

# SENATE JOURNAL

EIGHTY-EIGHTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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SIXTY-SECOND DAY

(Saturday, May 27, 2023)

The Senate met at 1:41 p.m. pursuant to adjournment and was called to order by Senator Flores.

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

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

President Pro Tempore Hancock offered the invocation as follows:

Heavenly Father, we do adore You. You're the only holy one. You are sovereign and we're grateful for that as we seek legislation in this place, in this body. You've already ordained and made a path for our future and we take rest in that and take peace in that. Father, we come to You as Your servants seeking to be used by You that we may be emptied out, that You may fill us and use us for Your glory and Your purpose. God, we pray for wisdom specifically for this day. And we pray that we would humbly serve those that have elected us and more importantly serve You in a way that brings You glory and honor. In Your name I pray. Amen.

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

The motion prevailed without objection.

## SENATE BILL 1056 WITH HOUSE AMENDMENT

Senator Hinojosa called **SB 1056** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 1056** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the directors and administration of the Hidalgo County Water Improvement District No. 3.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9054 to read as follows:

CHAPTER 9054. HIDALGO COUNTY WATER IMPROVEMENT DISTRICT  
NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9054.0001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Hidalgo County Water Improvement District No. 3.

Sec. 9054.0002. NATURE OF DISTRICT. The district is a conservation and reclamation district organized to accomplish the purposes of Section 59, Article XVI, Texas Constitution, and operating as a water control and improvement district in accordance with Chapters 49 and 51, Water Code.

SUBCHAPTER B. ELECTIONS

Sec. 9054.0101. ELECTIONS. (a) The district shall hold an election on the uniform election date in November of each even-numbered year to elect the appropriate number of directors.

(b) The district shall contract with the county elections administrator as provided by Subchapter D, Chapter 31, Election Code, to perform all duties and functions of the district in relation to an election of directors.

Sec. 9054.0102. ELIGIBILITY TO VOTE. To be eligible to vote in an election in the district, a person must be:

- (1) a qualified voter as defined by Section 11.002, Election Code, on the day the person offers to vote; and
- (2) a person who resides on land inside the territory defined by the boundaries of the district as submitted to the commission under Section 49.455(j), Water Code, or commission rule.

Sec. 9054.0103. PROCEDURES FOR IDENTIFYING VOTERS; PROVISIONAL VOTING. (a) The district shall submit to the registrar a description or map of the territory defined by the boundaries of the district as submitted to the commission under Section 49.455(j), Water Code, or commission rule, that is in sufficient detail to enable the registrar to produce the official list of the district's eligible voters.

(b) The district shall submit the information required under this section not later than the 30th day after the date of the last day to order a general or special election.

(c) If county election officials are unable to verify whether a voter is eligible under Section 9054.0102, the voter may be accepted to vote only provisionally under Section 63.011, Election Code.

Sec. 9054.0104. BOND AND CONTRACT ELECTIONS; NOVEMBER DATES. (a) A bond election held by the district must be held in accordance with Section 49.106, Water Code, except that the district may not hold the election on a date other than the uniform election date prescribed by Section 41.001, Election Code, that occurs in November of the applicable tax year.

(b) A contract election held by the district must be held in accordance with Section 49.108, Water Code, except that the district may not hold the election on a date other than the uniform election date prescribed by Section 41.001, Election Code, that occurs in November of the applicable tax year.

Sec. 9054.0105. EXCLUSION OF TERRITORY. (a) This section applies to the exclusion of territory by the district under the authority of Subchapters J and J-I, Chapter 49, Water Code, and Subchapter O, Chapter 51, Water Code.

(b) The district may exclude territory on the basis that the land is in agricultural use only if the land meets the requirements for agricultural use under Section 23.51, Tax Code.

(c) The district may exclude territory on the basis that the land is nonirrigated property only if the land meets the requirements for nonirrigated property under Section 49.309, Water Code.

(d) The district may exclude territory on the basis of the property being urban property only if the property meets the requirements of Section 49.3181, Water Code.

(e) The district may not exclude territory during the period of time between the first day that a candidate may file an application under Section 141.040, Election Code, and the day of the election in which that candidate appears on the ballot.

#### SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 9054.0201. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered terms of four years.

Sec. 9054.0202. VACANCIES. (a) The district shall fill a vacancy on the board in accordance with Sections 49.105(a)-(c), Water Code.

(b) If a position on the board becomes vacant on a date that is more than two years before the next scheduled date for an election for the office, the board shall:

(1) appoint a person to fill the vacant office until a person elected to that office has qualified; and

(2) hold an election to elect a member to fill the vacant office for the remainder of the unexpired term together with the next regularly scheduled election for other directors' offices.

(c) Section 49.105(d) does not apply to the board.

Sec. 9054.0203. QUALIFICATIONS FOR DIRECTOR. (a) To be qualified to serve as a director, a person:

(1) must be eligible to hold office under Section 141.001, Election Code, and Section 9054.0204; and

(2) must:

(A) own land subject to taxation in the district;

(B) be a user of the facilities of the district; or

(C) be a qualified voter of the district under Section 9054.0102.

(b) Section 49.052, Water Code, applies to the district.

Sec. 9054.0204. DISQUALIFICATION OF DIRECTORS. (a) A member of the governing body of another political subdivision is disqualified from serving as a director.

(b) A director is disqualified from serving as a director if:

(1) the director is appointed or elected as a member of the governing body of another political subdivision; or

(2) the board determines a relationship or employment exists that constitutes a disqualification under Section 49.052(a), Water Code.

(c) A person is disqualified from serving as a director if the person or a relative of the person within the third degree by consanguinity or affinity, as determined by Chapter 573, Government Code:

(1) received 10 percent or more of gross income for the previous year from a business entity or other organization, other than a governmental entity, that receives money from the district;

(2) is employed by or participates in the management of a business entity or other organization, other than a governmental entity, that receives money from the district;

(3) directly or indirectly owns or controls more than a 10 percent interest in the fair market value of a business or other organization that receives money from the district;

(4) serves as a corporate officer or member of the board of directors of a business entity or other organization that receives money from the district;

(5) is a creditor, debtor, or guarantor in an amount of \$5,000 or more of a person or business entity that receives money from the district;

(6) uses or receives a substantial amount of tangible goods, services, or money from the district other than compensation or reimbursement authorized by law;  
or

(7) is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the district.

SECTION 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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

The amendment was read.

Senator Hinojosa moved to concur in the House amendment to **SB 1056**.

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

### SENATE BILL 1192 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1192** 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 1192** (house committee printing) as follows:

- (1) On page 1, strike lines 9 through 13 and substitute the following:
- (b) The [~~executive commissioner of the~~] commission[~~, or the executive commissioner's designee,~~] is entitled to obtain [~~from the department~~] criminal history record information as provided by Subsection (b-1) [~~maintained by the department~~] that relates to a person who is required to be fingerprinted and is:
  - (2) On page 2, line 10, between "from" and "any", insert "the department or".
  - (3) On page 2, line 11, strike "that" and substitute "the department or other".
  - (4) On page 2, line 15, strike "this section [~~Subsection (b)~~]" and substitute "Subsection (b-1)(2) [~~(b)~~]".
  - (5) On page 2, line 24, strike "Notwithstanding Subsection (c), criminal" and substitute "Criminal".
  - (6) On page 2, line 26, strike "(b)(1)" and substitute "(b-1)(1)".
  - (7) On page 3, lines 1 and 2, strike "this section [~~Subsection (b)~~]" and substitute "Subsection (b-1)(2) [~~(b)~~]".

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1192**.

