Nays: Birdwell, Eckhardt, Gutierrez, Johnson, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

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

Nays: Birdwell, Eckhardt, Gutierrez, Hinojosa, Johnson, Miles, West, Whitmire, Zaffirini.

HOUSE CONCURRENT RESOLUTION 29 ON SECOND READING

Senator Hall moved to suspend the regular order of business to take up for consideration **HCR 29** at this time on its second reading:

HCR 29, Designating the second to last week in April as Texas Christian Heritage Week for a 10-year period ending in 2033.

The motion prevailed.

Senators Eckhardt, Gutierrez, Johnson, and West asked to be recorded as voting "Nay" on suspension of the regular order of business.

Senator Miles asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The resolution was read second time and was adopted by the following vote: Yeas 26, Nays 4, Present-not voting 1.

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

Nays: Eckhardt, Gutierrez, Johnson, West.

Present-not voting: Miles.

HOUSE BILL 1649 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration **HB 1649** at this time on its second reading:

HB 1649, Relating to health benefit coverage for certain fertility preservation services under certain health benefit plans.

The motion prevailed.

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

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1649** (senate committee report) in SECTION 1 of the bill, in added Subchapter C, Chapter 1366, Insurance Code, as follows:

(1) Immediately after the subchapter heading (page 1, between lines 25 and 26), insert the following:

Sec. 1366.101. DEFINITION. In this subchapter, "fertility preservation services":

(a) means the collection and preservation of sperm, unfertilized oocytes, and ovarian tissue; and

(b) does not include the storage of such unfertilized genetic materials.

(2) Renumber the sections of the subchapter accordingly.

The amendment to **HB 1649** 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 Parker offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1649** (senate committee report) in SECTION 1 of the bill, adding Section 1366.103(a), Insurance Code, as follows:

(1) Between "treatment" and the underlined comma (page 2, line 11), insert "for cancer".

(2) Strike "and" (page 2, line 12) and substitute "or".

The amendment to **HB 1649** 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.

Senator Kolkhorst offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 1649** (senate committee report) as follows:

(1) In SECTION 2 of the bill providing transition language (page 2, line 20), strike "This Act applies" and substitute "Subchapter C, Chapter 1366, Insurance Code, as added by this Act, applies".

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

SECTION _____. Chapter 161, Health and Safety Code, is amended by adding Subchapter X to read as follows:

SUBCHAPTER X. INFORMATION REGARDING RISK OF IMPAIRED
FERTILITY FROM CANCER TREATMENTS

Sec. 161.681. NOTICE FOR CHILDREN RECEIVING CHEMOTHERAPY OR RADIATION. (a) A health care facility at which a child will begin receiving chemotherapy or radiation that may directly or indirectly cause impaired fertility must, before the treatment begins, notify the child's parents or legal guardians of the risk of impaired fertility from treatment.

(b) The department shall develop and make available a written notice for a health care facility to use for purposes of this section.

SECTION _____. Subchapter X, Chapter 161, Health and Safety Code, as added by this Act, applies only to a child who will begin chemotherapy or radiation on or after the effective date of this Act.

The amendment to **HB 1649** was read and was adopted by a viva voce vote.

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

HB 1649 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: Bettencourt, Hall, Hughes, Sparks.

HOUSE BILL 1649 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1649** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hall, Hughes, Sparks.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 4885 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 4885** at this time on its second reading:

CSHB 4885, Relating to programs established and funded under the Texas emissions reduction plan.

The motion prevailed.

Senators Hall, Hughes, Middleton, and 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: Hall, Hughes, Middleton, Parker.

**COMMITTEE SUBSTITUTE
HOUSE BILL 4885 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 **CSHB 4885** 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, Johnson, King, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Middleton, Parker.

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

HOUSE BILL 2495 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 2495** at this time on its second reading:

HB 2495, Relating to the requirements to obtain or renew an athletic trainer license.

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 2495 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 2495** 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)

COMMITTEE SUBSTITUTE HOUSE BILL 3727 ON SECOND READING

Senator Birdwell moved to suspend the regular order of business to take up for consideration **CSHB 3727** at this time on its second reading:

CSHB 3727, Relating to municipal and county hotel occupancy taxes.

The motion prevailed.

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

The bill was read second time.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3727** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 351.152, Tax Code, is amended to read as follows:

Sec. 351.152. APPLICABILITY. This subchapter applies only to:

- (1) a municipality described by Section 351.001(7)(B);
- (2) a municipality described by Section 351.001(7)(D);
- (3) a municipality described by Section 351.001(7)(E);
- (4) a municipality described by Section 351.102(e)(3);
- (5) a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more;
- (6) a municipality with a population of 150,000 or more but less than 200,000 that is partially located in at least one county with a population of 125,000 or more;
- (7) a municipality with a population of 150,000 or more but less than one million that is located in one county with a population of 2.3 million or more;

- (8) a municipality with a population of 180,000 or more that:
- (A) is located in two counties, each with a population of 100,000 or more; and
 - (B) contains an American Quarter Horse Hall of Fame and Museum;
- (9) a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine;
- (10) a municipality with a population of 96,000 or more that is located in a county that contains the headwaters of the San Gabriel River;
- (11) a municipality with a population of 99,900 or more but less than 111,000 that is located in a county with a population of 135,000 or more;
- (12) a municipality with a population of 110,000 or more but less than 135,000 at least part of which is located in a county with a population of less than 135,000;
- (13) a municipality with a population of 9,000 or more but less than 10,000 that is located in two counties, each of which has a population of 662,000 or more and a southern border with a county with a population of 2.3 million or more;
- (14) a municipality with a population of 200,000 or more but less than 300,000 that contains a component institution of the Texas Tech University System;
- (15) a municipality with a population of 95,000 or more that:
- (A) is located in more than one county; and
 - (B) borders Lake Lewisville;
- (16) a municipality with a population of 45,000 or more that:
- (A) contains a portion of Cedar Hill State Park;
 - (B) is located in two counties, one of which has a population of two million or more and one of which has a population of 149,000 or more; and
 - (C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;
- (17) a municipality with a population of less than 6,000 that:
- (A) is almost wholly located in a county with a population of 600,000 or more that is adjacent to a county with a population of two million or more;
 - (B) is partially located in a county with a population of 1.8 million or more that is adjacent to a county with a population of two million or more;
 - (C) has a visitor center and museum located in a 19th-century rock building in the municipality's downtown; and
 - (D) has a waterpark open to the public;
- (18) a municipality with a population of 56,000 or more that:
- (A) borders Lake Ray Hubbard; and
 - (B) is located in two counties, one of which has a population of less than 80,000;
- (19) a municipality with a population of 83,000 or more that:
- (A) borders Clear Lake; and
 - (B) is primarily located in a county with a population of less than 300,000;
- (20) a municipality with a population of less than 2,000 that:
- (A) is located adjacent to a bay connected to the Gulf of Mexico;

(B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and

(C) has a boardwalk on the bay;

(21) a municipality with a population of 75,000 or more that:

(A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and

(B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;

(22) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of four million or more;

(23) an eligible coastal municipality with a population of 3,000 or more but less than 5,000;

(24) a municipality with a population of 90,000 or more but less than 150,000 that:

(A) is located in three counties; and

(B) contains a branch campus of a component institution of the University of Houston System;

(25) a municipality that is:

(A) primarily located in a county with a population of four million or more; and

(B) connected by a bridge to a municipality described by Subdivision (20);

(26) a municipality with a population of 20,000 or more but less than 25,000 that:

(A) contains a portion of Mustang Bayou; and

(B) is wholly located in a county with a population of less than 500,000;

(27) a municipality with a population of 70,000 or more but less than 90,000 that is located in two counties, one of which has a population of four million or more and the other of which has a population of less than 50,000;

(28) a municipality with a population of 10,000 or more that:

(A) is wholly located in a county with a population of four million or more; and

(B) has a city hall located less than three miles from a space center operated by an agency of the federal government;

(29) a municipality that is the county seat of a county:

(A) through which the Pedernales River flows; and

(B) in which the birthplace of a president of the United States is located;

(30) a municipality that contains a portion of U.S. Highway 79 and State Highway 130;

(31) a municipality with a population of 48,000 or more but less than 95,000 that is located in two counties, one of which has a population of 900,000 or more but less than 1.7 million;

(32) a municipality with a population of less than 25,000 that contains a museum of Western American art;

- (33) a municipality with a population of 50,000 or more that is the county seat of a county that contains a portion of the Sam Houston National Forest;
- (34) a municipality with a population of less than 25,000 that:
- (A) contains a cultural heritage museum; and
 - (B) is located in a county that borders the United Mexican States and the Gulf of Mexico;
- (35) a municipality that is the county seat of a county that:
- (A) has a population of 115,000 or more;
 - (B) is adjacent to a county with a population of 1.8 million or more; and
 - (C) hosts an annual peach festival;
- (36) a municipality that is the county seat of a county that:
- (A) has a population of 585,000 or more; and
 - (B) is adjacent to a county with a population of four million or more;
- (37) a municipality with a population of less than 10,000 that:
- (A) contains a component university of The Texas A&M University System; and
 - (B) is located in a county adjacent to a county that borders Oklahoma;
- (38) a municipality with a population of less than 6,100 that:
- (A) is located in two counties, each of which has a population of 600,000 or more but less than two million; and
 - (B) hosts an annual Cajun Festival;
- (39) a municipality with a population of 13,000 or more that:
- (A) is located on an international border; and
 - (B) is located in a county:
 - (i) with a population of less than 400,000; and
 - (ii) in which at least one World Birding Center site is located;
- (40) a municipality with a population of 4,000 or more that:
- (A) is located on an international border; and
 - (B) is located not more than five miles from a state historic site that serves as a visitor center for a state park that contains 300,000 or more acres of land;
- (41) a municipality with a population of 36,000 or more that is adjacent to at least two municipalities described by Subdivision (15);
- (42) a municipality with a population of 28,000 or more in which is located a historic railroad depot and heritage center;
- (43) a municipality located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located;
- (44) a municipality with a population of less than 500,000 that is:
- (A) located in two counties; and
 - (B) adjacent to a municipality described by Subdivision (31); ~~and~~
- (45) a municipality that:
- (A) has a population of more than 67,000; and
 - (B) is located in two counties with 90 percent of the municipality's territory located in a county with a population of at least 580,000, and the remaining territory located in a county with a population of at least four million; and
- (46) a municipality that is the county seat of a county:

- (A) through which the Brazos River flows; and
(B) in which a national monument is located.

The amendment to **CSHB 3727** 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: Kolkhorst.

CSHB 3727 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: Bettencourt, Hall, Hughes, Kolkhorst, Middleton.

COMMITTEE SUBSTITUTE HOUSE BILL 3727 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 **CSHB 3727** be placed on its third reading and final passage.

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

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

Nays: Bettencourt, Hall, Hughes, Kolkhorst, Middleton.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

HOUSE BILL 2478 ON SECOND READING

Senator Blanco moved to suspend the regular order of business to take up for consideration **HB 2478** at this time on its second reading:

HB 2478, Relating to newborn and infant screening tests.

The motion prevailed.

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

The bill was read second time and was passed to 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.

HOUSE BILL 2478 ON THIRD READING

Senator Blanco moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2478** be placed on its third reading and final passage.

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

Nays: Hall.

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

HOUSE BILL 53 ON SECOND READING

On motion of Senator Eckhardt and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 53** at this time on its second reading:

HB 53, Relating to the exemption from registration fees of certain vehicles used by nonprofit disaster relief organizations.

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 53 ON THIRD READING

Senator Eckhardt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 53** 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 4550 ON SECOND READING

Senator Alvarado moved to suspend the regular order of business to take up for consideration **HB 4550** at this time on its second reading:

HB 4550, Relating to the qualified allocation plan and manual adopted for the allocation of low income housing tax credits.

The motion prevailed.

Senators Hughes, Kolkhorst, and Middleton 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 **HB 4550** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in the transition language (page 1, line 39), strike "The change in law made by this Act" and substitute "Section 2306.67022, Government Code, as amended by this Act,".

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

SECTION _____. Section 2306.6711(b), Government Code, is amended to read as follows:

(b) Not later than the deadline specified in the qualified allocation plan, the board shall issue commitments for available housing tax credits based on the application evaluation process provided by Section 2306.6710. The board may not allocate to an applicant housing tax credits in any unnecessary amount, as determined by the department's underwriting policy and by federal law, and in any event may not allocate to the applicant housing tax credits in an amount greater than \$6 [~~\$3~~] million in a single application round or to an individual development more than \$2 million in a single application round.

SECTION _____. Section 2306.6724, Government Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding any other law, the department shall issue a final commitment for an allocation of housing tax credits not later than the 120th day following the date on which the department receives from an applicant a complete cost certification package, as prescribed by department rule, and the applicant has fulfilled any requests for information for the issuance of Internal Revenue Service Form 8609, or that form's successor.

SECTION _____. Section 2306.1112, Government Code, is repealed.

SECTION _____. Sections 2306.111, 2306.6711, and 2306.6724, Government Code, as amended by this Act, apply only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that is based on the 2024 qualified allocation plan or a subsequent plan adopted by the governing board of the department. An application that is submitted during an application cycle that is based on an earlier qualified allocation plan is governed by the law in effect on the date the application cycle began, and the former law is continued in effect for that purpose.

The amendment to **HB 4550** 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 4550 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, Kolkhorst, Middleton.

HOUSE BILL 4550 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 4550** 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 3009 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3009** at this time on its second reading:

HB 3009, Relating to the health care providers authorized to examine a person to determine whether the person is incapacitated for purposes of certain guardianship proceedings.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3009** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in amended Section 1101.103, Estates Code (page 1, between lines 47 and 48), insert the following:

(a-1) For purposes of Subsection (a), a letter or certificate based on an examination by an advanced practice registered nurse must be signed by the supervising physician.

(2) In SECTION 2 of the bill, in added Section 1101.103(b-1), Estates Code (page 2, line 42), strike "delegating" and substitute "supervising".

(3) In SECTION 3 of the bill, in amended Section 1101.104, Estates Code (page 3, between lines 20 and 21), insert the following:

(a-1) For purposes of Subsection (a), a letter or certificate based on an examination by an advanced practice registered nurse must be signed by the supervising physician.

(4) In SECTION 3 of the bill, in added Section 1101.104(b), Estates Code (page 3, line 26), strike "delegating" and substitute "supervising".

(5) In SECTION 4 of the bill, immediately following amended Section 1102.002(c), Estates Code (page 3, between lines 53 and 54), insert the following:

(d) For purposes of Subsection (c)(2), a letter or certificate based on an examination by an advanced practice registered nurse must be signed by the supervising physician. The opinion of an advanced practice registered nurse that is based on an examination of a proposed ward conducted by the advanced practice registered nurse under delegation from and supervision by a physician and signed by the supervising physician is considered the supervising physician's opinion.

(6) In SECTION 6 of the bill, in amended Section 1202.152, Estates Code (page 4, between lines 12 and 13), insert the following:

(c-1) For purposes of Subsection (c), a letter or certificate based on an examination by an advanced practice registered nurse must be signed by the supervising physician.