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

### SENATE BILL 1624 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 1624** 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 1624** (house committee report) as follows:

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

SECTION \_\_\_\_\_. Section 1101.103, Estates Code, is amended to read as follows:

Sec. 1101.103. DETERMINATION OF INCAPACITY OF CERTAIN ADULTS: PHYSICIAN OR PSYCHOLOGIST EXAMINATION. (a) Except as provided by Section 1101.104, the court may not grant an application to create a guardianship for an incapacitated person, other than a minor or person for whom it is necessary to have a guardian appointed only to receive funds from a governmental source, unless the applicant presents to the court a written letter or certificate from:

(1) a physician licensed in this state, if the proposed ward's alleged incapacity results from a physical condition or mental condition; or

(2) a psychologist licensed in this state or certified by the Health and Human Services Commission to perform the examination, in accordance with rules adopted by the executive commissioner of the commission governing examinations of that kind, if the proposed ward's alleged incapacity results from a mental condition.

(a-1) The physician or psychologist who provides the letter or certificate under Subsection (a) must:

(1) have experience examining individuals with the physical or mental condition resulting in the proposed ward's alleged incapacity; or

(2) have an established patient-provider relationship with the proposed ward.

(a-2) The letter or certificate required by Subsection (a) must be ~~that is~~:

(1) dated not earlier than the 120th day before the date the application is filed; and

(2) based on an examination the physician or psychologist performed not earlier than the 120th day before the date the application is filed.

(b) A ~~The~~ letter or certificate from a physician must:

(1) describe the nature, degree, and severity of the proposed ward's incapacity, including any functional deficits regarding the proposed ward's ability to:

(A) handle business and managerial matters;

(B) manage financial matters;

(C) operate a motor vehicle;

(D) make personal decisions regarding residence, voting, and marriage;

and

(E) consent to medical, dental, psychological, or psychiatric treatment;

(2) in providing a description under Subdivision (1) regarding the proposed ward's ability to operate a motor vehicle and make personal decisions regarding voting, state whether in the physician's opinion the proposed ward:

(A) has the mental capacity to vote in a public election; and

(B) has the ability to safely operate a motor vehicle;

(3) provide an evaluation of the proposed ward's physical condition and mental functioning and summarize the proposed ward's medical history if reasonably available;

(3-a) in providing an evaluation under Subdivision (3), state whether improvement in the proposed ward's physical condition and mental functioning is possible and, if so, state the period after which the proposed ward should be reevaluated to determine whether a guardianship continues to be necessary;

(4) state how or in what manner the proposed ward's ability to make or communicate responsible decisions concerning himself or herself is affected by the proposed ward's physical or mental health, including the proposed ward's ability to:

- (A) understand or communicate;
- (B) recognize familiar objects and individuals;
- (C) solve problems;
- (D) reason logically; and
- (E) administer to daily life activities with and without supports and services;

(5) state whether any current medication affects the proposed ward's demeanor or the proposed ward's ability to participate fully in a court proceeding;

(6) describe the precise physical and mental conditions underlying a diagnosis of a mental disability, and state whether the proposed ward would benefit from supports and services that would allow the individual to live in the least restrictive setting;

(6-a) state whether a guardianship is necessary for the proposed ward and, if so, whether specific powers or duties of the guardian should be limited if the proposed ward receives supports and services; and

(7) include any other information required by the court.

(b-1) Consistent with the scope of practice of a psychologist under Chapter 501, Occupations Code, a letter or certificate from a psychologist must include the information required under Subsection (b) only in relation to the proposed ward's mental capacity.

(c) If the court determines it is necessary, the court may appoint a physician or psychologist [~~the necessary physicians~~] to examine the proposed ward. The court must make its determination with respect to the necessity for a physician's or psychologist's examination of the proposed ward at a hearing held for that purpose. Not later than the fourth day before the date of the hearing, the applicant shall give to the proposed ward and the proposed ward's attorney ad litem written notice specifying the purpose and the date and time of the hearing.

(d) A physician or psychologist who examines the proposed ward, other than a physician or psychologist who examines the proposed ward under Section 1101.104(2), shall make available for inspection by the attorney ad litem appointed to represent the proposed ward a written letter or certificate from:

(1) the physician that complies with the requirements of Subsections (a), (a-1), (a-2), and (b); or

(2) the psychologist that complies with the requirements of Subsections (a), (a-1), (a-2), and (b-1).

SECTION \_\_\_\_\_. Section 1102.002, Estates Code, is amended to read as follows:

Sec. 1102.002. ESTABLISHMENT OF PROBABLE CAUSE FOR INVESTIGATION. To establish probable cause under Section 1102.001, the court may require:

(1) an information letter about the person believed to be incapacitated that is submitted by an interested person and satisfies the requirements of Section 1102.003; or

(2) a written letter or certificate from a physician or psychologist who has examined the person believed to be incapacitated that satisfies the requirements of Section 1101.103, except that the letter must be:

(A) dated not earlier than the 120th day before the date of the appointment of a guardian ad litem or court investigator under Section 1102.001; and

(B) based on an examination the physician or psychologist performed not earlier than the 120th day before that date.

SECTION \_\_\_\_\_. The heading to Section 1202.152, Estates Code, is amended to read as follows:

Sec. 1202.152. [~~PHYSICIAN'S~~] LETTER OR CERTIFICATE REQUIRED.

SECTION \_\_\_\_\_. Section 573.012, Health and Safety Code, is amended by amending Subsections (a), (e), and (h) and adding Subsections (h-2) and (h-3) to read as follows:

(a) Except as provided by Subsection (h), an applicant for emergency detention must present the application personally to a judge or magistrate. The judge or magistrate shall examine the application and may interview the applicant. Except as provided by Subsections [~~Subsection~~] (g) and (h), the judge of a court with probate jurisdiction by administrative order may provide that the application must be:

(1) presented personally to the court; or

(2) retained by court staff and presented to another judge or magistrate as soon as is practicable if the judge of the court is not available at the time the application is presented.

(e) A person apprehended under this section who is not physically located in a mental health facility at the time the warrant is issued under Subsection (h-1) shall be transported for a preliminary examination in accordance with Section 573.021 to:

(1) the nearest appropriate inpatient mental health facility; or

(2) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available.

(h) A judge or magistrate shall [~~may~~] permit an applicant who is a physician to present an application by:

(1) e-mail with the application attached as a secure document in a portable document format (PDF); or

(2) another secure electronic means, including:

(A) satellite transmission;

(B) closed-circuit television transmission; or

(C) any other method of two-way electronic communication that:

(i) is secure;

(ii) is available to the judge or magistrate; and

(iii) provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between the judge or magistrate and the applicant.

(h-2) A facility may detain a person who is physically located in the facility to perform a preliminary examination in accordance with Section 573.021 if:

(1) a judge or magistrate transmits a warrant to the facility under Subsection (h-1) for the detention of the person; and

(2) the person is not under an order under this chapter or Chapter 574.



(h-3) The Office of Court Administration of the Texas Judicial System shall develop and implement a process for an applicant for emergency detention to electronically present the application under Subsection (h) and for a judge or magistrate to electronically transmit a warrant under Subsection (h-1).

SECTION \_\_\_\_\_. The changes in law made by this Act apply to an emergency detention under Chapter 573, Health and Safety Code, that begins on or after the effective date of this Act. An emergency detention under Chapter 573, Health and Safety Code, that begins before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall develop the process as required by Section 573.012(h-3), Health and Safety Code, as added by this Act.

(2) In SECTION 16 of the bill, in the transition language, in Subsection (a)(1) of that section (page 20, line 3), strike "guardianship proceeding created" and substitute "guardianship created".

(3) In SECTION 16 of the bill, in the transition language, strike Subsection (a)(2) of that section (page 20, lines 5 and 6) and substitute the following:

(2) a guardianship proceeding that is pending or commenced on or after the effective date of this Act.

(4) In SECTION 16 of the bill, in the transition language, (page 20, between lines 14 and 15), immediately following Subsection (b) of that section, insert the following:

(c) The changes in law made by this Act to Section 1101.103, Estates Code, apply only to an application for the appointment of a guardian that is filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

The amendment was read.

Senator Zaffirini moved to concur in the House amendment to **SB 1624**.

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

Nays: Kolkhorst.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2559 ADOPTED

Senator Zaffirini called from the President's table the Conference Committee Report on **HB 2559**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

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

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 2601 ADOPTED**

Senator Hinojosa called from the President's table the Conference Committee Report on **SB 2601**. The Conference Committee Report was filed with the Senate on Thursday, May 25, 2023.

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

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1445 ADOPTED**

Senator Paxton called from the President's table the Conference Committee Report on **SB 1445**. The Conference Committee Report was filed with the Senate on Thursday, May 25, 2023.

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

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1516 ADOPTED**

Senator King called from the President's table the Conference Committee Report on **SB 1516**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

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

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2026 ADOPTED**

Senator LaMantia called from the President's table the Conference Committee Report on **HB 2026**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

On motion of Senator LaMantia, the Conference Committee Report was adopted by the following vote: Yeas 27, Nays 4.

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

Nays: Hughes, King, Middleton, Springer.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 4 ADOPTED**

Senator Hughes called from the President's table the Conference Committee Report on **HB 4**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

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

**SENATE BILL 1098 WITH HOUSE AMENDMENT**

Senator Paxton called **SB 1098** 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 1098** (house committee report) on page 3, line 5, between "provide" and "notice" by inserting "written".

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 1098**.

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

Nays: West.

**SENATE BILL 718 WITH HOUSE AMENDMENT**

Senator Paxton called **SB 718** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 718** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to additional periods of possession of or access to a child to compensate for denial of court-ordered possession or access.

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

SECTION 1. Section 157.168, Family Code, is amended to read as follows:

Sec. 157.168. **ADDITIONAL PERIODS OF POSSESSION OR ACCESS.** (a) Except as provided in Subsection (a-1), a [A] court may order additional periods of possession of or access to a child to compensate for the denial of court-ordered possession or access.

(a-1) Unless a party shows good cause why the order should not be rendered, a court shall order additional periods of possession of or access to a child to compensate for a denial of court-ordered possession or access that resulted from an investigation by the Department of Family and Protective Services that did not result in a finding of abuse or neglect.

(a-2) The additional periods of possession or access:

(1) must be of the same type and duration of the possession or access that was denied;

(2) may include weekend, holiday, and summer possession or access; and

(3) must occur on or before the second anniversary of the date the court finds that court-ordered possession or access has been denied.

(b) The person denied possession or access is entitled to decide the time of the additional possession or access, subject to the provisions of Subsection (a-2)(1) [~~(a)(1)~~].

(c) Subsection (a-1) does not:

(1) create a cause of action against the Department of Family and Protective Services; or

(2) waive sovereign immunity to suit or liability.

SECTION 2. The enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 3. The change in law made by this Act applies only to a suit affecting the parent-child relationship pending before a trial court on or filed on or after the effective date of this Act. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2023.

The amendment was read.

Senator Paxton moved to concur in the House amendment to **SB 718**.

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

### **SENATE BILL 2440 WITH HOUSE AMENDMENTS**

Senator Perry called **SB 2440** 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 2440** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to a requirement that certain plats for the subdivision of land include evidence of groundwater supply.

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

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (d), and (e) to read as follows:

(a) Except as provided by Subsection (a-1), [If a person submits] a plat application for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land ~~must~~<sup>must</sup>, ~~the municipal authority responsible for approving plats by ordinance may require the plat application to~~ have attached to it a statement that:

(1) is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and

(2) certifies that adequate groundwater is available for the subdivision.

(a-1) A municipal authority responsible for approving plats may waive the requirement prescribed by Subsection (a) that a plat application have attached to it a statement described by that subsection if:

(1) the entire tract proposed to be subdivided by the plat is located in an area included in a map posted on the Texas Water Development Board's Internet website under Subsection (e); or

(2) both:

(A) the proposed subdivision divides the tract into not more than 20 parts; and

(B) the municipal authority has a reasonable belief that sufficient groundwater is available and will continue to be available to the subdivided tract of land.

(a-2) A person subject to a waiver authorized by Subsection (a-1)(2) regarding a subdivided tract of land must comply with the requirements of Subsection (a) if the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 20 parts.

(d) The executive administrator of the Texas Water Development Board shall create and update maps delineating the areas determined by the executive administrator to:

(1) be located over:

(A) the Gulf Coast Aquifer; or

(B) the Carrizo-Wilcox Aquifer; and

(2) have groundwater physically available to landowners with an estimated average total dissolved solids concentration of less than 1,000 milligrams per liter.

(e) The executive administrator of the Texas Water Development Board shall make the most recent maps created or updated under Subsection (d) publicly available on the board's Internet website.

SECTION 2. Section 232.0032, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (d), and (e) to read as follows:

(a) Except as provided by Subsection (a-1), ~~[If a person submits]~~ a plat application for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land ~~must~~ must, ~~the commissioners court of a county by order may require the plat application to~~ have attached to it a statement that:

(1) is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and

(2) certifies that adequate groundwater is available for the subdivision.

(a-1) A commissioners court may waive the requirement prescribed by Subsection (a) that a plat application have attached to it a statement described by that subsection if:

(1) the entire tract proposed to be subdivided by the plat is located in an area included in a map posted on the Texas Water Development Board's Internet website under Subsection (e); or

(2) both:

(A) the proposed subdivision divides the tract into not more than 20 parts; and

(B) the commissioners court has a reasonable belief that sufficient groundwater is available and will continue to be available to the subdivided tract of land.

(a-2) A person subject to a waiver authorized by Subsection (a-1)(2) regarding a subdivided tract of land must comply with the requirements of Subsection (a) if the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 20 parts.

(d) The executive administrator of the Texas Water Development Board shall create and update maps delineating the areas determined by the executive administrator to:

(1) be located over:

(A) the Gulf Coast Aquifer; or

(B) the Carrizo-Wilcox Aquifer; and

(2) have groundwater physically available to landowners with an estimated average total dissolved solids concentration of less than 1,000 milligrams per liter.

(e) The executive administrator of the Texas Water Development Board shall make the most recent maps created or updated under Subsection (d) publicly available on the board's Internet website.

SECTION 3. The changes in law made by this Act apply only to a plat application filed on or after the effective date of this Act. A plat application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 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 2440** (house committee report) as follows:

(1) On page 1, lines 6 and 7, strike "(a-1), (a-2), (d), and (e)" and substitute "(a-1) and (a-2)".

(2) Strike page 1, line 22, through page 2, line 6, and substitute the following:

(1) based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the municipal authority determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and

(2) either:

(A) the entire tract proposed to be subdivided by the plat will be supplied with groundwater from the Gulf Coast Aquifer or the Carrizo-Wilcox Aquifer; or

(B) the proposed subdivision divides the tract into not more than 10 parts.

(3) On page 2, line 8, strike "(a-1)(2)" and substitute "(a-1)(2)(B)".

(4) Strike page 2, lines 9 through 24, and substitute the following: requirements of Subsection (a) if:

(1) the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts; or

(2) the municipal authority determines that the proposed subdivision is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

(5) On page 2, lines 26 and 27, strike "(a-1), (a-2), (d), and (e)" and substitute "(a-1) and (a-2)".