(7) In SECTION 6 of the bill, in added Section 1202.152(e), Estates Code (page 4, line 39), strike "delegating" and substitute "supervising".

The amendment to **HB 3009** 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 3009 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 3009 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 3009** 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 1926 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 1926** at this time on its second reading:

HB 1926, Relating to the expiration date and funding of the supplemental special education services program.

The motion prevailed.

Senators Eckhardt, Gutierrez, and Menéndez 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, Menéndez.

HOUSE BILL 1926 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 1926** 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, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, LaMantia, Middleton, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Eckhardt, Gutierrez, Menéndez.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

HOUSE BILL 4069 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 4069** at this time on its second reading:

HB 4069, Relating to the required disclosure of prices by a veterinarian before providing emergency treatment to an ill or injured animal.

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 4069 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 4069** 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 1590 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **CSHB 1590** at this time on its second reading:

CSHB 1590, Relating to the establishment of the Texas Leadership Scholars Program.

The motion prevailed.

Senator 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: Schwertner.

COMMITTEE SUBSTITUTE HOUSE BILL 1590 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 **CSHB 1590** be placed on its third reading and final passage.

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

Nays: Schwertner.

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

HOUSE BILL 1696 ON SECOND READING

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1696** at this time on its second reading:

HB 1696, Relating to the relationship between managed care plans and optometrists and therapeutic optometrists.

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 1696 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1696** 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 3908 ON SECOND READING

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 3908** at this time on its second reading:

HB 3908, Relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3908** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 28.004(c), Education Code, is amended to read as follows:

(c) The local school health advisory council's duties include recommending:

(1) the number of hours of instruction to be provided in:

(A) health education in kindergarten through grade eight; and

(B) if the school district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

(A) health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement;

(E) instruction on substance abuse prevention;

(F) school health services, including mental health services;

(G) a comprehensive school counseling program under Section 33.005;

(H) a safe and healthy school environment; and

(I) school employee wellness;

(3) appropriate grade levels and methods of instruction for human sexuality instruction;

(4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:

(A) school health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

(B) a comprehensive school counseling program under Section 33.005;

(C) a safe and healthy school environment; and

(D) school employee wellness;

(5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies;

(6) strategies to increase parental awareness regarding:

(A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

(B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns;

(7) appropriate grade levels and curriculum for instruction regarding the dangers of opioids, including instruction on:

(A) opioid addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl; and

(B) methods of administering an opioid antagonist, as defined by Section 483.101, Health and Safety Code; and

(8) appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local school health advisory council's recommendations under this subdivision do not conflict with the essential knowledge and skills developed by the State Board of Education under this subchapter.

The amendment to **HB 3908** 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 3908 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 3908 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 3908** 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 4843 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 4843** at this time on its second reading:

CSHB 4843, Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision and parole for certain felony offenses in which a firearm is used or exhibited, to certain consequences on conviction of certain of those offenses, and to increasing the criminal penalty for the offense of unlawful possession of a firearm by a person convicted of a felony.

The motion prevailed.

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

The bill was read second time 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.

COMMITTEE SUBSTITUTE HOUSE BILL 4843 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 4843** be placed on its third reading and final passage.

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

Nays: Eckhardt.

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

HOUSE BILL 4372 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 4372** at this time on its second reading:

HB 4372, Relating to the commissioning of peace officers by certain private schools.

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 4372 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 4372** 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 2023 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 7 Schwertner Sponsor: Hunter
Relating to the reliability of the ERCOT power grid.
(Committee Substitute)

SB 18 Creighton Sponsor: Kuempel
Relating to the tenure and employment of faculty members at certain public institutions of higher education.
(Committee Substitute/Amended)

SB 29 Birdwell Sponsor: Lozano
Relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.
(Committee Substitute/Amended)

SB 338 Hinojosa Sponsor: Leach

Relating to the use of hypnotically induced statements in a criminal trial.

SB 386 Hall Sponsor: Harless

Relating to the prosecution of a capital murder committed against a peace officer or fireman.

(Committee Substitute)

SB 402 Whitmire Sponsor: Harless

Relating to the preference given by trial courts to hearings and trials for murder and capital murder offenses.

SB 477 Zaffirini Sponsor: Bucy

Relating to accommodating voters with a disability.

(Committee Substitute/Amended)

SB 643 Zaffirini Sponsor: Thompson, Senfronia

Relating to the conduct of charitable bingo.

(Committee Substitute/Amended)

SB 694 Hughes Sponsor: Leach

Relating to liability of a religious organization or an employee or volunteer of a religious organization for security services provided to the organization.

SB 785 Birdwell Sponsor: Darby

Relating to the ownership of and certain insurance policy provisions regarding the geothermal energy and associated resources below the surface of land.

(Committee Substitute)

SB 987 Kolkhorst Sponsor: Gerdes

Relating to the reporting of certain information regarding the payment of state money to certain vendors and counties.

SB 991 Hinojosa Sponsor: Leach

Relating to the establishment of a crime laboratory portal by the Department of Public Safety of the State of Texas and to disciplinary proceedings applicable to a crime laboratory or license holder investigated by the Texas Forensic Science Commission.

(Amended)

SB 1015 King Sponsor: Spiller

Relating to periodic rate adjustments by electric utilities.

(Committee Substitute)

SB 1070 Hughes Sponsor: Jetton

Relating to the interstate voter registration crosscheck program.

(Amended)

SB 1402 Zaffirini Sponsor: Howard

Relating to the composition, continuation, and duties of the Sexual Assault Survivors' Task Force, compensation for task force members and certain other task force participants, and establishment of a mandatory training program for peace officers on responding to reports of child sexual abuse and adult sexual assault.

(Amended)

SB 1418 LaMantia Sponsor: Lopez, Janie

Relating to the route designation for the issuance of a permit for the movement of oversized and overweight vehicles in certain counties.

(Amended)

SB 1750

Bettencourt

Sponsor: Cain

Relating to abolishing the county elections administrator position in certain counties.

SB 1933

Bettencourt

Sponsor: Oliverson

Relating to certain oversight procedures of the state over county elections.

(Committee Substitute/Amended)

SB 2220

Menéndez

Sponsor: Gervin-Hawkins

Relating to the authority of certain municipalities and local government corporations to use certain tax revenue for certain qualified projects.

(Amended)

SB 2260

Blanco

Sponsor: Rose

Relating to management review of certain investigations conducted by the Department of Family and Protective Services.

SB 2627

Schwertner

Sponsor: Hunter

Relating to funding mechanisms to support the construction and operation of electric facilities.

(Committee Substitute/Amended)

Respectfully,

/s/Stephen Brown,
Chief Clerk

House of Representatives

BILLS AND RESOLUTIONS SIGNED

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

HB 6, HB 63, HB 73, HB 103, HB 207, HB 246, HB 282, HB 291, HB 387, HB 433, HB 587, HB 627, HB 628, HB 639, HB 671, HB 679, HB 697, HB 730, HB 891, HB 916, HB 1184, HB 1195, HB 1263, HB 1290, HB 1416, HB 1427, HB 1434, HB 1440, HB 1442, HB 1457, HB 1553, HB 1631, HB 1632, HB 1647, HB 1661, HB 1699, HB 1712, HB 1769, HB 1778, HB 1817, HB 1825, HB 1885, HB 1900, HB 1911, HB 1913, HB 1914, HB 2002, HB 2022, HB 2065, HB 2127, HB 2154, HB 2157, HB 2170, HB 2291, HB 2314, HB 2354, HB 2499, HB 2590, HB 2636, HB 2719, HB 2754, HB 2804, HB 2835, HB 2837, HB 2867, HB 2876, HB 2897, HB 2929, HB 3014, HB 3025, HB 3053, HB 3096, HB 3099, HB 3132, HB 3162, HB 3186, HB 3223, HB 3287, HB 3288, HB 3311, HB 3313, HB 3444, HB 3485, HB 3492, HB 3554, HB 3558, HB 3599, HB 3660, HB 3730, HB 3765, HB 3860, HB 3928, HB 4051, HB 4057, HB 4077, HB 4128, HB 4141, HB 4218, HB 4333, HB 4446, HB 4504, HB 4528, HB 4539, HB 4595, HB 4611, HB 4742, HB 4844, HB 4906, HB 5195, HB 5303, HB 5311, HB 5394, HCR 4, HCR 12, HCR 36, HCR 42, HCR 45, HCR 61, HCR 75, HCR 77, HCR 82, HCR 83, HCR 86, HJR 132.

HB 844, HB 3208, HB 4142, HB 4928, HB 5310.

HOUSE BILL 299 ON SECOND READING

Senator Johnson moved to suspend the regular order of business to take up for consideration **HB 299** at this time on its second reading:

HB 299, Relating to the creation of a voluntary accreditation for recovery housing; authorizing fees.

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 299 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 299** 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)

**COMMITTEE SUBSTITUTE
HOUSE BILL 5372 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSHB 5372** at this time on its second reading:

CSHB 5372, Relating to the creation of The Grand Prairie Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

The motion prevailed.

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

Senator Kolkhorst asked to be recorded as "Present-not voting" 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, Middleton.

Present-not voting: Kolkhorst.

**COMMITTEE SUBSTITUTE
HOUSE BILL 5372 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 5372** 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, Blanco, Campbell, Creighton, Eckhardt, Flores, Gutierrez, Hancock, Hinojosa, Huffman, Johnson, King, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Hall, Hughes, Middleton.

Present-not voting: Kolkhorst.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3, Present-not voting 1. (Same as previous roll call)

HOUSE BILL 4835 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **HB 4835** at this time on its second reading:

HB 4835, Relating to the creation and operations of certain health care provider participation programs.

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 4835 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 4835** 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 14 ON SECOND READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 14** at this time on its second reading:

HB 14, Relating to third-party review of plats and property development plans, permits, and similar documents, and the inspection of an improvement related to such a document.

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

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

Nays: Alvarado, Blanco, Eckhardt, Johnson, Miles, Whitmire.

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 14 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 14** be placed on its third reading and final passage.

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

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

Nays: Alvarado, Blanco, Eckhardt, Johnson, Miles, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 3033 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3033** at this time on its second reading:

CSHB 3033, Relating to the public information law.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3033** (senate committee report) as follows:

(1) In SECTION 8 of the bill, in added Section 552.306(d), Government Code (page 4, lines 15 and 16), strike "In an action brought against a governmental body for failure to comply with Subsection (c), the" and substitute "A".

(2) In SECTION 8 of the bill, in added Section 552.306(d), Government Code (page 4, line 17), between "requirements of" and "if", strike "that subsection" and substitute "Subsection (c)".

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

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.163 to read as follows:

Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section, "attorney general settlement communication" means documentary materials or information collected, assembled, drafted, developed, used, received, or maintained by or on behalf of the attorney general with respect to an investigation or litigation conducted under Subchapter E, Chapter 17, Business & Commerce Code, and that reflects or is regarding negotiations made for the purpose of achieving a resolution of a matter without the need for continuing with litigation or trial.

(b) An attorney general settlement communication is privileged and not subject to disclosure under this chapter from the date the attorney general's investigation begins, as indicated in the attorney general's case management records, until the earlier of:

(1) the 90th day after the date settlement discussions are terminated; or

(2) the earliest of the date:

(A) the case is reported closed in the attorney general's case management records;

(B) the final judgment, assurance of voluntary compliance, or other settlement agreement is entered by the court, and the period for filing a notice of appeal has passed;

(C) the settlement documents are executed by all parties, if the documents are not filed in court;

(D) the order of dismissal or nonsuit disposing of all parties is entered by the court; or

(E) all appeals are finalized.

(c) For the purpose of this section, a settlement communication does not include a document attached to or referenced in a delivered settlement proposal that is subject to disclosure under this chapter.

The amendment to **CSHB 3033** 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 3033** (senate committee report) as follows:

(1) In SECTION 11 of the bill, providing transition language (page 4, lines 68 and 69), between "Sections" and "552.271", insert "552.103,".

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

SECTION ____ . Section 552.103, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The exception to disclosure provided by this section does not apply to information requested under this chapter if:

(1) the information relates to a general, primary, or special election, as those terms are defined by Section 1.005, Election Code;

(2) the information is in the possession of a governmental body that administers elections described by Subdivision (1); and

(3) the governmental body described by Subdivision (2) is not a governmental body described by Section 552.003(1)(A)(i).

The amendment to **CSHB 3033** 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 3033 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 3033 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 **CSHB 3033** 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 1182 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration **CSHB 1182** at this time on its second reading:

CSHB 1182, Relating to judicial statistics and other pertinent information gathered by the Texas Judicial Council and certain populous counties.

The motion prevailed.

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

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1182** (senate committee report) in SECTION 1 of the bill, in amended Section 71.035(a), Government Code (page 1, line 31), immediately following the period, by inserting the following:

The monthly information gathered by the council for each trial court in a county with a population of at least one million must include, but is not limited to:

- (1) the number of cases assigned to the court;
- (2) the case clearance rate for the court;
- (3) the number of cases disposed by the court;
- (4) the number of jury panels empaneled for the court;
- (5) the number of orders of continuance for an attorney before the court or

by the court;

- (6) the number of pleas accepted by the court;
- (7) the number of cases tried by the judge of the court or before a jury; and
- (8) the number of cases tried before a visiting or associate judge of the

court.

The amendment to **CSHB 1182** 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 1182 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, Middleton, Springer.

COMMITTEE SUBSTITUTE HOUSE BILL 1182 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 **CSHB 1182** 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, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Hughes, Middleton, Springer.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

HOUSE BILL 1228 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1228** at this time on its second reading:

HB 1228, Relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.

The bill was read second time.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1228** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 25.195(a-1), Tax Code (page 1, line 28), between "agent" and "a", insert ", as applicable and in accordance with Section 1.085,".

(2) In SECTION 1 of the bill, in added Section 25.195(c-1), Tax Code (page 1, line 36), immediately following "agent", add ", as applicable and in accordance with Section 1.085,".

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

SECTION _____. Section 1.07(a), Tax Code, is amended to read as follows:

(a) An official or agency required by this title to deliver a notice to a property owner may deliver the notice by regular first-class mail, with postage prepaid, unless this section or another provision of this title requires or authorizes a different method of delivery [~~or the parties agree that the notice must be delivered as provided by Section 1.085 or 1.086~~].

SECTION _____. The heading to Section 1.085, Tax Code, is amended to read as follows:

Sec. 1.085. ELECTRONIC DELIVERY OF COMMUNICATION [IN ELECTRONIC FORMAT].

SECTION _____. Section 1.085, Tax Code, is amended by amending Subsections (a), (d), (e), (f), (i), and (j) and adding Subsections (a-1), (a-2), (a-3), (a-4), (a-5), (a-6), (d-1), and (n) to read as follows:

(a) In this section:

(1) "Communication" means a notice, rendition, application form, completed application, report, filing, statement, appraisal review board order, bill, or other item of information required or permitted to be delivered under a provision of this title.

(2) "Tax official" means:

(A) a chief appraiser, an appraisal district, an appraisal review board, an assessor, a collector, or a taxing unit; or

(B) a person designated by a person listed in Paragraph (A) to perform a function on behalf of that person.

(a-1) Notwithstanding any other provision in this title, a communication [and except as provided by this section, any notice, rendition, application form, or completed application, or information requested under Section 41.461(a)(2),] that is required or permitted by this title to be delivered between a tax official [chief appraiser, an appraisal district, an appraisal review board, or any combination of those persons] and a property owner or a person designated by a property owner under Section 1.111(f) shall [may] be delivered electronically [in an electronic format] if the property owner or person designated by the owner elects to exchange communications with the tax official electronically under Subsection (a-2) of [chief appraiser and the property owner or person designated by the owner agree under] this section.

(a-2) A tax official shall:

(1) establish a procedure that allows a property owner or a person designated by a property owner under Section 1.111(f) to make the election described by Subsection (a-1) of this section; and

(2) for electronic communications between the official and a property owner or the person designated by the owner who elects under Subsection (a-1) to exchange communications with the official electronically, specify:

(A) the manner in which communications will be exchanged; and

(B) the method that will be used to confirm the delivery of communications.

(a-3) An election described by Subsection (a-1) of this section by a property owner or a person designated by a property owner under Section 1.111(f) must be made in writing on a form prescribed by the comptroller for that purpose and remains in effect until rescinded in writing by the property owner or person designated by the owner.

(a-4) A tax official may not charge a fee to accept a communication delivered electronically to the official.

(a-5) A tax official may require a property owner or a person designated by a property owner under Section 1.111(f) who elects to exchange communications electronically to provide:

(1) an e-mail address; and

(2) other information necessary for the exchange of communications.

(a-6) A tax official shall prominently display the information necessary for proper electronic delivery of communications to the official:

(1) on the official's Internet website, if applicable; and

(2) if the official is a chief appraiser, in any notice of appraised value delivered by the official under Section 25.19.

(d) The electronic [~~Unless otherwise provided by an agreement, the~~] delivery of any communication by a tax official to a property owner or a person designated by a property owner under Section 1.111(f) [~~information in an electronic format~~] is effective on delivery [~~receipt~~] by the tax official [~~a chief appraiser, an appraisal district, an appraisal review board, a property owner, or a person designated by a property owner. An agreement entered into under this section remains in effect until rescinded in writing by the property owner or person designated by the owner~~].

(d-1) The electronic delivery of a communication by a property owner or a person designated by a property owner under Section 1.111(f) to a tax official is timely if the communication is:

(1) addressed to the correct delivery portal or electronic delivery system; and

(2) received by the tax official's server on or before the date on which the communication is due.

(e) The comptroller by rule[+

[+] shall prescribe acceptable media, formats, content, and methods for the electronic delivery of communications under this section and adopt guidelines for the implementation of this section by tax officials [~~transmission of notices required by Section 25.19; and~~

~~[(2) may prescribe acceptable media, formats, content, and methods for the electronic transmission of other notices, renditions, and applications].~~

~~(f) A tax official [In an agreement entered into under this section, a chief appraiser] may select the medium, format, content, and method to be used by the tax official and a property owner or a person designated by a property owner under Section 1.111(f) to exchange communications electronically [appraisal district] from among those prescribed by the comptroller under Subsection (e). [If the comptroller has not prescribed the media, format, content, and method applicable to the communication, the chief appraiser may determine the medium, format, content, and method to be used.]~~

(i) A property owner or a person designated by the property owner under Section 1.111(f) who elects to exchange communications electronically with a tax official [enters into an agreement] under this section and who [that] has not [been] rescinded the election shall notify the tax official [appraisal district] of a change in the e-mail [electronic mail] address provided by the property owner or person designated by the owner [specified in the agreement] before the first April 1 that occurs following the change. If notification is not received by the tax official [appraisal district] before that date, until notification is received, any communications [notices] delivered electronically [under the agreement] to the property owner or person designated by the owner are considered to be timely delivered.

(j) An electronic signature that is included in any communication delivered electronically under this section is [notice, rendition, application form, or completed application subject to an agreement under this section and that is required by Chapters 11, 22, 23, 24, 25, 26, and 41 shall be] considered to be a digital signature for purposes of Section 2054.060, Government Code, and that section applies to the electronic signature.

(n) A tax official shall acknowledge the receipt of a communication delivered electronically to the official by a property owner or a person designated by the property owner under Section 1.111(f).

SECTION _____. Section 25.192(d), Tax Code, is amended to read as follows:

~~(d) The [If a property owner has elected to receive notices by e-mail as provided by Section 1.086, the] notice required by this section must be sent [in that manner] separately from any other notice sent to the property owner by the chief appraiser.~~

SECTION _____. Section 25.193(b), Tax Code, is amended to read as follows:

~~(b) The [If a property owner has elected to receive notices by e-mail as provided by Section 1.086, the] notice required by this section must be sent [in that manner] regardless of whether the information was also included in a notice under Section 25.19 and must be sent separately from any other notice sent to the property owner by the chief appraiser.~~

SECTION _____. Section 41.461(c), Tax Code, is amended to read as follows:

(c) A chief appraiser shall deliver information requested by a property owner or the agent of the owner under Subsection (a)(2):

(1) by regular first-class mail, deposited in the United States mail, postage prepaid, and addressed to the property owner or agent at the address provided in the request for the information;

(2) electronically, if the property owner or agent of the owner has elected to receive electronic communications from the chief appraiser ~~[in an electronic format as provided by an agreement]~~ under Section 1.085; or

(3) subject to Subsection (d), by referring the property owner or the agent of the owner to a secure Internet website with user registration and authentication or to the exact Internet location or uniform resource locator (URL) address on an Internet website maintained by the appraisal district on which the requested information is identifiable and readily available.

SECTION _____. Section 41.47(d), Tax Code, is amended to read as follows:

(d) The board shall deliver electronically, if the property owner or agent of the owner has elected to receive electronic communications under Section 1.085, or by certified mail:

(1) a notice of issuance of the order and a copy of the order to the property owner and the chief appraiser; and

(2) a copy of the appraisal review board survey prepared under Section 5.104 and instructions for completing and submitting the survey to the property owner.

SECTION _____. The following provisions of the Tax Code are repealed:

(1) Sections 1.085(b), (c), (g), (h), (k), (l), and (m);

(2) Section 1.086;

(3) Section 41.46(e); and

(4) Section 41.47(d-1).

SECTION _____. The changes in law made by this Act apply only to a tax year that begins on or after the effective date of this Act.

SECTION _____. (a) A tax official of an appraisal district established in a county with a population of 120,000 or more or of a taxing unit located wholly or primarily in such an appraisal district shall comply with Section 1.085, Tax Code, as amended by this Act, beginning with the 2024 tax year.

(b) A tax official of an appraisal district established in a county with a population of less than 120,000 or of a taxing unit located wholly or primarily in such an appraisal district shall comply with Section 1.085, Tax Code, as amended by this Act, beginning with the 2025 tax year.

The amendment to **HB 1228** 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 1228 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 1228 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 1228** 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 1833 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 1833** at this time on its second reading:

CSHB 1833, Relating to increasing the criminal penalty for the offense of criminal mischief involving a critical infrastructure facility or public power supply.

The bill was read second time.

Senator King offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1833** (senate committee report) as follows:

(1) Strike the recital to SECTION 1 of the bill, amending Section 28.03, Penal Code (page 1, lines 23 through 25), and substitute the following:

SECTION 1. Section 28.03(b), Penal Code, is amended to read as follows:

(2) In SECTION 1 of the bill, in amended Section 28.03(b), Penal Code (page 1), strike lines 26 and 27, and substitute the following:

(b) Except as provided by Subsections (f) and (h), an offense under this section is:

(3) In SECTION 1 of the bill, strike added Section 28.03(b)(5)(D)(i), Penal Code (page 2, lines 16 through 18), and substitute the following:

(i) causes wholly or partly impairment or interruption of property used for public power supply; or

(4) In SECTION 1 of the bill, strike added Section 28.03(l), Penal Code (page 2, lines 26 through 40).

(5) Strike SECTION 2 of the bill, adding Sections 28.03(g)(10), (11), (12), and (13), Penal Code (page 2, lines 41 through 56), and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 1833** 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 1833 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 1833 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 1833** 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 3456 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSHB 3456** at this time on its second reading:

CSHB 3456, Relating to the continuation of certain health care provider participation programs in this state.

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.

**COMMITTEE SUBSTITUTE
HOUSE BILL 3456 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 3456** 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)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2488 ON SECOND READING**

Senator Alvarado moved to suspend the regular order of business to take up for consideration **CSHB 2488** at this time on its second reading:

CSHB 2488, Relating to the burden of proof in certain ad valorem tax appeals.

The motion prevailed.

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

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2488** (senate committee printing) in SECTION 1 of the bill, in added Section 42.23(i), Tax Code (page 1, line 34), by striking "held".

The amendment to **CSHB 2488** 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 2488 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: Eckhardt.

COMMITTEE SUBSTITUTE HOUSE BILL 2488 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 **CSHB 2488** be placed on its third reading and final passage.

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

Nays: Eckhardt.

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

HOUSE BILL 2188 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 2188** at this time on its second reading:

HB 2188, Relating to the qualifications of statistical agents for the commissioner of insurance.

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 2188 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 2188** 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 1486 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1486** at this time on its second reading:

HB 1486, Relating to the adoption of a mental health leave policy for certain telecommunicators.

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 1486 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 1486** 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 2969 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 2969** at this time on its second reading:

HB 2969, Relating to prohibiting a maximum age or age differential for prospective adoptive parents.

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 2969 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 2969** 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 3708 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 3708** at this time on its second reading:

HB 3708, Relating to creating an allotment under the Foundation School Program for school districts that allow non-enrolled students to participate in University Interscholastic League activities.

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

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

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hall, Johnson, Menéndez, Miles, Nichols, 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 1603 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 1603** at this time on its second reading:

HB 1603, Relating to the procedures governing the prosecution of misdemeanor offenses in the jurisdiction of the justice and municipal courts.

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 1603 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 1603** 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 Birdwell in Chair)

COMMITTEE SUBSTITUTE

HOUSE BILL 4635 ON SECOND READING

Senator Flores moved to suspend the regular order of business to take up for consideration **CSHB 4635** at this time on its second reading:

CSHB 4635, Relating to organized crime, racketeering activities, and collection of unlawful debts; providing a civil penalty; creating criminal offenses.

The motion prevailed.

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

The bill was read second time 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.

COMMITTEE SUBSTITUTE

HOUSE BILL 4635 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 4635** be placed on its third reading and final passage.

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

Nays: Eckhardt.

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

HOUSE BILL 2442 ON SECOND READING

On motion of Senator Flores and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2442** at this time on its second reading:

HB 2442, Relating to certificates of public convenience and necessity issued to certain retail public utilities.

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 2442 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 **HB 2442** 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)

HOUSE BILL 400 ON SECOND READING

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 400** at this time on its second reading:

HB 400, Relating to innovation grant programs to support residency training programs in psychiatric specialty fields and recruitment, training, and retention programs in behavioral health fields.

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 400 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 400** 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)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1588 ON SECOND READING**

Senator Middleton moved to suspend the regular order of business to take up for consideration **CSHB 1588** at this time on its second reading:

CSHB 1588, Relating to funding of excess losses and operating expenses of the Texas Windstorm Insurance Association; authorizing an assessment; authorizing a surcharge.

The motion prevailed by the following vote: Yeas 20, Nays 10, Present-not voting 1.

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

Nays: Alvarado, Birdwell, Eckhardt, Gutierrez, Johnson, LaMantia, Menéndez, Paxton, West, Whitmire.

Present-not voting: Miles.

The bill was read second time.

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1588** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter J, Chapter 2210, Insurance Code, is amended by adding Section 2210.4531 to read as follows:

Sec. 2210.4531. DETERMINATION OF PROBABLE MAXIMUM LOSS. (a) The association shall file with the department a proposed probable maximum loss, subject to Section 2210.453.

(b) In determining the probable maximum loss, the association:

(1) may not consider the cost of providing loss adjustments;

(2) shall, to the extent possible, contract with any disinterested third parties necessary to execute any catastrophe models that were executed in the preceding storm season;

(3) shall, if the association is unable to contract for the execution of a catastrophe model described by Subdivision (2), contract with any disinterested third party necessary to execute a catastrophe model that is substantially similar to the model for which the association is unable to contract under Subdivision (2);

(4) may contract with any disinterested third parties to execute catastrophe models in addition to the models required under Subdivisions (2) and (3);

(5) shall provide to a disinterested third party executing a catastrophe model any information necessary to comply with this subsection;

(6) may not use a combination of catastrophe models to determine the probable maximum loss; and

(7) may use only the catastrophe model that produces the lowest probable maximum loss.

(c) The association shall make any information produced in compliance with Subsection (b) publicly available on the association's Internet website.

(d) The association may only use a probable maximum loss that is approved by the commissioner. The commissioner may reject a probable maximum loss filed with the department by the association and set a probable maximum loss at any amount determined by the commissioner.

(e) The amount of loss adjustment expense, as adopted by the board of directors for a catastrophe year and used for the association's rate indication for purposes of filing a rate under this chapter, must be considered above the probable maximum loss.

SECTION 2. Sections 2210.655(a) and (d), Insurance Code, are amended to read as follows:

(a) The board shall:

(1) gather information regarding:

(A) how the association's current funding and funding structure operate;

(B) how the catastrophic risk pools of other states operate; ~~and~~

(C) how an investment from the economic stabilization fund could be used to establish a new funding source for the association;

(D) options, in addition to the option provided by Paragraph (C), for eliminating or reducing the association's reliance on the issuance of public securities as a mechanism for funding the association;

(E) methods to increase the association's contributions to the catastrophe reserve trust fund; and

(F) other information that the board considers necessary to prepare the information required by Subsection (c); and

(2) hold public meetings to hear testimony from experts, stakeholders, and other interested parties regarding recommendations and proposals for establishing and implementing sustainable funding and a sustainable funding structure for the association.

(d) This section expires September 1, 2025 ~~[2023]~~.

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

The amendment to **CSHB 1588** 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 Middleton moved to postpone further consideration of the bill to a time certain of 9:00 p.m. today.

The motion prevailed.

Question: Shall **CSHB 1588** as amended be passed to third reading?

HOUSE BILL 4758 ON SECOND READING

On motion of Senator Springer and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 4758** at this time on its second reading:

HB 4758, Relating to a prohibition on certain e-cigarette products; creating a criminal offense.

The bill was read second time.

Senator Springer offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4758** (senate committee report) in SECTION 2 of the bill as follows:

(1) In added Section 161.0876(a), Health and Safety Code (page 1, line 26), between "a" and "A", insert the following:

For purposes of this section, "e-cigarette product" includes any substance containing nicotine from any source that is intended for use in an e-cigarette.

(b)

(2) On page 1, line 39, strike "b" and substitute "c".

The amendment to **HB 4758** 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 4758 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 4758 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 4758** 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.

VOTE RECONSIDERED ON HOUSE BILL 4550

On motion of Senator Alvarado and by unanimous consent, the vote by which **HB 4550** was finally passed was reconsidered:

HB 4550, Relating to the qualified allocation plan and manual adopted for the allocation of low income housing tax credits.

Question: Shall **HB 4550** be finally passed?