(6) Strike page 3, lines 14 through 22, and substitute the following:

(1) based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the commissioners court determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and

(2) either:

(A) the entire tract proposed to be subdivided by the plat will be supplied with groundwater from the Gulf Coast Aquifer or the Carrizo-Wilcox Aquifer; or

(B) the proposed subdivision divides the tract into not more than 10 parts.

(7) On page 3, line 24, strike "(a-1)(2)" and substitute "(a-1)(2)(B)".

(8) Strike page 3, line 25, through page 4, line 13, and substitute the following: requirements of Subsection (a) if:

(1) the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts; or

(2) the commissioners court determines that the proposed subdivision is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

(9) Strike page 4, lines 19 through 23, and substitute the following:

SECTION 4. This Act takes effect January 1, 2024.

The amendments were read.

Senator Perry moved to concur in the House amendments to **SB 2440**.

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

### **SENATE BILL 1376 WITH HOUSE AMENDMENTS**

Senator Parker called **SB 1376** 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 1376** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to an employment preference for members of the military and their spouses for positions at state agencies.

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

SECTION 1. Section 656.027, Government Code, is amended to read as follows:

Sec. 656.027. MILITARY EMPLOYMENT PREFERENCE ~~[FOR VETERANS]~~ ON STATE EMPLOYMENT FORMS. The commission shall include on all forms relating to state agency employment that are prescribed by the commission under this subchapter or other law a statement regarding the requirement prescribed by Chapter 657 that each state agency give a military ~~[veterans]~~ employment preference until the agency workforce is composed of at least 20 ~~[40]~~ percent individuals who qualify for a military employment preference under Section 657.002 ~~[veterans]~~.

SECTION 2. The heading to Chapter 657, Government Code, is amended to read as follows:

CHAPTER 657. MILITARY ~~[VETERAN'S]~~ EMPLOYMENT PREFERENCES

SECTION 3. Section 657.002, Government Code, is amended to read as follows:

Sec. 657.002. INDIVIDUALS QUALIFIED FOR MILITARY ~~[VETERAN'S]~~ EMPLOYMENT PREFERENCE. The following individuals qualify for a military ~~[veteran's]~~ employment preference:

- (1) a veteran, including a veteran with a disability;
- (2) a veteran's surviving spouse who has not remarried; ~~[and]~~
- (3) an orphan of a veteran if the veteran was killed while on active duty; ~~and~~
- (4) the spouse of a member of the United States armed forces or Texas

National Guard serving on active duty.

SECTION 4. Section 657.003, Government Code, is amended to read as follows:

Sec. 657.003. MILITARY ~~[VETERAN'S]~~ EMPLOYMENT PREFERENCE. (a) An individual who qualifies for a military ~~[veteran's]~~ employment preference is entitled to a preference in employment with or appointment to a state agency over other applicants for the same position who do not have a greater qualification.

(b) A state agency shall provide to an individual entitled to a military ~~[veteran's]~~ employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a military ~~[veteran's]~~ employment preference, in the following order of priority:

- (1) a veteran with a disability;
- (2) a veteran;
- (3) a spouse of a member of the United States armed forces or Texas

National Guard serving on active duty as described by Section 657.002(4);

- (4) a veteran's surviving spouse who has not remarried; and

(5) [(4)] an orphan of a veteran if the veteran was killed while on active duty.

(c) If a state agency requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a military ~~[veteran's]~~ employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of 10 points added to the test score. A veteran with a disability is entitled to have a service credit of five additional points added to the individual's test score.



(d) An individual entitled to a military [~~veteran's~~] employment preference is not disqualified from holding a position with a state agency because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

SECTION 5. Section 657.0045, Government Code, is amended to read as follows:

Sec. 657.0045. DESIGNATION OF OPEN POSITION FOR AND IMMEDIATE HIRING OF INDIVIDUAL ENTITLED TO MILITARY [~~VETERAN'S~~] EMPLOYMENT PREFERENCE. (a) A state agency may designate an open position as a military preference [~~veteran's~~] position and only accept applications for that position from individuals who are entitled to a military [~~veteran's~~] employment preference under Section 657.003.

(b) Notwithstanding any other law, a state agency may hire or appoint for an open position within the agency an individual entitled to a military [~~veteran's~~] employment preference under Section 657.003 without announcing or advertising the position if the agency:

(1) uses the automated labor exchange system administered by the Texas Workforce Commission to identify an individual who qualifies for a military [~~veteran's~~] employment preference under this chapter; and

(2) determines the individual meets the qualifications required for the position.

SECTION 6. Section 657.0046, Government Code, is amended to read as follows:

Sec. 657.0046. STATE AGENCY [~~VETERAN'S~~] LIAISON FOR VETERANS, MILITARY MEMBERS, AND THEIR DEPENDENTS. (a) Each state agency that has at least 500 full-time equivalent positions shall designate an individual from the agency to serve as a [~~veteran's~~] liaison for veterans, military members, and their dependents.

(b) A state agency that has fewer than 500 full-time equivalent positions may designate an individual from the agency to serve as the [~~a veteran's~~] liaison described by Subsection (a).

(c) Each state agency that designates a [~~veteran's~~] liaison under this section shall make available on the agency's Internet website the liaison's individual work contact information.

SECTION 7. Section 657.0047, Government Code, is amended to read as follows:

Sec. 657.0047. INTERVIEWS AT STATE AGENCIES. (a) For each announced open position at a state agency, the state agency shall interview:

(1) if the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a military [~~veteran's~~] employment preference under Section 657.003; or

(2) if the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a military [~~veteran's~~] employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

(b) A state agency that does not receive any applications from individuals who qualify for a military [~~veteran's~~] employment preference under Section 657.003 is not required to comply with Subsection (a).

SECTION 8. Section 657.005(a), Government Code, is amended to read as follows:

(a) The individual whose duty is to appoint or employ an applicant for a position with a state agency or an officer or the chief administrator of the agency who receives an application for appointment or employment by an individual entitled to a military [~~veteran's~~] employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position.

SECTION 9. Section 657.010, Government Code, is amended to read as follows:

Sec. 657.010. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY. (a) An individual entitled to a military [~~veteran's~~] employment preference under this chapter who is aggrieved by a decision of a state agency to which this chapter applies relating to hiring or appointing the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the executive director of the state agency under this section.

(b) The executive director of a state agency that receives a written complaint under Subsection (a) shall respond to the complaint not later than the 15th business day after the date the executive director receives the complaint. The executive director may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director determines that the military [~~veteran's~~] preference was not applied.

SECTION 10. Section 32.54(b), Penal Code, is amended to read as follows:

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

(1) uses or claims to hold a military record that the person knows:

(A) is fraudulent;

(B) is fictitious or has otherwise not been granted or assigned to the

person; or

(C) has been revoked; and

(2) uses or claims to hold that military record:

(A) in a written or oral advertisement or other promotion of a business;

or

(B) with the intent to:

(i) obtain priority in receiving services or resources under Subchapter G, Chapter 302, Labor Code;

(ii) qualify for a military [~~veteran's~~] employment preference under Chapter 657, Government Code;

(iii) obtain a license or certificate to practice a trade, profession, or occupation;

(iv) obtain a promotion, compensation, or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(v) obtain a benefit, service, or donation from another person;

(vi) obtain admission to an educational program in this state; or

(vii) gain a position in state government with authority over another person, regardless of whether the actor receives compensation for the position.

SECTION 11. The changes in law made by this Act to Chapter 657, Government Code, apply only to an open position with a state agency for which the state agency begins accepting applications on or after the effective date of this Act. An open position with a state agency for which the state agency begins accepting applications before the effective date of this Act is governed by the law in effect on the date the state agency began accepting applications, and the former law is continued in effect for that purpose.

SECTION 12. This Act takes effect September 1, 2023.