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 4550** (on third reading) by striking SECTION 1 of the bill amending Section 2306.67022, Government Code, and substitute the following:

SECTION 1. Section 2306.67022, Government Code, is amended to read as follows:

Sec.2306.67022. QUALIFIED ALLOCATION PLAN; MANUAL. (a) At least biennially, the board shall adopt a qualified allocation plan and a corresponding manual to provide information regarding the administration of and eligibility for the low income housing tax credit program. The board may adopt the plan and manual annually, as considered appropriate by the board.

(b) The board shall adjust to reflect inflation any amount specified in the qualified allocation plan relating to the acceptable cost of a development by square foot. The board shall use 2021 as the base year for the adjustment.

(c) In making the computation under Subsection (b), the board shall consider the Consumer Price Index for All Urban Consumers, or its successor in function, published by the United States Bureau of Labor Statistics.

The amendment to **HB 4550** 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 on Third Reading.

HB 4550 as amended was again finally passed 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 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:

SB 25

Kolkhorst

Sponsor: Klick

Relating to support for nursing-related postsecondary education, including scholarships to nursing students, loan repayment assistance to nurses and nursing faculty, and grants to nursing education programs.

(Committee Substitute/Amended)

SB 26

Kolkhorst

Sponsor: Jetton

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

(Committee Substitute/Amended)

SB 627

Menéndez

Sponsor: Allison

Relating to the entitlement of certain municipalities to certain tax revenue related to a hotel and convention center project.

(Committee Substitute)

SB 924

Springer

Sponsor: Hayes

Relating to the combination of certain election precincts.

(Amended)

SB 947

King

Sponsor: Hunter

Relating to creating a criminal offense for damaging certain critical infrastructure facilities and providing for the prosecution of that conduct as manslaughter in certain circumstances; increasing a criminal penalty.

SB 1057

Whitmire

Sponsor: Harless

Relating to the authority of certain municipalities and local government corporations to use certain tax revenue for certain qualified projects.

(Committee Substitute/Amended)

SB 1094

Schwertner

Sponsor: Price

Relating to purchased power costs incurred by electric utilities.

SB 1699

Johnson

Sponsor: Hunter

Relating to the participation of aggregated distributed energy resources in the ERCOT market.

(Amended)

SB 2011

Schwertner

Sponsor: Slawson

Relating to the authority of the Public Utility Commission of Texas to impose administrative penalties and enter into voluntary mitigation plans; increasing an administrative penalty.

(Amended)

SB 2013

Schwertner

Sponsor: Hunter

Relating to access to and the security of certain critical infrastructure.

(Committee Substitute)

SB 2315

Hughes

Sponsor: Clardy

Relating to the creation of a task force to develop a plan for the consolidation of the functions of workforce development programs administered by the Texas Workforce Commission and social services programs administered by the Health and Human Services Commission.

(Amended)

SB 2325

Zaffirini

Sponsor: Flores

Relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.

(Amended)

SB 2474

Hinojosa

Sponsor: Jetton

Relating to civil and administrative penalties assessed for violations of statutes or rules governing chemical dependency treatment facilities.

Respectfully,

/s/Stephen Brown,

Chief Clerk

House of Representatives

RECESS

On motion of Senator Whitmire, the Senate at 8:00 p.m. recessed until 8:30 p.m. today.

AFTER RECESS

The Senate met at 9:26 p.m. and was called to order by the President.

COMMITTEE SUBSTITUTE**HOUSE BILL 1759 ON SECOND READING**

Senator Alvarado moved to suspend the regular order of business to take up for consideration **CSHB 1759** at this time on its second reading:

CSHB 1759, Relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Eckhardt, Flores, Gutierrez, Hall, Hancock, Hinojosa, Hughes, Johnson, LaMantia, Menéndez, Miles, Paxton, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Creighton, Huffman, King, Kolkhorst, Middleton, Nichols, Parker, Perry.

The bill was read second time.

Senator Alvarado offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1759** (senate committee report) in SECTION 1 of the bill, in added Section 2004.004(a-3), Occupations Code (page 1, line 44), by striking "individuals" and substituting "previously identified supporters".

The amendment to **CSHB 1759** 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 1759** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 2004.004, Occupations Code (page 1, line 27), strike "and (a-3)" and substitute "(a-3), and (a-4)".

(2) In SECTION 1 of the bill, immediately following added Section 2004.004 (a-3), Occupations Code (page 1, between lines 49 and 50), insert the following:

(a-4) Subsection (a-1)(2) does not authorize the use of an Internet website or mobile application to provide a graphic or dynamic animation that corresponds to the outcome of a winning or losing raffle ticket.

The amendment to **CSHB 1759** 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.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 1759** (senate committee report) in SECTION 1 of the bill, by striking added Section 2004.004(a-3), Occupations Code (page 1, lines 43-49), and substituting the following:

(a-3) Raffle tickets sold under Subsection (a-1)(2) may only be sold to individuals who at the time of the sale are physically located inside the home venue or rodeo venue of the professional sports team associated with the foundation conducting the raffle.

The amendment to **CSHB 1759** was read and was adopted by a viva voce vote.

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

CSHB 1759 as amended was passed to third reading by the following vote: Yeas 25, Nays 6.

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

Nays: Creighton, King, Kolkhorst, Middleton, Nichols, Perry.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1759 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 **CSHB 1759** 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, Hughes, Johnson, LaMantia, Menéndez, Miles, Parker, Paxton, Schwertner, Sparks, Springer, West, Whitmire, Zaffirini.

Nays: Creighton, King, Kolkhorst, Middleton, Nichols, Perry.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

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

Nays: Creighton, Hughes, King, Kolkhorst, Middleton, Nichols, Perry.

HOUSE BILL 2138 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **HB 2138** at this time on its third reading and final passage:

HB 2138, Relating to the sale of charitable raffle tickets by certain nonprofit wildlife conservation associations.

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

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

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

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 2023 - 4

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

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

HB 3

House Conferees: Burrows - Chair/Bonnen/King, Ken/King, Tracy O./Moody

HB 9

House Conferees: Ashby - Chair/Harless/Hernandez/Price/Rose

HB 12

House Conferees: Rose - Chair/Burrows/Harless/Howard/Jetton

HB 30

House Conferees: Moody - Chair/Burrows/Metcalf/Slawson/Turner

HB 621

House Conferees: Shaheen - Chair/Buckley/Cunningham/Harris, Cody/Hinojosa

HB 1595

House Conferees: Bonnen - Chair/Burrows/Hernandez/Kuempel/Walle

HB 3104

House Conferees: Anderson - Chair/Bowers/Gerdes/Harris, Cody/King, Tracy O.

HB 3447

House Conferees: Bonnen - Chair/Canales/Metcalf/Paul/Walle

HB 3697

House Conferees: Wilson - Chair/Bell, Cecil/Thierry/Thompson, Ed/Vasut

HB 4227

House Conferees: Goldman - Chair/Cunningham/Hernandez/Thimesch/Troxclair

HJR 125

House Conferees: Ashby - Chair/Geren/Hunter/Longoria/Rose

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

SB 22

House Conferees: Guillen - Chair/Ashby/Geren/Morales, Eddie/Price

SB 28

House Conferees: King, Tracy O. - Chair/Gamez/Geren/Price/Thompson, Ed

SB 133 (non-record vote)

House Conferees: Hull - Chair/Cain/González, Mary/Lozano/Moody

SB 1445

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

SB 1516 (non-record vote)

House Conferees: Cook - Chair/Canales/Leach/Moody/Noble

SB 2601

House Conferees: Canales - Chair/Guerra/Holland/Longoria/Vasut

SJR 75

House Conferees: King, Tracy O. - Chair/Geren/Price/Ramos/Thompson, Ed

Respectfully,

/s/Stephen Brown,
Chief Clerk
House of Representatives

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

Senator Hughes 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 11 p.m. today.

HUGHES

The Motion In Writing was read and prevailed without objection.

HOUSE BILL 900 ON SECOND READING

Senator Paxton moved to suspend the regular order of business to take up for consideration **HB 900** at this time on its second reading:

HB 900, Relating to the regulation of library materials sold to or included in public school libraries.

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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 900** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in amended Section 33.021, Education Code (page 2, between lines 17 and 18), insert the following:

(e) This subsection and Subsections (a), (c), and (d) expire September 1, 2025.

(2) In SECTION 3 of the bill, between the heading to added Chapter 35 and added Section 35.001, Education Code (page 2, between lines 20 and 21), insert the following:

SUBCHAPTER A. REGULATION OF CERTAIN LIBRARY MATERIAL

(3) In SECTION 3 of the bill, in added Section 35.004, Education Code (page 3, line 55), strike "chapter" and substitute "subchapter".

(4) In SECTION 3 of the bill, in added Section 35.008, Education Code (page 4, line 25), strike "chapter" and substitute "subchapter".

(5) In SECTION 3 of the bill, in added Chapter 35, Education Code (page 4, between lines 25 and 26), insert the following:

Sec. 35.009. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2025.

SUBCHAPTER B. TASK FORCE ON REGULATION OF CERTAIN LIBRARY MATERIAL

Sec. 35.031. DEFINITION. In this subchapter, "task force" means the task force on regulation of library material established under Section 35.032.

Sec. 35.032. LIBRARY MATERIAL TASK FORCE. (a) The library material task force is established to review the feasibility of implementing the regulation of library material as provided under Section 33.021 and under Subchapter A of this chapter. The task force shall hold public hearings regarding the regulation of library material and suggest improvements based on the task force's findings and on comments provided by the public.

(b) The task force is composed of:

(1) three members of the house of representatives, representing diverse types of districts, including both rural and urban districts, appointed by the speaker of the house of representatives;

(2) three members of the senate, representing diverse types of districts, including both rural and urban districts, appointed by the lieutenant governor; and

(3) sixteen members appointed by the governor, who must include:

(A) one representative of the Texas State Library and Archives Commission;

(B) one representative of the agency;

(C) three public school librarians, who must include:

(i) one librarian employed by an urban school district;

(ii) one librarian employed by a rural school district; and

(iii) one librarian employed by an economically disadvantaged school district;

(D) four parents of students enrolled in a public school district in this state, who must include:

(i) at least one parent of a student enrolled in an urban district;

(ii) at least one parent of a student enrolled in a rural district; and

(iii) at least one parent of a student enrolled in an economically disadvantaged district;

(E) four students enrolled in grades 6 through 12 in a school district in this state, who must include:

(i) at least one student enrolled in an urban district;

(ii) at least one student enrolled in a rural district; and

(iii) at least one student enrolled in an economically disadvantaged district; and

(F) three representatives of library material vendors, who must include:

(i) one representative of a small, community-based vendor with not more than one location in this state;

(ii) one representative of a mid-sized vendor with more than one location in this state; and

(iii) one representative of a large vendor with multiple locations in this state or in multiple states.

(c) The task force may meet in person or virtually through the Internet.

(d) Once every three months, the agency shall develop and submit to the task force a report regarding the impacts of the library material regulation required under Section 33.021 and Subchapter A of this chapter, including:

(1) any changes to the list of library material vendors described by Section 35.003(c); and

(2) a comprehensive list of library material removed from any library, including the number of library materials removed from libraries in each legislative district.

(e) On request, the agency shall provide to any member of the legislature a copy of a report submitted to the task force under Subsection (d).

Sec. 35.033. REPORT TO LEGISLATURE. Not later than December 31, 2024, the task force shall prepare and submit to the legislature a report that includes recommendations for legislative action to improve the regulation of library material, including:

(1) an overview of the feasibility of implementation of Section 33.021 and Subchapter A of this chapter, including:

(A) the number of library material vendors affected by the requirements of Section 33.021 and Subchapter A of this chapter;

(B) the total number of library materials removed from school district or open-enrollment charter school libraries; and

(C) a comprehensive list of the library material described by Paragraph (B);

(2) recommendations for improvements for how to determine the appropriate standards used in determining whether library material is acceptable for a school library; and

(3) recommended policies or best practices for facilitating cooperation among parents, students, librarians, and schools with respect to the regulation of library material.

Sec. 35.034. EXPIRATION OF SUBCHAPTER. The task force is abolished and this subchapter expires September 1, 2025.

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

SECTION ____ . As soon as practicable after the effective date of this Act, the governor, lieutenant governor, and speaker of the house of representatives shall appoint the members of the library material task force under 35.032, Education Code, as added by this Act.

The amendment to **HB 900** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 900** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 33.021(b), Education Code (page 1, line 43), between "services" and the period, insert "for libraries operated solely by the district for district students".

(2) In SECTION 2 of the bill, in added Section 33.021(c), Education Code (page 1, line 48), between "policies" and the underlined period, insert "for libraries operated solely by the district for district students".

The amendment to **HB 900** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 900** (senate committee report) in SECTION 3 of the bill, in added Chapter 35, Education Code (page 4, between lines 25 and 26), by inserting the following:

Sec. 35.009. REPORT. Not later than January 31 of each year, the agency shall submit to the legislature a written report that includes:

(1) the title of each library material rated as:

(A) sexually explicit material; or

(B) sexually relevant material; and

(2) for the library material identified in Subdivision (1), the disaggregated demographic data of:

(A) the author of each material; or

(B) the main characters in each material.

The amendment to **HB 900** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

HB 900 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, May 23, 2023 - 5

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 379 Huffman Sponsor: Howard
Relating to an exemption from sales and use taxes for certain family care items.

SB 401 Kolkhorst Sponsor: Harless
Relating to prices charged by a medical staffing services agency during certain designated public health disaster periods; providing a civil penalty.
(Committee Substitute)

SB 471 Springer Sponsor: Harris, Cody
Relating to the investigation by the Texas Commission on Environmental Quality of certain complaints.

SB 1661 Hughes Sponsor: Smith
Relating to a ballot scan system used in a central counting station.

SB 1668 Hughes Sponsor: Turner
Relating to property owners' associations, including condominium owners' associations.
(Committee Substitute)

SB 1717 Zaffirini Sponsor: Moody
Relating to the prosecution of the offense of stalking.
(Amended)

Respectfully,

/s/Stephen Brown,
Chief Clerk

House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 18 ON SECOND READING**

On motion of Senator Hughes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 18** at this time on its second reading:

CSHB 18, Relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices, including the use and transfer of electronic devices to students by a public school.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 18** (senate committee report) as follows:

(1) In SECTION 2.01 of the bill, in added Section 509.001(1), Business & Commerce Code (page 1, lines 38 and 39), strike "performs collection or processing functions" and substitute "collects or processes personal identifying information".

(2) In SECTION 2.01 of the bill, strike added Section 509.001(6), Business & Commerce Code (page 1, lines 55 through 59), and substitute the following:

(6) "Personal identifying information" means any information, including sensitive information, that is linked or reasonably linkable to an identified or identifiable individual. The term includes pseudonymous information when the information is used by a controller or processor in conjunction with additional information that reasonably links the information to an identified or identifiable individual. The term does not include deidentified information or publicly available information.

(3) In SECTION 2.01 of the bill, in added Section 509.002(a)(1), Business & Commerce Code (page 2, line 7), strike "has a primary function of connecting" and substitute "connects".

(4) In SECTION 2.01 of the bill, in added Section 509.002(a)(3)(C), Business & Commerce Code (page 2, line 18), between "page" and "or", insert "video channel".

(5) In SECTION 2.01 of the bill, in added Section 509.002(b)(9), Business & Commerce Code (page 2, line 49), strike "provider who provides" and substitute "provider's provision of".

(6) In SECTION 2.01 of the bill, in added Section 509.002(b)(10), Business & Commerce Code (page 2, line 52), strike "provider who provides" and substitute "provider's provision of".

(7) In SECTION 2.01 of the bill, in added Section 509.002(b)(10)(A), Business & Commerce Code (page 2, line 55), strike "entertainment".

(8) In SECTION 2.01 of the bill, in added Section 509.002(b)(10)(A), Business & Commerce Code (page 2, lines 55 and 56), between "content" and "selected", insert "primarily generated or".

(9) In SECTION 2.01 of the bill, in added Section 509.002(c), Business & Commerce Code (page 2, lines 64 and 65), strike "a digital service provider" and substitute "to be a digital service provider or to offer a digital service".

(10) In SECTION 2.01 of the bill, in added Section 509.051(a), Business & Commerce Code (page 3, line 9), strike "for access to" and substitute "to create an account with".

(11) In SECTION 2.01 of the bill, in added Section 509.053, Business & Commerce Code (page 3, line 68, through page 4, line 31), strike Subsection (b) and substitute the following:

(b) A strategy developed under Subsection (a):

(1) must include:

(A) creating and maintaining a comprehensive list of harmful material or other content described by Subsection (a) to block from display to a known minor;

(B) using filtering technology and other protocols to enforce the blocking of material or content on the list under Paragraph (A);

(C) using hash-sharing technology and other protocols to identify recurring harmful material or other content described by Subsection (a);

(D) creating and maintaining a database of keywords used for filter evasion, such as identifiable misspellings, hash-tags, or identifiable homoglyphs;

(E) performing standard human-performed monitoring reviews to ensure efficacy of filtering technology;

(F) making available to users a comprehensive description of the categories of harmful material or other content described by Subsection (a) that will be filtered; and

(G) except as provided by Section 509.058, making available the digital service provider's algorithm code to independent security researchers; and

(2) may include:

(A) engaging a third party to rigorously review the digital service provider's content filtering technology;

(B) participating in industry-specific partnerships to share best practices in preventing access to harmful material or other content described by Subsection (a);
or

(C) conducting periodic independent audits to ensure:

(i) continued compliance with the digital service provider's strategy; and

(ii) efficacy of filtering technology and protocols used by the digital service provider.

(12) In SECTION 2.01 of the bill, in added Section 509.054(b)(4), Business & Commerce Code (page 4, line 48), between "monitor" and "the", insert "and limit".

(13) In SECTION 2.01 of the bill, in added Section 509.057(b), Business & Commerce Code (page 5, line 13), strike "provider's digital service" and substitute "digital service of a provider for which age verification is required under this section".

(14) In SECTION 2.01 of the bill, in added Section 509.059, Business & Commerce Code (page 5, line 23), strike "comply with".

(15) In SECTION 2.01 of the bill, in added Section 509.059, Business & Commerce Code (page 5, lines 24 through 26), strike Subdivisions (1) and (2) and substitute the following:

(1) comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by a governmental entity;

(2) comply with a law enforcement investigation;

(3) detect, block, or prevent the distribution of unlawful, obscene, or other harmful material to a known minor;

(4) block or filter spam;

(5) prevent criminal activity; or

(6) protect the security of a digital service.

(16) In SECTION 2.01 of the bill, in added Section 509.152, Business & Commerce Code (page 6, between lines 12 and 13), insert the following:

(c) A court may not certify an action brought under this section as a class action.

(17) In SECTION 3.03 of the bill, in added Section 32.1021(2), Education Code (page 6, line 40), between "application" and "necessary", insert ", other than a software application".

The amendment to **CSHB 18** 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 Menéndez offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 18** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill and references to those ARTICLES accordingly:

ARTICLE ____ . BULLYING PREVENTION PROGRAM

SECTION ____ .01. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0835 to read as follows:

Sec. 37.0835. BULLYING PREVENTION PILOT PROGRAM. (a) In this section:

(1) "Bullying" has the meaning assigned by Section 37.0832.

(2) "Pilot program" means the bullying prevention pilot program established under this section.

(b) The agency shall:

(1) develop a bullying prevention pilot program to reduce incidents of bullying on public school campuses; and

(2) award grants to eligible school districts to implement the pilot program on district campuses.

(c) In developing the pilot program under Subsection (b), the agency shall:

(1) use research-based best practices for the prevention of bullying; and

(2) collaborate with qualified experts and researchers with experience in child and youth psychology, mental health, and education.

(d) From funds appropriated for the purpose, the commissioner shall award grants to school districts that demonstrate a substantial need for bullying prevention, as determined by the commissioner. A school district that is awarded a grant under this subsection shall implement the pilot program at not more than three campuses in the district.

(e) The agency shall use funds appropriated for purposes of the pilot program under this section to provide technical assistance to grant recipients. The agency may provide technical assistance through regional education service centers.

(f) The commissioner shall:

(1) establish application criteria for a school district to apply to receive a grant under this section; and

(2) determine allowable uses of grant funds by a school district under this section.

(g) The commissioner may use funds otherwise available and may solicit or accept grants or donations to implement this section.

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

(i) The commissioner is not required to develop the pilot program or award grants under this section unless money is specifically appropriated for that purpose.

The amendment to **CSHB 18** was read.

Senator Menéndez withdrew Floor Amendment No. 2.

CSHB 18 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 18 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 18** 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.

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

Senator Hughes 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 11:15 p.m. today.

HUGHES

The Motion In Writing was read and prevailed without objection.

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

Senators Paxton and Alvarado submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 5.14 to allow suspension of the regular order of business tomorrow on any bills that were on the Intent Calendar for today.

PAXTON
ALVARADO

The Motion In Writing was read and prevailed without objection.

**COMMITTEE SUBSTITUTE
HOUSE BILL 100 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **CSHB 100** at this time on its second reading:

CSHB 100, Relating to public education and public school finance, including the rights, certification, and compensation of public school educators, contributions by a public school to the Teacher Retirement System of Texas, and an education savings account program for certain children.

The motion prevailed by the following vote: Yeas 18, Nays 13.

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

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

The bill was read second time.

POINT OF ORDER

Senator West raised a point of order that **CSHB 100** violates the Texas Constitution, Article III, Section 35, that no bill considered by the Legislature except general appropriation bills shall contain more than one subject.

POINT OF ORDER RULING

The President stated that the point of order was respectfully overruled.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 100** (senate committee report) as follows:

(1) In the recital to SECTION 1.02 of the bill, amending Section 12.106, Education Code, strike "and (d)" and substitute ", (d), and (i)".

(2) In SECTION 1.02 of the bill, immediately following amended Section 12.106(d), Education Code, insert the following:

(i) The agency may approve a transfer of a charter holder's remaining funds to another charter holder, a school district operating a charter school under Subchapter C, or a public junior college or public senior college or university operating a charter school under Subchapter E if the entity ~~[charter holder]~~ receiving the funds has not received notice of the expiration or revocation of the entity's ~~[the charter holder's]~~ charter ~~[for an open enrollment charter school]~~ or notice of a reconstitution of the governing body of the charter holder under Section 12.1141 or 12.115 and satisfies any other qualification provided by a rule adopted by the commissioner under Subsection (j).

(3) Add the following appropriately numbered SECTION to Article 1 of the bill and renumber subsequent SECTIONS of that article accordingly:

SECTION _____. Section 12.1284(a), Education Code, is amended to read as follows:

(a) After extinguishing all payable obligations owed by an open-enrollment charter school that ceases to operate, including a debt described by Section 12.128(e), a former charter holder shall:

(1) remit to the agency:

(A) any remaining funds described by Section 12.106(h); and

(B) any state reimbursement amounts from the sale of property described by Section 12.128; or

(2) transfer the remaining funds to another charter holder, a school district operating a charter school under Subchapter C, or a public junior college or public senior college or university operating a charter school under Subchapter E, as provided by ~~under~~ Section 12.106(i).

(4) In SECTION 1.59(b) of the bill, providing transition language, strike "12.106(a-2) and (d)," and substitute "12.106(a-2), (d), and (i), 12.1284,".

The amendment to **CSHB 100** was read and was adopted by a viva voce vote.

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

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 100** (senate committee report) as follows:

(1) Strike SECTION 1.03 of the bill, amending Section 13.054, Education Code.

(2) In SECTION 1.59(b) of the bill, providing effective dates, strike "13.054,".

The amendment to **CSHB 100** 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.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 100** (senate committee report) in Article 1 of the bill as follows:

(1) In SECTION 1.17, in the recital adding Sections 21.416 and 21.417, Education Code (page 8, line 61), strike "21.416 and 21.417" and substitute "21.416, 21.417, and 21.418".

(2) In SECTION 1.17, immediately following added Section 21.417, Education Code (page 9, between lines 58 and 59), insert the following:

Sec. 21.418. ELECTION BY TEACHER TO USE UNPAID LEAVE. The board of trustees of a school district shall adopt a policy that provides a classroom teacher employed by the district the option to elect not to take the teacher's paid personal leave concurrently with unpaid leave the teacher is entitled to take under the Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.) for an absence due to pregnancy or the birth or adoption of a child.

The amendment to **CSHB 100** was read and was adopted by a viva voce vote.

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

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 100** (senate committee report), in SECTION 1.28 of the bill, by striking added Section 25.0813(b), Education Code (page 14, lines 25 through 30), and substituting the following:

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

(1) a school district specifically authorized by other law to operate a school week of fewer than five instructional days;

(2) a school district with a student enrollment of less than 7,000; or

(3) a school district that before May 1, 2023, adopted for the 2023-2024 school year a four-day school week schedule.

The amendment to **CSHB 100** was read and was adopted by a viva voce vote.

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 100** (senate committee report) as follows:

(1) Strike the recital to SECTION 1.49 of the bill, amending Section 48.257, Education Code, and substitute "Section 48.257, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1) and (b-2) to read as follows:".

(2) Immediately following the recital to SECTION 1.49 of the bill, amending Section 48.257, Education Code, insert the following:

(a) Subject to Subsection (b) and except as provided by Subsection (b-2), if a school district's tier one local share under Section 48.256 exceeds the district's entitlement under Section 48.266(a)(1) less the district's distribution from the state available school fund, the district must reduce the district's tier one revenue level in accordance with Chapter 49 to a level not to exceed the district's entitlement under Section 48.266(a)(1) less the district's distribution from the state available school fund.

(3) In SECTION 1.49 of the bill, immediately following added Section 48.257(b-1), Education Code, insert the following:

(b-2) This subsection applies only to a school district to which Subsection (a) applies, that received an allotment under Section 48.277 for the 2023-2024 school year, and that adopts a maintenance and operations tax rate for the current school year equal to or greater than the sum of the district's maximum compressed tax rate, as determined under Section 48.2551, and five cents. Notwithstanding Subsection (a), if, after reducing the tier one revenue level of a school district to which this subsection applies as required under Subsection (a), the maintenance and operations revenue per student in average daily attendance of the district for a school year would be less than the maintenance and operations revenue per student in average daily attendance

available to the district for the 2023-2024 school year, excluding any funding provided to the district under Sections 48.279 and 48.281, the agency shall adjust the amount of the reduction required in the district's tier one revenue level under Subsection (a) up to the amount of local funds necessary to provide the district with the amount of maintenance and operations revenue per student in average daily attendance available to the district for the 2023-2024 school year.

The amendment to **CSHB 100** was read and was adopted by a viva voce vote.

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 100** (senate committee report) in SECTION 1.50 of the bill, in added Section 48.280, Education Code, as follows:

(1) In added Subsection (a) (page 23, line 21), between "to" and "the", insert "the number of employees on the minimum salary schedule under Section 21.402 for the applicable school year multiplied by".

(2) In added Subsection (d) (page 23, line 49), strike "Subsections (b) and (c)" and substitute "this section".

The amendment to **CSHB 100** 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. 6.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 100** (senate committee report) in SECTION 1.52 of the bill, in the repealer, by striking Subdivision (1) (page 24, line 43), and renumbering subsequent subdivisions of the SECTION accordingly.

The amendment to **CSHB 100** 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. 7.

Senator Perry offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 100** (senate committee report) in SECTION 1.52 of the bill, by striking Subdivision (9) repealing Section 37.002(e), Education Code (page 24, line 52), and renumbering subsequent subdivisions of the SECTION accordingly.

The amendment to **CSHB 100** 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. 8.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 100** (senate committee report) as follows:

(1) In SECTION 1.59(b) of the bill, providing effective dates (page 63, line 19), between "48.101," and "48.110(d)", insert "48.106(a-1),".

(2) Add the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1. ____. Section 39.202, Education Code, is amended to read as follows:

Sec. 39.202. **ACADEMIC DISTINCTION DESIGNATION FOR DISTRICTS AND CAMPUSES.** The commissioner by rule shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness. The commissioner shall adopt criteria for the designation under this section, including:

(1) percentages of students who:

(A) performed satisfactorily, as determined under the college readiness performance standard under Section 39.0241, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area; or

(B) met the standard for annual improvement, as determined by the agency under Section 39.034, on assessment instruments required under Section 39.023(a), (b), (c), or (l), aggregated across grade levels by subject area, for students who did not perform satisfactorily as described by Paragraph (A);

(2) percentages of:

(A) students who earned a nationally or internationally recognized business or industry certification or license;

(B) students who completed a coherent sequence of career and technical courses;

(C) students who completed a dual credit course or an articulated postsecondary course provided for local credit;

(D) students who achieved applicable College Readiness Benchmarks or the equivalent on the Preliminary Scholastic Assessment Test (PSAT), the Scholastic Assessment Test (SAT), the American College Test (ACT), or the ACT-Plan assessment program; ~~and~~

(E) students who received a score on either an advanced placement test or an international baccalaureate examination to be awarded college credit; and

(F) students who completed a Pathways in Technology Early College High School (P-TECH) program established under Subchapter N, Chapter 29, or another early college high school program; and

(3) other factors for determining sufficient student attainment of postsecondary readiness.

SECTION 1. ____. Section 48.106(a-1), Education Code, is amended to read as follows:

(a-1) In addition to the amounts under Subsection (a), for each student in average daily attendance, a district is entitled to \$150 ~~[\$50]~~ for each of the following in which the student is enrolled:

(1) a campus designated as a P-TECH school under Section 29.556; or

(2) a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

The amendment to **CSHB 100** 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. 9.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 100** (senate committee report) by striking page 33, line 46 through page 44, line 43 and renumber subsequent paragraphs accordingly.

The amendment to **CSHB 100** was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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

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

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 100** (senate committee report) as follows:

(1) In SECTION 3.02 of the bill, in added Section 29.354(b)(1), Education Code (page 34, line 29), between "perform" and "the", insert "one or more of".

(2) In SECTION 3.02 of the bill, in added Section 29.354(b)(3), Education Code (page 34, line 34), between "program" and the underlined comma, insert "in whole or in part".

(3) In SECTION 3.02 of the bill, in added Section 29.354(c)(1), Education Code (page 34, line 47), between "administering" and the underlined colon, insert "in whole or in part".