### Floor Amendment No. 1

Amend **CSSB 1376** (house committee report) on page 2 as follows:

(1) On line 4, strike "and".

(2) On line 6, between "active duty" and the period, insert the following:

; and

(5) the spouse of a veteran if the spouse is the primary source of income for the household and the veteran has a total disability rating based either on having a service-connected disability with a disability rating of at least 70 percent or on individual unemployment

(3) Strike lines 21 through 23 and insert the following:

(3) a spouse described by Section 657.002(4) or (5);

The amendments were read.

Senator Parker moved to concur in the House amendments to **SB 1376**.

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

### SENATE BILL 1414 WITH HOUSE AMENDMENT

Senator Johnson called **SB 1414** from the President's table for consideration of the House amendment to the bill.

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

### Amendment

Amend **SB 1414** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to the temporary regulation of the practice of veterinary medicine by the Texas Department of Licensing and Regulation.

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

SECTION 1. Section 801.003, Occupations Code, is amended to read as follows:

Sec. 801.003. APPLICATION OF SUNSET ACT. The State Board of Veterinary Medical Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2027 [~~2029~~].

SECTION 2. Chapter 801, Occupations Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY REGULATION BY TEXAS DEPARTMENT OF LICENSING AND REGULATION

Sec. 801.021. DEFINITIONS. In this subchapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

Sec. 801.022. TEMPORARY ADMINISTRATION OF CHAPTER BY DEPARTMENT; RULES. (a) Notwithstanding any other law, the department shall assume all policy-making powers of the board and administer this chapter. The department may contract as necessary to administer this chapter.

(b) A power or duty granted to the board under this chapter is a power or duty of the executive director of the department, the department, or the commission, as applicable.

(c) The commission or executive director of the department may delegate, or withdraw any delegation of, any power or duty under this chapter to the board or the executive director of the board. The delegation or withdrawal of delegation must be in writing.

(d) Except as provided by Section 801.024(c), the commission shall adopt all rules necessary to implement this chapter.

(e) Not later than December 31, 2026, the department shall conduct a review under Section 2001.039, Government Code, of each rule under 22 T.A.C. Part 24. In conducting the review under this subsection, the department shall ensure that license holders and the public have a meaningful opportunity to provide input and recommend changes to the rules.

(f) The department shall propose necessary amendments to a rule, or the repeal of a rule, for which the department determines the board lacks a sufficient reason or authority to adopt or enforce.

(g) For any rulemaking or contested case for which an expert witness is necessary, the commission or department, as applicable, may have a member of the board who is a veterinarian licensed in good standing in this state serve as the expert witness.

Sec. 801.023. SEPARATION OF ADMINISTRATIVE FUNCTIONS OF BOARD. (a) The executive director of the department shall direct and may dismiss the executive director of the board. The presiding officer of the commission shall appoint a replacement executive director of the board if necessary.

(b) Subject to Subsection (a), the executive director of the board is responsible for the administration of financial services, human resources, and workforce development duties of the board, including:

(1) accounts payable and accounts receivable;

(2) budgeting, inventory, and asset management;  
(3) payroll;  
(4) personnel and labor issues;  
(5) purchasing;  
(6) recruitment, evaluation, selection, training, and promotion of personnel;  
(7) submitting required reports regarding finances, performance measures, strategic planning, legislative appropriations requests, operating budgets, and similar information as required by law;  
(8) legal support services, including responding to requests for public information; and  
(9) information technology and support.

(c) If the department provides any of the functions listed in Subsection (b), the board shall reimburse the department for administrative costs incurred in providing those services.

Sec. 801.024. ADVISORY BOARD. (a) Notwithstanding Subchapter D, the board is an advisory board to the department.

(b) The board, the equine dental provider advisory committee, and any advisory committee appointed under Section 801.163 shall provide advice and recommendations to the department on technical matters relevant to the administration of this chapter.

(c) The board shall adopt rules relating to the scope of practice of or a health-related standard of care for the practice of the profession of veterinary medicine.

(d) The commission shall review each rule adopted under Subsection (c) and, if the commission determines that the rule is not authorized by this chapter or other law or is an unauthorized anticompetitive rule, issue an order stating that determination. A rule for which an order is issued under this subsection may not take effect or be enforced.

Sec. 801.025. CONFLICT WITH OTHER LAW. (a) Notwithstanding Section 51.003, to the extent of any conflict between this chapter and Chapter 51, this chapter controls.

(b) To the extent of any conflict between this subchapter and another provision of this chapter, this subchapter controls.

Sec. 801.026. EXPIRATION. This subchapter expires September 1, 2027.

SECTION 3. (a) In this section:

(1) "Board" means the State Board of Veterinary Medical Examiners.

(2) "Department" means the Texas Department of Licensing and Regulation.

(b) Not later than October 1, 2023, the Department of Information Resources shall consult with the department and the board to assess the database needs of the board and establish a plan for the procurement and acquisition of a database suitable to address those needs.

(c) Notwithstanding any other law, the board shall provide the Department of Information Resources and the department with access to any system, hardware, software, documents, or information necessary to achieve the purposes of Subsection (b) of this section.

(d) The provision of information under this section to the Department of Information Resources or the department does not waive confidentiality or privilege.

SECTION 4. Not later than December 1, 2024, the Texas Department of Licensing and Regulation shall submit to the Sunset Advisory Commission and each standing committee of the legislature with primary jurisdiction over the State Board of Veterinary Medical Examiners any legislative recommendations necessary to improve the board's operations.

SECTION 5. This Act takes effect September 1, 2023.

The amendment was read.

Senator Johnson moved to concur in the House amendment to **SB 1414**.

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

### SENATE BILL 1929 WITH HOUSE AMENDMENTS

Senator Johnson called **SB 1929** 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 1929** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the registration of virtual currency mining facilities in the ERCOT power region that demand a large load of interruptible power.

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

SECTION 1. Subchapter H, Chapter 39, Utilities Code, is amended by adding Section 39.360 to read as follows:

Sec. 39.360. LARGE FLEXIBLE LOAD REGISTRATION. (a) In this section:

(1) "Virtual currency" has the meaning assigned by Section 12.001, Business & Commerce Code.

(2) "Virtual currency mining facility" means a facility that uses electronic equipment to add virtual currency transactions to a distributed ledger.

(b) The commission by rule shall require a person operating a virtual currency mining facility who enters into an agreement for retail electric service in the ERCOT power region to register the facility receiving service as a large flexible load under this section if:

(1) the person anticipates that the facility will require a total load of more than 75 megawatts before the second anniversary of the date the agreement begins; and

(2) the facility load is interruptible.

(c) The rules must require a person described by Subsection (b) to:

(1) register the large flexible load with the commission not later than one business day after the date the agreement begins; and

(2) provide the commission with:

(A) the location of the facility; and

(B) the anticipated demand from the facility for the five-year period beginning on the date of the registration.

(d) The commission by rule shall:

(1) adopt criteria for determining whether a load is interruptible for the purposes of this section based on whether it is possible for the facility operator to choose to interrupt the load; and

(2) establish a method to ensure compliance with this section.

(e) The commission may share with an independent organization certified under Section 39.151 registration information received under this section.

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

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

Amend **CSSB 1929** (house committee printing) on page 1, lines 20-22, by striking "the person anticipates that the facility will require a total load of more than 75 megawatts before the second anniversary of the date the agreement begins" and substituting "the facility requires a total load of more than 75 megawatts".

The amendments were read.

Senator Johnson moved to concur in the House amendments to **SB 1929**.

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

Nays: Kolkhorst.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3059 ADOPTED**

Senator Perry called from the President's table the Conference Committee Report on **HB 3059**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

On motion of Senator Perry, the Conference Committee Report was adopted by the following vote: Yeas 25, Nays 6.