(4) In SECTION 3.02 of the bill, in added Section 29.356(a), Education Code (page 35, line 34), between "organization" and "to", insert "designated by the comptroller".

(5) In SECTION 3.02 of the bill, adding Subchapter J, Chapter 29, Education Code, strike "quarterly" in each of the following places it appears:

(A) in added Section 29.356(a) (page 35, line 35);

(B) in added Section 29.356(c) (page 35, line 68); and

(C) in added Section 29.361(a) (page 38, line 51).

(6) In SECTION 3.02 of the bill, in added Section 29.356(b-1), Education Code (page 35, line 57), between "organization" and "regarding", insert "designated under Subsection (a)".

(7) In SECTION 3.02 of the bill, in added Section 29.356(b-1), Education Code (page 35, line 61), between "organization" and "shall", insert "designated under Subsection (a)".

(8) In SECTION 3.02 of the bill, in added Section 29.356(c), Education Code (page 35, lines 64 through 67), strike the first sentence of the subsection and substitute "The comptroller shall create an application form for the program and ensure that the application form is made readily available through various sources, including a certified educational assistance organization's Internet website.".

(9) In SECTION 3.02 of the bill, in added Section 29.356(c), Education Code (page 36, line 1), strike "organization" and substitute "certified educational assistance organization designated under Subsection (a)".

(10) In SECTION 3.02 of the bill, adding Subchapter J, Chapter 29, Education Code, strike "A certified educational assistance organization" and substitute "Each certified educational assistance organization designated under Subsection (a)" in each of the following places:

(A) in added Section 29.356(d) (page 36, line 4); and

(B) in added Section 29.356(e) (page 36, line 16).

(11) In SECTION 3.02 of the bill, in added Section 29.356(f), Education Code (page 36, line 20), strike "A certified educational assistance organization" and substitute "The comptroller or a certified educational assistance organization designated under Subsection (a)".

(12) In SECTION 3.02 of the bill, in added Section 29.357(4), Education Code (page 36, line 41), strike "business".

(13) In SECTION 3.02 of the bill, in added Section 29.358(b)(3), Education Code (page 37, lines 19 through 32), strike Paragraphs (B) and (C) and substitute the following:

(B) the tutor or therapist or each employee of the teaching service who intends to provide educational services to a child participating in the program provides to the comptroller a national criminal history record information review completed by the tutor, therapist, or employee, as applicable, within a period established by comptroller rule; and

(C) the tutor or therapist or each employee of the teaching service who intends to provide educational services to a child participating in the program is not:

(i) required to be discharged or refused to be hired by a school district under Section 22.085; or

(ii) included in the registry under Section 22.092; or

(14) In SECTION 3.02 of the bill, in added Section 29.358(c), Education Code (page 37, lines 38 and 39), strike "and verify that the individual is not included in the registry under Section 22.092".

(15) In SECTION 3.02 of the bill, in added Section 29.358(c), Education Code (page 37, line 40), strike "service" and substitute "employee".

(16) In SECTION 3.02 of the bill, in added Section 29.358(c), Education Code (page 37, line 41), strike "requested by the comptroller".

(17) In SECTION 3.02 of the bill, in added Section 29.358(e), Education Code (page 37, line 51), strike "business".

(18) In SECTION 3.02 of the bill, in added Section 29.360, Education Code (page 38, lines 42 through 49), strike Subsection (e) and substitute the following:

(e) A certified educational assistance organization shall provide the parent of a child participating in the program for which the organization is responsible with electronic access to:

(1) view the current balance of the child's account;

(2) initiate the payment process under Subsection (b); and

(3) view a summary of the past activity on the child's account, including payments from the account to education service providers and vendors of educational products.

(19) In SECTION 3.02 of the bill, in added Section 29.361(a), Education Code (page 38, line 53), between "each" and "year", insert "school".

(20) In SECTION 3.02 of the bill, in added Section 29.361(b), Education Code (page 38, line 61), between "\$10,000" and "from", insert "for the child".

(21) In SECTION 3.02 of the bill, in added Section 29.361(b), Education Code (page 38, at the end of line 62), insert "Not later than the first day of October and March of each year, the agency shall provide to the comptroller information necessary to disburse the amount to which a school district is entitled under this subsection.".

(22) In SECTION 3.02 of the bill, in added Section 29.361(f), Education Code (page 39, line 6), between "law" and the underlined period, insert "or another state's law".

(23) In SECTION 3.02 of the bill, in added Section 29.361, Education Code (page 39, lines 7 through 9), strike Subsection (g).

(24) In SECTION 3.02 of the bill, in added Section 29.362(d), Education Code (page 39, lines 29 and 30), strike ", calculated as provided by Subsection (e)".

(25) In SECTION 3.02 of the bill, in added Section 29.362(d), Education Code (page 39, lines 30 through 34), strike the second sentence of the subsection and substitute "The total amount disbursed to certified educational assistance organizations under this subsection for a state fiscal year may not exceed five percent of the amount of money appropriated for purposes of the program for that fiscal year."

(26) In SECTION 3.02 of the bill, in added Section 29.362, Education Code (page 39, lines 35 through 44), strike Subsection (e) and reletter subsequent subsections of the section and cross-references to those subsections accordingly.

(27) In SECTION 3.02 of the bill, in added Section 29.362(f), Education Code (page 39, line 45), between "February" and the underlined comma, insert "or another date determined by comptroller rule".

(28) In SECTION 3.02 of the bill, in added Section 29.362, Education Code (page 39, lines 59 through 64), strike Subsection (g) and substitute the following appropriately lettered subsection:

() The comptroller by rule shall establish a process by which the parent of a child participating in the program may authorize the comptroller or the certified educational assistance organization to make a payment directly from the child's account to a preapproved education service provider or vendor of educational products for an expense allowed under Section 29.359.

(29) In SECTION 3.02 of the bill, in added Section 29.362(i), Education Code (page 40, line 3), strike "education" and substitute "educational".

(30) In SECTION 3.02 of the bill, in added Section 29.363(c), Education Code (page 40, line 23), strike ", including" and substitute "and".

(31) In SECTION 3.02 of the bill, in added Section 29.363(c), Education Code (page 40, line 24), strike the underlined comma.

(32) In SECTION 3.02 of the bill, in added Section 29.364(b), Education Code (page 40, line 38), strike "program participant" and substitute "parent of a child participating in the program".

(33) In SECTION 3.02 of the bill, in added Section 29.364(b), Education Code (page 40, line 41), strike "participant has 30 business" and substitute "parent has 30".

(34) In SECTION 3.02 of the bill, in added Section 29.364(d), Education Code (page 40, lines 55 through 57), strike "in accordance with Subtitles A and B, Title 2, Tax Code, or as provided by other law".

(35) In SECTION 3.02 of the bill, in added Section 29.364(d), Education Code (page 40, line 58), between the underlined period and "The", insert "Failure to reimburse the state on demand by the comptroller constitutes a debt to the state for purposes of Section 403.055, Government Code.".

(36) In SECTION 3.02 of the bill, adding Subchapter J, Chapter 29, Education Code, strike added Section 29.366 (page 41, lines 1 through 8) and substitute the following appropriately numbered section:

Sec. 29. . REFERRAL TO ATTORNEY GENERAL OR PROSECUTING ATTORNEY. (a) If the comptroller obtains evidence of fraudulent use of an account or money distributed under the program or any other violation of law by a certified educational assistance organization or program participant, the comptroller shall notify the attorney general or the appropriate local county or district attorney with jurisdiction over the principal place of business of the certified educational assistance organization or the residence of the program participant, as applicable.

(b) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with the consenting local prosecutor to prosecute an offense referred to the attorney general under Subsection (a).

(37) In SECTION 3.02 of the bill, in added Section 29.367(a), Education Code (page 41, lines 9 and 10), strike "A certified educational assistance organization" and substitute "Each certified educational assistance organization designated under Section 29.356(a)".

(38) In SECTION 3.02 of the bill, in added Section 29.368, Education Code (page 41, lines 32 through 50), strike Subsection (b) and substitute the following appropriately lettered subsection:

() A rule adopted or other action taken related to the program may not unduly limit the ability of an education service provider, vendor of educational products, or program participant to:

(1) determine:

(A) the methods of instruction or curriculum used to educate students;

(B) admissions and enrollment practices, policies, and standards; or

(C) employment practices, policies, and standards; or

(2) exercise the provider's, vendor's, or participant's religious or institutional practices as determined by the provider, vendor, or participant.

(39) In SECTION 3.02 of the bill, in added Section 29.369(c), Education Code (page 42, line 2), strike "The" and substitute "A".

(40) In SECTION 3.02 of the bill, in added Section 29.371(a), Education Code (page 42, line 16), strike "each certified educational assistance organization" and substitute "the certified educational assistance organizations collaborate to".

(41) In SECTION 3.02 of the bill, in added Section 29.371(a)(8), Education Code (page 42, line 34), strike "an organization" and substitute "the organizations".

(42) In SECTION 3.02 of the bill, in added Section 29.371(b), Education Code (page 42, lines 51 and 52), strike "each certified educational assistance organization" and substitute "the certified educational assistance organizations".

(43) In SECTION 3.02 of the bill, adding Subchapter J, Chapter 29, Education Code, strike added Section 29.373 (page 42, line 68, through page 43, line 11) and substitute the following appropriately numbered section:

Sec. 29. . . APPEAL; FINALITY OF DECISIONS. (a) A program participant may appeal to the comptroller an administrative decision made by a certified educational assistance organization under this subchapter, including a decision regarding eligibility, allowable expenses, or the participant's removal from the program.

(b) This subchapter may not be construed to confer a property right on a certified educational assistance organization, education service provider, vendor of educational products, or program participant.

(c) A decision of the comptroller made under this subchapter is final and not subject to appeal.

(44) In SECTION 3.06 of the bill, providing transition language (page 43, line 48), strike "(a)".

(45) In SECTION 3.06 of the bill, providing transition language (page 43, lines 51 through 58), strike Subsection (b).

(46) In SECTION 3.07 of the bill, in Subsection (a) of that section (page 43), strike lines 64 and 65 and substitute "Travis County."

(47) In SECTION 3.08 of the bill (page 44, lines 41 and 42), strike "and may not be affected".

The amendment to **CSHB 100** 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. 11.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 100** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 1. . . Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.906 to read as follows:

Sec. 25.906. PROTECTIONS FOR CERTAIN MILITARY DEPENDENTS. (a) In this section:

(1) "Compact" means the Interstate Compact on Educational Opportunity for Military Children executed under Section 162.002.

(2) "Uniformed services" means:

(A) the United States Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard;

(B) the Commissioned Corps of the National Oceanic and Atmospheric Administration; or

(C) the Commissioned Corps of the United States Public Health Service.

(b) The provisions of Articles IV, V, VI, and VII of the compact apply to the following children as if those children were children described by Article III of the compact:

(1) a child of a veteran of the uniformed services who was discharged or released through retirement, for a period of four years after the date of the veteran's retirement, if the veteran returns to the veteran's home of record on military orders; and

(2) a child of a member of the uniformed services who dies on active duty or as a result of injuries sustained on active duty, for a period of four years after the member's death.

(c) Each school district and open-enrollment charter school that maintains an Internet website shall post on the district's or school's Internet website an easily accessible link to information regarding the compact and the additional protections provided by this section.

The amendment to **CSHB 100** 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. 12.

Senator Creighton offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 100** (senate committee report) by adding the following appropriately numbered SECTION to Article 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.9016 to read as follows:

Sec. 29.9016. CAREER AND MILITARY TECHNICAL GRANT PILOT PROGRAM. (a) The agency shall establish a pilot program to award grants to school districts to implement or maintain a program under which the district:

(1) establishes a junior reserve officer training corps program under 10 U.S.C. Section 2031 for students in high school;

(2) annually administers the Armed Services Vocational Aptitude Battery test to each student in grades 9 through 12; and

(3) provides career counseling at least once each year to each student administered the test under Subdivision (2) based on the results of the test.

(b) The amount of a grant awarded under the pilot program is \$50,000.

(c) The total amount of grants awarded under the pilot program for a school year may not exceed \$2 million.

(d) Not later than December 1, 2026, the agency shall submit to the legislature a report on the results of the pilot program. The report must include the agency's recommendation on whether the pilot program should be continued, expanded, or terminated.

(e) The commissioner may adopt rules necessary to implement the pilot program.

(f) This section expires September 1, 2027.

The amendment to **CSHB 100** 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. 13.

Senator Middleton offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSHB 100** (senate committee report) by adding the following appropriately numbered SECTIONS to Article 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. __. Subchapter A, Chapter 48, Education Code, is amended by adding Section 48.0011 to read as follows:

Sec. 48.0011. REFERENCES TO BASIC ALLOTMENT. In this code, a reference to the basic allotment means the initial allotment under Section 48.051.

SECTION 1. __. The heading to Section 48.051, Education Code, is amended to read as follows:

Sec. 48.051. INITIAL [~~BASIC~~] ALLOTMENT.

SECTION 1. __. Section 317.005(f), Government Code, is amended to read as follows:

(f) The governor or board may adopt an order under this section withholding or transferring any portion of the total amount appropriated to finance the foundation school program for a fiscal year. The governor or board may not adopt such an order if it would result in an allocation of money between particular programs or statutory allotments under the foundation school program contrary to the statutory proration formula provided by Section 48.266(f), Education Code. The governor or board may transfer an amount to the total amount appropriated to finance the foundation school program for a fiscal year and may increase the initial [~~basic~~] allotment. The governor or board may adjust allocations of amounts between particular programs or statutory allotments under the foundation school program only for the purpose of conforming the allocations to actual pupil enrollments or attendance.

The amendment to **CSHB 100** 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. 14.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSHB 100** (senate committee report) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of ARTICLE 1 of the bill accordingly:

SECTION 1. _____. Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.063 to read as follows:

Sec. 8.063. REGIONAL TEACHER SHORTAGES EVALUATION COMMITTEE. (a) The executive director of each regional education service center shall establish a committee to:

(1) evaluate teacher shortages in the committee's region; and
(2) determine the need for the center, independently or in collaboration with public schools in the committee's region, to offer an educator preparation program to facilitate the recruitment, preparation, and retention of teachers.

(b) If an educator preparation program has already been established in a region served by a regional education service center, the committee established for that region shall evaluate the effectiveness of the educator preparation program and make recommendations for improving the program.

(c) The committee is composed of nine members appointed by the executive director of each regional education service center as follows:

(1) three members who are superintendents employed by a school district served by the center;

(2) three members who are teachers employed by a public school served by the center; and

(3) three members who are parents of students enrolled in a public school served by the center.

(d) Not later than November 1, 2024, each committee established under Subsection (a) shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the commissioner, the Senate Education Committee, and the House Public Education Committee a report that includes the committee's findings under this section.

(e) This section expires November 1, 2025.

SECTION 1. _____. As soon as practicable after the effective date of this article, each executive director of a regional education service center shall appoint the members of the center's regional teacher shortage evaluation committee, as required by Section 8.063, Education Code, as added by this article.

The amendment to **CSHB 100** 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. 15.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSHB 100** (senate committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS in those ARTICLES accordingly:

ARTICLE ___. HEALTH COVERAGE FOR PUBLIC SCHOOL EMPLOYEES

SECTION _____. Chapter 791, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. INTERLOCAL CONTRACTING BETWEEN LOCAL
EDUCATION AGENCIES TO PROCURE HEALTH INSURANCE COVERAGE

Sec. 791.051. DEFINITIONS. In this subchapter:

(1) "Cooperative" means a cooperative established under this subchapter by an interlocal contract for group health coverage.

(2) "Local education agency" means:

(A) a school district; or

(B) an open-enrollment charter school as defined by Section 5.001, Education Code.

(3) "Participating local education agency" means, with respect to a cooperative, a local education agency that participates in the cooperative.

Sec. 791.052. COMPLIANCE WITH SUBCHAPTER REQUIRED. A local education agency shall comply with this subchapter when procuring and administering employee group health coverage with another local education agency.

Sec. 791.053. INTERLOCAL CONTRACT FOR GROUP HEALTH INSURANCE COVERAGE. (a) The governing body of a local education agency may by resolution enter into an interlocal contract and cooperate with one or more other local education agencies to establish a cooperative for the purposes of procuring group health insurance coverage under this subchapter.

(b) The governing body of a local education agency may renew an interlocal contract entered into under Subsection (a).

(c) This subchapter does not affect the ability of local education agencies to provide group health coverage through a risk pool established in accordance with Chapter 172, Local Government Code.

Sec. 791.054. COOPERATIVE. (a) A cooperative is a legal entity that may procure employee group health insurance coverage for each participating local education agency.

(b) Participating local education agencies may contract for the supervision and administration of the cooperative in accordance with Section 791.013.

(c) Except as provided by this subsection, a cooperative is governed by a board of directors composed of the chief executive officers of each participating local education agency or the officers' designees. If the cooperative is composed of more than seven local education agencies, the cooperative shall appoint at least seven directors to serve on the cooperative's board of directors.

Sec. 791.055. PROCUREMENT. (a) A cooperative must procure a contract for employee group health coverage under this subchapter through a request for proposals to potential vendors advertised in a manner consistent with Section 44.031(g), Education Code, in at least one county in which a participating local education agency's central office is located.

(b) The board of directors of a cooperative shall select the vendor that provides the best value to participating local education agencies considering the factors described by Section 44.031(b), Education Code.

(c) A cooperative that enters into a contract in accordance with this section satisfies a competitive bidding requirement applicable to the procurement of group health coverage under other law.

Sec. 791.056. OFFER OF COVERAGE; PREMIUM LIABILITY. (a) A cooperative shall offer one or more group health insurance plans procured under Section 791.055 to employees of participating local education agencies and dependents of those employees.

(b) The board of directors of a cooperative may determine a participating local education agency's payment of all or part of the premiums for employees or dependents for a plan offered under Subsection (a).

(c) A participating local education agency's payment:

(1) is subject to the requirements described by Section 1581.052, Insurance Code; and

(2) shall include the contributions by the state described by Subchapter F, Chapter 1579, Insurance Code.

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

The amendment to **CSHB 100** 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. 16.

CSHB 100 as amended was passed to third reading by the following vote: Yeas 18, Nays 13.

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

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

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2484**

Senator LaMantia submitted the following Conference Committee Report:

Austin, Texas
May 22, 2023

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2484** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

LAMANTIA
PARKER
CAMPBELL
WEST
KOLKHORST
On the part of the Senate

GUILLEN
J. LOPEZ
RAYMOND
GERDES
E. THOMPSON
On the part of the House

The Conference Committee Report on **HB 2484** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 409**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas
May 22, 2023

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 409** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HINOJOSA
BETTENCOURT
FLORES
KING
WHITMIRE
On the part of the Senate

LEACH
COOK
C. MORALES
SCHATZLINE
S. THOMPSON
On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to the rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.

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

SECTION 1. Articles 56A.052(a), (b), and (c), Code of Criminal Procedure, are amended to read as follows:

(a) A [If the offense is a sexual assault, a] victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding:

(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B) the status of any analysis being performed on ~~of~~ any evidence described by Paragraph (A);

(2) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; ~~and~~

(4) if requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding:

(A) a decision not to file charges;

(B) the dismissal of charges;

(C) the use of a pretrial intervention program; or

(D) a plea bargain agreement; and

(5) for the victim, the right to:

(A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(B) a forensic medical examination to the extent provided by Subchapters F and G if, within 120 hours of the offense:

(i) the offense is reported to a law enforcement agency; or

(ii) a forensic medical examination is otherwise conducted by an health care provider.

(b) Subject to Subsection (c), a ~~A~~ victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or receive information under Subsection (a)(1), (2), or (4) ~~(a)(2)~~ must:

(1) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense; and

(2) ~~[-. The victim, guardian, or relative must]~~ inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian of a victim, or close relative of a deceased victim may designate a person, including an entity that provides services to victims of an offense described by Subsection (a) ~~sexual assault~~, to receive any notice requested under Subsection (a)(2).

SECTION 2. Subchapter B, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.0531 to read as follows:

Art. 56A.0531. ASSERTION OF RIGHTS. A victim, guardian of a victim, or close relative of a deceased victim may assert the rights provided by this chapter either orally or in writing.

SECTION 3. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 409** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1500**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas
May 16, 2023

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1500** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NICHOLS
ALVARADO
HANCOCK
KING
WEST

CANALES
CAIN
GAMEZ
KUEMPEL

On the part of the Senate

On the part of the House

**A BILL TO BE ENTITLED
AN ACT**

relating to powers and duties of navigation districts and the boards of trustees of municipal port facilities.

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

SECTION 1. Section 60.403(a), Water Code, is amended to read as follows:

(a) A port commission, an authorized designated officer of the port commission, the executive director of the district or the port authority, or an authorized representative of the executive director may make routine purchases or contracts in an amount not to exceed \$50,000. A port commission may delegate authority to an authorized designated officer of the port commission, the executive director of the district or the port authority, or an authorized representative of the executive director to make routine purchases or contracts in an amount not to exceed \$100,000.

SECTION 2. Section 60.4035(a), Water Code, is amended to read as follows:

(a) Notwithstanding the competitive bidding requirements and proposal procedures of this subchapter and Subchapter O and the requirements of Sections 60.408(a), (b), (c), (d), and (e), the executive director of a district or an officer of a district authorized in writing by the port commission may make emergency purchases or contracts or emergency amendments to existing purchase orders or contracts in an amount that exceeds the amount authorized under Section 60.403(a) for routine purchases or contracts if necessary:

- (1) to preserve or protect the public health and safety of the residents of the district;
- (2) to preserve the property of the district in the case of a public calamity;
- (3) to repair unforeseen damage to the property of the district; [~~or~~]
- (4) to respond to security directives issued by:
 - (A) the federal Department of Homeland Security, including the Transportation Security Administration;
 - (B) the United States Coast Guard;
 - (C) the federal Department of Transportation, including the Maritime Administration; or
 - (D) another federal or state agency responsible for domestic security; or
- (5) to respond to an emergency related to supply chain disruptions or shortages or other disruptions or stoppages in the operation of the district which, without harm to the welfare of the district, does not permit the delay incident to the competitive process or would result in undue costs to the district.

SECTION 3. Section 60.412(a), Water Code, is amended to read as follows:

(a) A contract for a purchase is exempt from the competitive bidding requirements and proposal procedures of this subchapter and Subchapter O if a contract is for the purchase of:

- (1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the district or port authority;
- (2) an item necessary to preserve or protect the public health or the safety of the residents of the district or port authority;
- (3) an item made necessary by unforeseen damage to the property of the district or port authority;
- (4) a personal or professional service;
- (5) any work performed and paid for by the day as the work progresses;
- (6) any land or right-of-way;
- (7) an item that can be obtained only from one source, including:
 - (A) items for which competition is precluded because of the existence of patents, copyrights, secret processes, or natural monopolies;
 - (B) films, manuscripts, or books;
 - (C) public utility services; and
 - (D) captive replacement parts or components for equipment;
- (8) any item necessary to secure a district or port authority during a period of heightened security as determined by:
 - (A) the federal Department of Homeland Security, including the Transportation Security Administration;
 - (B) the United States Coast Guard;
 - (C) the United States Bureau of Customs and Border Protection;
 - (D) the Federal Bureau of Investigation;
 - (E) the federal Department of Transportation, including the Maritime Administration; or
 - (F) another federal, state, or local agency; [~~or~~]

(9) an item from the United States, including any agency thereof, or from this state, including an agency of this state; or

(10) an item to respond to an emergency related to supply chain disruptions or shortages or other disruptions or stoppages in the operation of the district which, without harm to the welfare of the district, does not permit the delay incident to the competitive process or would result in undue costs to the district.

SECTION 4. Section 62.106(e), Water Code, is amended to read as follows:

(e) A district created under this chapter may elect to take advantage of the condemnation procedure provided in Chapter 21, Property Code [~~Subchapter F of Chapter 51 of this code~~].

SECTION 5. Section 62.120(a), Water Code, is amended to read as follows:

(a) A district may enter into operating contracts and leases with cities and other governmental subdivisions for the operation of the portions of the district's water system which are designated by the board or the commission.

SECTION 6. Section 62.122, Water Code, is amended to read as follows:

Sec. 62.122. DISPOSITION OF SALVAGE OR SURPLUS PERSONAL PROPERTY. (a) Except as provided by Subsection (b), the commission or board of trustees under Chapter 54, Transportation Code, may periodically dispose of surplus or salvage personal property in the same manner as the commissioners court of a county under Subchapter D, Chapter 263, Local Government Code.

(b) The commission or board of trustees under Chapter 54, Transportation Code, may authorize:

(1) the destruction or disposition of salvage or surplus property as worthless if the property is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended, and the expense to the district to attempt to sell the property would be more than the proceeds from the sale; and

(2) following any required action by the United States Army Corps of Engineers, the sale of dredge material from a dredge material placement area to any person on such terms and conditions as the commission or board of trustees considers appropriate or advantageous to the district.

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 Conference Committee Report on **SB 1500** was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 773

Senator Parker submitted the following Conference Committee Report:

Austin, Texas
May 22, 2023

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
 Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 773** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKER
 LAMANTIA
 CAMPBELL
 HUGHES
 CREIGHTON

On the part of the Senate

TOTH
 BURROWS
 CAIN
 CAMPOS
 PRICE

On the part of the House

A BILL TO BE ENTITLED
 AN ACT

relating to access to certain investigational drugs, biological products, and devices used in clinical trials by patients with severe chronic diseases.

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

SECTION 1. (a) This Act shall be known as the "Medical Freedom Act."

(b) The legislature finds that:

(1) the Right To Try Act, as added by Chapter 502 (H.B. 21), Acts of the 84th Legislature, Regular Session, 2015, has had tremendous success in saving the lives of many patients with a terminal illness;

(2) the process for approving the use of investigational drugs, biological products, and devices by patients without a terminal illness who need access to the drugs, products, or devices continues to take many years in the United States;

(3) patients who are battling a severe chronic disease that is debilitating or causes severe pain do not have the luxury of waiting until the United States Food and Drug Administration gives final approval for an investigational drug, biological product, or device;

(4) the United States Food and Drug Administration standards for the use of investigational drugs, biological products, and devices may deny the benefits of potentially life-altering treatment to patients with a severe chronic disease;

(5) patients with a severe chronic disease have a fundamental right to attempt to pursue the preservation of their state of life by accessing available investigational drugs, biological products, and devices;

(6) the use of available investigational drugs, biological products, and devices is a decision that a patient with a severe chronic disease should make in consultation with the patient's physician and is not a decision the government should make; and

(7) the decision to use an investigational drug, biological product, or device should be made with full awareness of the potential risks, benefits, and consequences to a patient with a severe chronic disease and the patient's family.

(c) It is the intent of the legislature to allow patients with a severe chronic disease to use potentially life-altering investigational drugs, biological products, and devices.

SECTION 2. Subtitle C, Title 6, Health and Safety Code, is amended by adding Chapter 490 to read as follows:

CHAPTER 490. ACCESS TO INVESTIGATIONAL TREATMENTS FOR
PATIENTS WITH SEVERE CHRONIC DISEASES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 490.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

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

(3) "Investigational drug, biological product, or device" means a drug, biological product, or device that has successfully completed phase one of a clinical trial but the United States Food and Drug Administration or its international equivalent has not yet approved for general use and that remains under investigation in the clinical trial. The term does not include low-THC cannabis, as defined by Section 169.001, Occupations Code, or a product containing marihuana, as defined by Section 481.002, regardless of whether the cannabis or product successfully completed phase one of a clinical trial.

(4) "Severe chronic disease" means a condition, injury, or illness that:

(A) may be treated;

(B) may not be cured or eliminated; and

(C) entails significant functional impairment or severe pain.

Sec. 490.002. DESIGNATION OF SEVERE CHRONIC DISEASES. The commissioner shall designate the medical conditions considered to be severe chronic diseases under this chapter.

Sec. 490.003. RULES. The executive commissioner shall adopt rules necessary to administer this chapter.

SUBCHAPTER B. ACCESS TO INVESTIGATIONAL DRUGS, BIOLOGICAL
PRODUCTS, AND DEVICES FOR PATIENTS WITH SEVERE CHRONIC
DISEASES

Sec. 490.051. PATIENT ELIGIBILITY. A patient is eligible to access and use an investigational drug, biological product, or device under this chapter if:

(1) the patient has a severe chronic disease the commissioner designates under Section 490.002 that the patient's treating physician confirms in writing;

(2) the use of the investigational drug, biological product, or device is consistent with this chapter and rules adopted under this chapter; and

(3) the patient's physician:

(A) in consultation with the patient, considers all other treatment options the United States Food and Drug Administration has currently approved and determines those treatment options are unavailable or unlikely to provide relief for the significant impairment or severe pain associated with the patient's severe chronic disease; and

(B) recommends or prescribes in writing the patient's use of a specific class of investigational drug, biological product, or device.

Sec. 490.052. INFORMED CONSENT. (a) Before receiving an investigational drug, biological product, or device, an eligible patient must sign a written informed consent. If the patient is a minor or lacks the mental capacity to provide informed consent, a parent, guardian, or conservator may provide informed consent on the patient's behalf.

(b) The commissioner may prescribe a form for the informed consent required under this section.

Sec. 490.053. PROVISION OF INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE BY MANUFACTURER. (a) A manufacturer of an investigational drug, biological product, or device may make available the manufacturer's investigational drug, biological product, or device to eligible patients in accordance with this chapter if the patient provides to the manufacturer the informed consent required under Section 490.052.

(b) This chapter does not require a manufacturer to make available an investigational drug, biological product, or device to an eligible patient.

(c) If a manufacturer makes available an investigational drug, biological product, or device to an eligible patient under this subchapter, the manufacturer must provide the investigational drug, biological product, or device to the eligible patient without receiving compensation.

Sec. 490.054. CAUSE OF ACTION NOT CREATED. This chapter does not create a private or state cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm to the patient resulting from the investigational drug, biological product, or device.