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

Nays: Campbell, Hall, Hughes, King, Middleton, Parker.

### **SENATE BILL 1404 WITH HOUSE AMENDMENT**

Senator Parker called **SB 1404** 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 1404** (house committee printing) as follows:

(1) On page 2, strike lines 5 through 7 and substitute the following:

(b) The work group members described by Subsections (a)(1) and (2) of this section serve as co-chairs of the work group.

- (2) On page 2, line 8, strike "chair" and substitute "co-chairs".
- (3) On page 2, line 10, strike "chair" and substitute "co-chairs".
- (4) On page 2, line 11, strike "chair" and substitute "co-chairs".
- (5) On page 4, line 7, strike "chair" and substitute "co-chairs".

The amendment was read.

Senator Parker moved to concur in the House amendment to **SB 1404**.

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

**SENATE BILL 2315 WITH HOUSE AMENDMENTS**  
**(Motion In Writing)**

Senator Hughes called **SB 2315** from the President's table for consideration of the House amendments to the bill.

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

**Floor Amendment No. 1**

Amend **SB 2315** (house committee printing) on page 3, between lines 3 and 4, by adding the following appropriately numbered subdivisions to the subsection and renumbering the subdivisions of the subsection accordingly:

( ) determine whether recipients of program services are attaining employment paying a self-sufficient wage, as determined under Section 2308A.012, Government Code;

( ) identify potential improvements to child-care data systems in order to streamline child-care data collection as necessary to evaluate the need for and availability of subsidized and unsubsidized child care for recipients of program services;

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

Amend **SB 2315** on third reading, in SECTION 2 of the bill, in added Section 319.003(b), Labor Code, as amended by Floor Amendment No. 1 by Button on second reading, by striking the following subdivision and renumbering the subdivisions of the subsection accordingly:

( ) determine whether recipients of program services are attaining employment paying a self-sufficient wage, as determined under Section 2308A.012, Government Code;

**Floor Amendment No. 2 on Third Reading**

Amend **SB 2315** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 303.003, Labor Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) A community-based organization may apply for money to participate in a training program if:

(1) the organization applies [only] in partnership with a community and technical college or the Texas A&M Engineering Extension Service; or



(2) at least 90 days before the date the organization applies, the organization submitted to a community and technical college or the Texas A&M Engineering Extension Service a written request for a partnership with the college or service and has been unable to obtain the partnership.

(h-1) If a [A] community-based organization that applies for funding under Subsection (h) provides [providing] services regulated by the state, the organization shall provide to the commission evidence of any certification, license, or registration required by law.

SECTION \_\_\_\_ . Section 303.003, Labor Code, as amended by this Act, applies only to an application for money from the skills development fund submitted to the Texas Workforce Commission on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

The amendments were read.

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

The Motion In Writing was read and prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 2315** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hughes, Chair; Kolkhorst, Birdwell, Hinojosa, and Parker.

## **SENATE BILL 1070 WITH HOUSE AMENDMENTS**

Senator Hughes called **SB 1070** from the President's table for consideration of the House amendments to the bill.

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

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

Amend **SB 1070** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . This Act may be cited as the Alan Vera Memorial Act.

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

Amend **SB 1070** (house committee report) as follows:

(1) On page 1, line 14, strike "who have been convicted of a felony" and substitute "who are not qualified under Section 11.002(a)(4)".

(2) On page 1, lines 23-24, strike "who are not eligible to vote for another reason, including a felony conviction" and substitute "who are not qualified under Section 11.002(a)(4)".

(3) On page 2, strike lines 4 through 7 and substitute the following:

(b) A system developed under this section and any vendor involved with the system must comply with:

(1) the National Voter Registration Act of 1993 (52 U.S.C. Section 20501 et seq.) and the Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.); and

(2) all state and federal laws relating to the protection of personal information.

(4) On page 2, between lines 24 and 25, insert the following:

(h) The secretary of state may not contract with a private sector data system under Subsection (a)(2) unless the system:

(1) requires a background check for each employee of a potential vendor for the system; and

(2) uses data from the National Change of Address database.

(i) In addition to using a system described by Subsection (a), the secretary of state shall use data from the National Change of Address database to identify voters whose addresses have changed for the purpose of preventing duplication of registration in more than one state or jurisdiction.

The amendments were read.

Senator Hughes moved to concur in the House amendments to **SB 1070**.

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.

### SENATE RESOLUTION 686

Senator Birdwell offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 88th Legislature, Regular Session, 2023, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 1893 (prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities) to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to change, alter, or amend text which is not in disagreement in proposed SECTION 1 of the bill, in added Section 620.001(1)(B), Government Code, by striking "by executive order" and substituting "by proclamation".

Explanation: The change is necessary to ensure the proper method by which the governor specifies a social media application as a covered application.

(2) Senate Rule 12.03(1) is suspended to permit the committee to change, alter, or amend text which is not in disagreement in proposed SECTION 1 of the bill, in added Section 620.001(2)(B), Government Code, between "a court of appeals," and "or the Texas Judicial Council," by inserting "a district court,".

Explanation: The change is necessary to ensure that district courts comply with the Act.

(3) Senate Rule 12.03(1) is suspended to permit the committee to change, alter, or amend text which is not in disagreement in proposed SECTION 1 of the bill, in the heading to added Section 620.005, Government Code, by striking "ORDER" and substituting "PROCLAMATION".

Explanation: The change is necessary to ensure the proper method by which the governor specifies a social media application as a covered application.

(4) Senate Rule 12.03(1) is suspended to permit the committee to change, alter, or amend text which is not in disagreement in proposed SECTION 1 of the bill, in added Section 620.005, Government Code, by striking "executive order" and substituting "proclamation".

Explanation: The change is necessary to ensure the proper method by which the governor specifies a social media application as a covered application.

**SR 686** was read and was adopted by the following vote: Yeas 31, Nays 0.

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1893 ADOPTED**

Senator Birdwell called from the President's table the Conference Committee Report on **SB 1893**. The Conference Committee Report was filed with the Senate on Thursday, May 25, 2023.

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

### **SENATE BILL 2192 WITH HOUSE AMENDMENT**

Senator Hall called **SB 2192** from the President's table for consideration of the House amendment to the bill.

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

#### **Amendment**

Amend **SB 2192** by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to the notice and petition for the creation of a municipal utility district in certain counties.

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

SECTION 1. Sections 54.001(4) and (5), Water Code, are amended to read as follows:

(4) "Commission" means the Texas [~~Natural Resource Conservation~~] Commission on Environmental Quality.

(5) "Executive director" means the executive director of the commission [~~Texas Natural Resource Conservation Commission~~].

SECTION 2. Subchapter B, Chapter 54, Water Code, is amended by adding Section 54.0135 to read as follows:

Sec. 54.0135. PRE-PETITION NOTICE TO CERTAIN COUNTIES. (a) This section applies only to a proposed district described by Section 54.0161(a).

(b) Before a petition requesting creation of a proposed district is filed with the commission under Section 54.014, notice must be sent by certified mail to the commissioners court of each county in which the proposed district is to be located. The notice must:

(1) generally describe the boundaries of the land to be included in the proposed district, including, if possible, by metes and bounds or by lot and block number if there is a recorded map or plat and survey of the area to be included in the district; and

(2) inform the commissioners court of the right to:

(A) respond to the notice provided under this section;

(B) review the petition requesting creation of the proposed district; and

(C) submit a written opinion on the creation of the proposed district

under Section 54.0161.

(c) Notice under this section must be sent by certified mail at least 30 days before the date a petition requesting creation of the proposed district is filed with the commission under Section 54.014.