Sec. 490.055. STATE MAY NOT INTERFERE WITH ACCESS TO INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE. An official, employee, or agent of this state may not block or attempt to block an eligible patient's access to an investigational drug, biological product, or device under this chapter unless the drug, biological product, or device is considered adulterated or misbranded under Chapter 431. For purposes of this section, a governmental entity may not consider the drug, biological product, or device to be adulterated or misbranded based solely on the United States Food and Drug Administration not yet finally approving the drug, biological product, or device.

SUBCHAPTER C. HEALTH INSURANCE

Sec. 490.101. EFFECT ON HEALTH CARE COVERAGE FOR CLINICAL TRIAL ENROLLEES. This chapter does not affect the coverage of enrollees in clinical trials under Chapter 1379, Insurance Code.

SUBCHAPTER D. PHYSICIANS

Sec. 490.151. ACTION AGAINST PHYSICIAN'S LICENSE PROHIBITED. Notwithstanding any other law, the Texas Medical Board may not revoke, fail to renew, suspend, or take any action against a physician's license under Subchapter B, Chapter 164, Occupations Code, based solely on the physician's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product, or device, provided that the recommendations meet the requirements of this chapter and rules adopted under this chapter.

SECTION 3. (a) As soon as practicable after the effective date of this Act, the commissioner of state health services shall designate the medical conditions considered to be severe chronic diseases as required by Section 490.002, Health and Safety Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 490.003, Health and Safety Code, as added by this Act. The executive commissioner may adopt initial rules in the manner provided by law for emergency rules.

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

The Conference Committee Report on **SB 773** was filed with the Secretary of the Senate.

CO-AUTHOR OF SENATE BILL 1346

On motion of Senator Miles, Senator LaMantia will be shown as Co-author of **SB 1346**.

CO-AUTHOR OF SENATE BILL 2632

On motion of Senator Hall, Senator Creighton will be shown as Co-author of **SB 2632**.

CO-SPONSOR OF HOUSE BILL 7

On motion of Senator Birdwell, Senator Creighton will be shown as Co-sponsor of **HB 7**.

CO-SPONSORS OF HOUSE BILL 18

On motion of Senator Hughes, Senators Bettencourt, Blanco, Creighton, Hall, and Kolkhorst will be shown as Co-sponsors of **HB 18**.

CO-SPONSOR OF HOUSE BILL 44

On motion of Senator Middleton, Senator Creighton will be shown as Co-sponsor of **HB 44**.

CO-SPONSOR OF HOUSE BILL 53

On motion of Senator Eckhardt, Senator Hinojosa will be shown as Co-sponsor of **HB 53**.

CO-SPONSOR OF HOUSE BILL 191

On motion of Senator Hughes, Senator Menéndez will be shown as Co-sponsor of **HB 191**.

CO-SPONSOR OF HOUSE BILL 681

On motion of Senator Bettencourt, Senator West will be shown as Co-sponsor of **HB 681**.

CO-SPONSORS OF HOUSE BILL 900

On motion of Senator Paxton, Senators Creighton, Hall, Hughes, King, Kolkhorst, Parker, Sparks, and Springer will be shown as Co-sponsors of **HB 900**.

CO-SPONSOR OF HOUSE BILL 1229

On motion of Senator Birdwell, Senator Creighton will be shown as Co-sponsor of **HB 1229**.

CO-SPONSORS OF HOUSE BILL 1243

On motion of Senator Hughes, Senators Creighton, Kolkhorst, and Paxton will be shown as Co-sponsors of **HB 1243**.

CO-SPONSOR OF HOUSE BILL 1432

On motion of Senator Whitmire, Senator Zaffirini will be shown as Co-sponsor of **HB 1432**.

CO-SPONSOR OF HOUSE BILL 1486

On motion of Senator Parker, Senator Zaffirini will be shown as Co-sponsor of **HB 1486**.

CO-SPONSOR OF HOUSE BILL 1673

On motion of Senator Johnson, Senator Zaffirini will be shown as Co-sponsor of **HB 1673**.

CO-SPONSOR OF HOUSE BILL 1695

On motion of Senator West, Senator Miles will be shown as Co-sponsor of **HB 1695**.

CO-SPONSOR OF HOUSE BILL 1707

On motion of Senator Hughes, Senator Creighton will be shown as Co-sponsor of **HB 1707**.

CO-SPONSOR OF HOUSE BILL 1759

On motion of Senator Alvarado, Senator Bettencourt will be shown as Co-sponsor of **HB 1759**.

CO-SPONSOR OF HOUSE BILL 1879

On motion of Senator Sparks, Senator Blanco will be shown as Co-sponsor of **HB 1879**.

CO-SPONSOR OF HOUSE BILL 2060

On motion of Senator Parker, Senator Zaffirini will be shown as Co-sponsor of **HB 2060**.

CO-SPONSOR OF HOUSE BILL 2102

On motion of Senator Paxton, Senator Creighton will be shown as Co-sponsor of **HB 2102**.

CO-SPONSOR OF HOUSE BILL 2273

On motion of Senator Creighton, Senator Hancock will be shown as Co-sponsor of **HB 2273**.

CO-SPONSOR OF HOUSE BILL 2466

On motion of Senator West, Senator Hinojosa will be shown as Co-sponsor of **HB 2466**.

CO-SPONSOR OF HOUSE BILL 2478

On motion of Senator Blanco, Senator Hinojosa will be shown as Co-sponsor of **HB 2478**.

CO-SPONSOR OF HOUSE BILL 2651

On motion of Senator Blanco, Senator Zaffirini will be shown as Co-sponsor of **HB 2651**.

CO-SPONSOR OF HOUSE BILL 2741

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-sponsor of **HB 2741**.

CO-SPONSOR OF HOUSE BILL 2969

On motion of Senator Hancock, Senator Blanco will be shown as Co-sponsor of **HB 2969**.

CO-SPONSOR OF HOUSE BILL 3058

On motion of Senator Hughes, Senator Hinojosa will be shown as Co-sponsor of **HB 3058**.

CO-SPONSORS OF HOUSE BILL 3137

On motion of Senator Springer, Senators Creighton and Hall will be shown as Co-sponsors of **HB 3137**.

CO-SPONSOR OF HOUSE BILL 3159

On motion of Senator Hughes, Senator Zaffirini will be shown as Co-sponsor of **HB 3159**.

CO-SPONSORS OF HOUSE BILL 3908

On motion of Senator Creighton, Senators Blanco and Menéndez will be shown as Co-sponsors of **HB 3908**.

CO-SPONSOR OF HOUSE BILL 3991

On motion of Senator Alvarado, Senator LaMantia will be shown as Co-sponsor of **HB 3991**.

CO-SPONSOR OF HOUSE BILL 4069

On motion of Senator Hancock, Senator Menéndez will be shown as Co-sponsor of **HB 4069**.

CO-SPONSOR OF HOUSE BILL 4183

On motion of Senator Sparks, Senator Hinojosa will be shown as Co-sponsor of **HB 4183**.

CO-SPONSOR OF HOUSE BILL 4233

On motion of Senator Zaffirini, Senator Blanco will be shown as Co-sponsor of **HB 4233**.

CO-SPONSOR OF HOUSE BILL 4372

On motion of Senator Campbell, Senator Whitmire will be shown as Co-sponsor of **HB 4372**.

CO-SPONSOR OF HOUSE BILL 4538

On motion of Senator LaMantia, Senator Zaffirini will be shown as Co-sponsor of **HB 4538**.

CO-SPONSOR OF HOUSE BILL 4609

On motion of Senator Kolkhorst, Senator Eckhardt will be shown as Co-sponsor of **HB 4609**.

CO-SPONSOR OF HOUSE BILL 4635

On motion of Senator Flores, Senator Blanco will be shown as Co-sponsor of **HB 4635**.

CO-SPONSOR OF HOUSE BILL 4659

On motion of Senator Bettencourt, Senator Zaffirini will be shown as Co-sponsor of **HB 4659**.

CO-SPONSORS OF HOUSE BILL 4696

On motion of Senator Miles, Senators Blanco and Menéndez will be shown as Co-sponsors of **HB 4696**.

CO-SPONSOR OF HOUSE BILL 4758

On motion of Senator Springer, Senator Blanco will be shown as Co-sponsor of **HB 4758**.

CO-SPONSOR OF HOUSE BILL 4856

On motion of Senator Perry, Senator Zaffirini will be shown as Co-sponsor of **HB 4856**.

CO-SPONSOR OF HOUSE BILL 5025

On motion of Senator Campbell, Senator Zaffirini will be shown as Co-sponsor of **HB 5025**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 641 by Campbell, In memory of Mary "Sue" Cunningham Johnston.

SR 642 by Campbell, In memory of Wayne Smith Johnston.

SR 647 by Miles, Alvarado, Bettencourt, West, and Whitmire, In memory of Jeanne Beulah Franklin Samuels of Houston.

Congratulatory Resolutions

SR 613 by Springer and Parker, Recognizing the University of North Texas interns for their contributions to the Texas Legislature.

SR 634 by Hinojosa, Recognizing the nutrition department of Edinburg Consolidated Independent School District for their contributions to the schoolchildren.

SR 635 by Whitmire, Recognizing Chao-Chiung Lee for his contributions to architecture.

SR 636 by Middleton, Recognizing Catholic Daughters of the Americas Court St. John the Baptist No. 2073 on the occasion of its 50th anniversary.

SR 639 by Eckhardt, Alvarado, Gutierrez, and Parker, Recognizing the dedication of an Official Texas Historical Marker for the Broken Spoke dance hall.

SR 640 by Campbell, Recognizing Benton Tyler Ward for achieving the rank of Eagle Scout.

SR 643 by Birdwell, Recognizing the National Championship Barbecue Cookoff in the City of Meridian.

SR 644 by Creighton, Recognizing Mary McCoy for receiving a Guinness World Record and for her contributions to music and radio.

SR 645 by West, Recognizing Greg and Susan Reno on the occasion of their 50th wedding anniversary.

SR 646 by West, Recognizing Robert Rangel for his actions to defend the lives of patients and staff at Methodist Dallas Medical Center.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:46 p.m. adjourned, in memory of former State Representative and Senator James William "Bill" Haley, until 11:49 p.m. today.

APPENDIX

COMMITTEE REPORTS

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

May 23, 2023

EDUCATION — **HB 3991**

BUSINESS AND COMMERCE — **HB 2265, HB 1620, HB 3668, HB 2884**

JURISPRUDENCE — **HB 1695**

BUSINESS AND COMMERCE — **CSHB 1500**

BILLS AND RESOLUTIONS ENROLLED

May 23, 2023

SB 61, SB 338, SB 379, SB 402, SB 471, SB 694, SB 947, SB 987, SB 1080, SB 1094, SB 1397, SB 1661, SB 1750, SB 2260, SB 2474, SCR 26, SR 613, SR 627, SR 630, SR 634, SR 635, SR 636, SR 639, SR 640, SR 641, SR 642, SR 643, SR 644, SR 645, SR 646, SR 647

SENT TO SECRETARY OF STATE

May 23, 2023

SJR 74

SENT TO GOVERNOR

May 23, 2023

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

SIGNED BY GOVERNOR

May 23, 2023

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

FILED WITHOUT SIGNATURE OF GOVERNOR

May 23, 2023

SB 1097, SB 1187, SB 2571, SB 2580, SB 2603

In Memory
of
James William "Bill" Haley
Senate Resolution 630

WHEREAS, The passing of former Texas State Representative and Senator James William Haley of Austin on July 3, 2022, at the age of 78, brought a great loss to his family and many friends; and

WHEREAS, Born in Center on September 22, 1943, Bill Haley was the son of Eugene Wayne "Pete" Haley Sr. and Mary Elizabeth Miller Haley, and he grew up with the company of his brothers, Eugene and Thomas; he graduated from Texas Christian University and went on to earn his teaching certificate at Stephen F. Austin State University and a master's degree at Texas State University; during a career in public education that spanned more than a dozen years in Houston and then Center, he taught government, American history, and economics courses, making the subjects fun and interesting while encouraging students to excel; and

WHEREAS, Mr. Haley won a special election for a seat in the Texas House of Representatives in 1978, and he took a leading role in enacting sweeping education reforms; widely acknowledged as the most vigorous in the nation at the time, the changes limited class size, set standards for student performance and teacher competency, and raised educator pay rates; he served as chair of the House Public Education Committee, as well as subcommittees on Public Education Appropriative Matters and Budget and Oversight; in addition, he was a member of several other committees, among them State Affairs and Financial Institutions; and

WHEREAS, Following his election to the Texas Senate in 1988, he remained an ardent champion of education, earning the nickname "East Texas Maverick" from writer Molly Ivins for both his East Texas drawl and his tenacity; Senator Haley co-chaired the Interim Committee on Proprietary Schools, chaired the Interim Committee on Education, and served as vice chair of the Senate Education Committee and chair of the Special Committee on Administration; throughout his tenure in public office, he was known for both his keen insight and his wit; in one of his better-known jests, he offered a tongue-in-cheek bill amendment to route an intercity bullet train through his hometown, with its population of 6,000, a tactic that earned a whimsical "Best Boondoggle" award from *Texas Monthly*; the recipient of numerous more serious accolades, he was accorded the Friend of Education Award by the Texas Classroom Teachers Association and Champion of Education Award by the Texas Elementary Principals and Supervisors Association, among many others; and

WHEREAS, Senator Haley returned to private life in 1995; a valued member of University Christian Church, he served in various leadership roles, including elder and chair of the board, and he enjoyed teaching the Seekers church school class for 23 years; dedicated to his alma mater, he was active on the board of the Austin Chapter of the TCU Alumni Association, and he was a member of the Austin Regional Council, the National Alumni Board, and the executive board of the TCU College of Fine Arts Board of Visitors; and

WHEREAS, In all his endeavors, Senator Haley enjoyed the love and support of his wife, Mary, and the couple formed a strong team, having known each other since childhood; he took great pride in his sons, Jeffrey and Robert, and he had the pleasure of seeing his family grow to include five grandchildren; and

WHEREAS, Through his unyielding commitment to education, Bill Haley made significant contributions to his fellow Texans, and his warmth, kindness, and sense of humor enriched the lives of all who were privileged to know him; now, therefore, be it

RESOLVED, That the Senate of the 88th Texas Legislature hereby pay tribute to the memory of the Honorable James William Haley and extend sincere condolences to the members of his family: to his wife, Mary Russell Scriven Haley; to his sons, Jeffrey Russell Haley and his wife Michele, and Robert Colin Haley and his wife, Lisa Marie; to his grandchildren, William Russell Haley, Jonathan Michael Haley, Andrew Christopher Haley, Ava Brooke Haley, and Alexis Giuliana Haley; to his brother, Thomas Laurence Haley, and his wife, Michelle; and to his other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of former State Senator Bill Haley.

ZAFFIRINI	HANCOCK	NICHOLS
ALVARADO	HINOJOSA	PARKER
BETTENCOURT	HUFFMAN	PAXTON
BIRDWELL	HUGHES	PERRY
BLANCO	JOHNSON	SCHWERTNER
CAMPBELL	KING	SPARKS
CREIGHTON	KOLKHORST	SPRINGER
ECKHARDT	LAMANTIA	WEST
FLORES	MENÉNDEZ	WHITMIRE
GUTIERREZ	MIDDLETON	
HALL	MILES	