SECTION 3. Section 54.015, Water Code, is amended to read as follows:

Sec. 54.015. CONTENTS OF PETITION. The petition shall:

(1) describe the boundaries of the proposed district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area;

(2) state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition; ~~and~~

(3) include a name of the district which shall be generally descriptive of the locale of the district followed by the words Municipal Utility District, or if a district is located within one county, it may be designated "\_\_\_\_\_ County Municipal Utility District No. \_\_\_\_\_." (Insert the name of the county and proper consecutive number.) The proposed district shall not have the same name as any other district in the same county; and

(4) for a district described by Section 54.0161, include a copy of the notice described by Section 54.0135.

SECTION 4. Section 54.0135, Water Code, as added by this Act, and Section 54.015, Water Code, as amended by this Act, apply only to the creation of a municipal utility district on or after the effective date of this Act. A petition requesting creation of a municipal utility district pending before the Texas Commission on Environmental Quality on the effective date of this Act is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2023.

The amendment was read.

Senator Hall moved to concur in the House amendment to **SB 2192**.

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

**CONFERENCE COMMITTEE REPORT ON  
HOUSE JOINT RESOLUTION 3 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **HJR 3**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

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

Nays: Hall.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1595 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **HB 1595**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

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

Nays: Hall.

**SENATE RESOLUTION 691**

Senator Huffman offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 88th Legislature, Regular Session, 2023, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 10 (certain benefits paid by the Teacher Retirement System of Texas) to consider and take action on the following matters:

(1) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement in proposed SECTION 1 of the bill, adding Section 824.703(a), Government Code, by striking "an additional" and substituting "a".

Explanation: The change is necessary to remove unnecessary language.

(2) Senate Rules 12.03(3) and (4), are suspended to permit the committee to add text on a matter not in disagreement and not included in either the house or senate version of the bill in proposed SECTION 1 of the bill, by adding Section 824.703(c)(3), Government Code, to read as follows:

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

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

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

Explanation: The change is necessary to clarify that an alternate payee makes the election and specify that an alternate payee must be living on the effective date of the cost-of-living adjustment required by the proposed bill.

(3) Senate Rules 12.03(3) and (4), are suspended to permit the committee to add text on a matter not in disagreement and not included in either the house or senate version of the bill by adding proposed SECTION 2(c) of the bill to read as follows:

(c) The amount of the supplemental payment is equal to:

(1) \$7,500, if the annuitant is at least 75 years of age on any day of the calendar month before the calendar month in which the Teacher Retirement System of Texas issues the supplemental payment; or

(2) \$2,400, if the annuitant is:

(A) at least 70 years of age but younger than 75 years of age on any day of the calendar month before the calendar month in which the Teacher Retirement System of Texas issues the supplemental payment; and

(B) not subject to Subdivision (1) of this subsection.

Explanation: The change is necessary to prescribe different amounts for the supplemental payment required by the proposed bill based on the age of the annuitant eligible for the payment.

**SR 691** was read and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 10 ADOPTED**

Senator Huffman called from the President's table the Conference Committee Report on **SB 10**. The Conference Committee Report was filed with the Senate on Friday, May 26, 2023.

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

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 133 ADOPTED**

Senator West called from the President's table the Conference Committee Report on **SB 133**. The Conference Committee Report was filed with the Senate on Thursday, May 25, 2023.

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

**(President in Chair)**

**CONFERENCE COMMITTEE ON  
SENATE BILL 18 DISCHARGED**

On motion of Senator Creighton and by unanimous consent, the Senate conferees on **SB 18** were discharged.

Question: Shall the Senate concur in the House amendments to **SB 18**?

Senator Creighton moved to concur in the House amendments to **SB 18**.

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.

**REASON FOR VOTE**

Senator Blanco submitted the following reason for vote on **SB 18**:

Universities across Texas have a long history of racism and discriminatory practices. The data clearly demonstrates that tenure is a barrier for minorities in higher education and in good conscience, I cannot and will not defend tenure. I do not agree with House amendments that do nothing to advance minorities in higher education and will be voting NAY on the motion to concur on Senate Bill 18.

BLANCO

**SENATE BILL 1367 WITH HOUSE AMENDMENT**

Senator Creighton called **SB 1367** from the President's table for consideration of the House amendment to the bill.

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

**Amendment**

Amend **SB 1367** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the confidentiality of certain information for employees of a county courthouse or the Office of Court Administration of the Texas Judicial System and the employees' family members.

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

SECTION 1. The heading to Section 13.0021, Election Code, is amended to read as follows:

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES, FEDERAL OFFICIALS, GOVERNMENTAL EMPLOYEES, AND FAMILY MEMBERS.

SECTION 2. Section 13.0021(b), Election Code, is amended to read as follows:

(b) The registrar of the county shall omit from the registration list the residence address for a [if the] registration applicant who is:

(1) a federal judge, including a federal bankruptcy judge;

(2) [;] a state judge;

(3) [;] a marshal of the United States Marshals Service;

(4) [;] a United States attorney;

(5) an employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney;

(6) a current or former employee of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office;[;] or

(7) a family member of a person listed in Subdivisions (1)-(6) [state judge, a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, or a United States attorney, the registrar of the county shall omit the applicant's residence address from the registration list].

SECTION 3. Section 72.016, Government Code, is amended to read as follows:

Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY. The director shall develop a procedure to regularly notify county registrars, the Department of Public Safety, the Texas Ethics Commission, and any other state or local government agency the office determines should be notified of the judges, judges' spouses, employees of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office, and related family members whose personal information must be kept from public records, as provided under Sections 552.117 and 572.035 of this code, Sections 13.0021 and 15.0215, Election Code, Section 25.025, Tax Code, and Section 521.121, Transportation Code.

SECTION 4. Section 552.117, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a current or honorably retired peace officer as defined by Article 2.12, Code of Criminal Procedure, or a current or honorably retired security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;



(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

(10) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(11) a current or former member of the United States Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary service of one of those branches of the armed forces, or the Texas military forces, as that term is defined by Section 437.001;

(12) a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters, regardless of whether the current or former attorney complies with Section 552.024 or 552.1175;

(13) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(14) a current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(15) a current or former federal judge or state judge, as those terms are defined by Section 1.005, Election Code, a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member of a current or former federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge;

(16) a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services, regardless of whether the caseworker or investigator complies with Section 552.024 or 552.1175, or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(17) an elected public officer, regardless of whether the officer complies with Section 552.024 or 552.1175;

(18) a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse or child of the current or former attorney or public defender, regardless of whether the person complies with Section 552.024 or 552.1175; ~~(18)~~

(19) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code, regardless of whether the firefighter or volunteer firefighter or emergency medical services personnel comply with Section 552.024 or 552.1175, as applicable;

(20) a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, regardless of whether the employee complies with Section 552.024 or 552.1175; or

(21) a current or former employee of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office, regardless of whether the employee complies with Section 552.024 or 552.1175.

(b) Except as provided by Subsection (b-1), all ~~[Att]~~ documents filed with a county clerk and all documents filed with a district clerk are exempt from this section.

(b-1) A county clerk or district clerk on request of a person to whom this section applies shall redact information described by Subsection (a) that relates to the person from any document the clerk posts on an Internet website.

SECTION 5. Section 552.1175, Government Code, is amended by amending Subsections (a) and (e) and adding Subsection (e-1) to read as follows:

(a) This section applies only to:

(1) current or honorably retired peace officers as defined by Article 2.12, Code of Criminal Procedure, or special investigators as described by Article 2.122, Code of Criminal Procedure;

(2) current or honorably retired county jailers as defined by Section 1701.001, Occupations Code;

(3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department;

(4) commissioned security officers as defined by Section 1702.002, Occupations Code;

(5) a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(5-a) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(8) current or honorably retired police officers and inspectors of the United States Federal Protective Service;

(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement;

(10) current or former juvenile probation and detention officers certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(11) current or former employees of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(12) current or former employees of the Texas Juvenile Justice Department or the predecessors in function of the department;

(13) federal judges and state judges as defined by Section 1.005, Election Code;

(14) current or former employees of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office;

(15) a current or former member of the United States Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary service of one of those branches of the armed forces, or the Texas military forces, as that term is defined by Section 437.001;

(16) a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(17) an elected public officer;

(18) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code; ~~and~~

(19) a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender;

(20) a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and

(21) a current or former employee of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office.

(e) Except as provided by Subsection (e-1), all ~~All~~ documents filed with a county clerk and all documents filed with a district clerk are exempt from this section.

(e-1) A county clerk or district clerk on request of a person to whom this section applies shall redact information described by Subsection (b) that relates to the person from any document the clerk posts on an Internet website.

SECTION 6. Section 25.025(a), Tax Code, is amended to read as follows:

(a) This section applies only to:

(1) a current or former peace officer as defined by Article 2.12, Code of Criminal Procedure, and the spouse or surviving spouse of the peace officer;

(2) the adult child of a current peace officer as defined by Article 2.12, Code of Criminal Procedure;

(3) a current or honorably retired county jailer as defined by Section 1701.001, Occupations Code;

(4) an employee of the Texas Department of Criminal Justice;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code;

(6) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of family violence as defined by Section 71.004, Family Code, by providing:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of family violence;

(7) an individual who shows that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons by providing:

(A) a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the individual, the individual's child, or another person in the individual's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

(8) a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, who provides proof of certification under Article 58.059, Code of Criminal Procedure;

(9) a federal judge, a federal bankruptcy judge, a marshal of the United States Marshals Service, a state judge, or a family member of a federal judge, a federal bankruptcy judge, a marshal of the United States Marshals Service, or a state judge;

(10) a current or former district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(11) a current or former employee of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(12) an officer or employee of a community supervision and corrections department established under Chapter 76, Government Code, who performs a duty described by Section 76.004(b) of that code;

(13) a criminal investigator of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(14) a current or honorably retired police officer or inspector of the United States Federal Protective Service;

(15) a current or former United States attorney, assistant United States attorney, federal public defender, deputy federal public defender, or assistant federal public defender and the spouse and child of the attorney or public defender;

(16) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;

(17) a medical examiner or person who performs forensic analysis or testing who is employed by this state or one or more political subdivisions of this state;

(18) a current or former member of the United States armed forces who has served in an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat;

(19) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department;

(20) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code;

(21) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code;

(22) a current or former employee of the Texas Civil Commitment Office or the predecessor in function of the office or a division of the office;

(23) a current or former employee of a federal judge or state judge;

(24) a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services or a current or former employee of a department contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of the department;

(25) an elected public officer; ~~and~~

(26) a firefighter or volunteer firefighter or emergency medical services personnel as defined by Section 773.003, Health and Safety Code;

(27) a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and

(28) a current or former employee of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office.

SECTION 7. Section 521.121, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) The driver's license must include:

(1) a distinguishing number assigned by the department to the license holder;

(2) a photograph of the entire face of the holder;

(3) the full name and date of birth of the holder;

(4) a brief description of the holder; and

(5) the license holder's residence address or, for a license holder using the procedure under Subsection (c):

(A) [5] the street address of the courthouse in which the license holder or license holder's spouse or parent:

(i) serves as a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge; or

(ii) performs duties on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; or

(B) the office address of the office in which the license holder or the license holder's spouse or parent performs duties as an employee of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office.

(c) The department shall establish a procedure, on a license holder's qualification for or appointment to office as a federal or state judge as defined by Section 1.005, Election Code, or as a federal bankruptcy judge, a marshal of the United States Marshals Service, ~~or~~ a United States attorney, or for a license holder whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, or as an employee of the Office of Court Administration of the Texas Judicial System and entities administratively attached to the office, to omit the residence address of the judge, ~~or~~ official, or employee and any family member of the judge, ~~or~~ official, or employee on the license holder's license and to print ~~include~~, in lieu of that address, the street address of the courthouse or office building in which the license holder or license holder's spouse or parent serves as a federal or state judge, ~~or~~ official, or employee.

(c-1) The residence address of a license holder whose residence address is omitted using the procedure under Subsection (c) is confidential and is available only for the official use of the department or a law enforcement agency.

SECTION 8. Not later than November 1, 2024, the Department of Public Safety shall:

(1) review the department's processes for implementation of and compliance with Section 521.121, Transportation Code, as amended by this Act; and

(2) submit to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, and the Texas Judicial Council a written report containing the results of the review, a description of the methods used to prepare the review, and any recommendations for legislative or other action.

SECTION 9. The changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2023.

The amendment was read.

Senator Creighton moved to concur in the House amendment to **SB 1367**.

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, Hughes, Johnson, King, Kolkhorst, LaMantia, Menéndez, Miles, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Whitmire, Zaffirini.

Nays: Middleton, Springer.

**HOUSE CONCURRENT RESOLUTION 121**

The President laid before the Senate the following resolution:

WHEREAS, House Bill No. 1605 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 88th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed when enrolling House Bill No. 1605 to make the insertions and deletions provided by items (3) and (4) of Floor Amendment No. 4 by Hughes in amended Sections 31.022(b)(3) and (4), Education Code, instead of amended Sections 31.023(b)(3) and (4), Education Code.

The resolution was read.

Senator Creighton moved to temporarily postpone further consideration of the resolution.

The motion prevailed.

Question: Shall **HCR 121** be adopted?

**HOUSE CONCURRENT RESOLUTION 123**

The President laid before the Senate the following resolution:

WHEREAS, House Bill No. 1058 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 88th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections to the enrolled version of House Bill No. 1058:

(1) In SECTION 1 of the bill, in added Subchapter K, Chapter 171, Tax Code, strike "federal credit" each place it appears and substitute "federal tax credit".

(2) In SECTION 1 of the bill, in added Section 171.565(b)(2), Tax Code, strike "January 1, 2026" and substitute "January 1, 2030".

The resolution was read.

On motion of Senator Perry and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

**HOUSE CONCURRENT RESOLUTION 121**

The President laid before the Senate **HCR 121** by Senator Creighton on its second reading. The resolution had been read and further consideration temporarily postponed:

**HCR 121**, Instructing the enrolling clerk of the house to make corrections in H.B. No. 1605.

Question: Shall **HCR 121** be adopted?

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE JOINT RESOLUTION 125**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HJR 125** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN  
BETTENCOURT  
CAMPBELL  
HINOJOSA  
NICHOLS

ASHBY  
HUNTER  
GEREN  
ROSE  
LONGORIA

On the part of the Senate

On the part of the House

The Conference Committee Report on **HJR 125** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3**

Senator Nichols submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

NICHOLS  
HANCOCK  
CAMPBELL  
PAXTON

BURROWS  
BONNEN  
MOODY  
K. KING



BLANCO  
On the part of the Senate

T. KING  
On the part of the House

The Conference Committee Report on **HB 3** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 9**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 9** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN  
BETTENCOURT  
CAMPBELL  
HINOJOSA  
NICHOLS  
On the part of the Senate

ASHBY  
PRICE  
HERNANDEZ  
ROSE  
HARLESS  
On the part of the House

The Conference Committee Report on **HB 9** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 17**

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 17** 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.

CREIGHTON

KUEMPEL

CAMPBELL  
PARKER

BURROWS  
MEYER  
SHAHEEN

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to diversity, equity, and inclusion initiatives at public institutions of higher education.

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

SECTION 13. Subchapter G, Chapter 51, Education Code, is amended by adding Section 51.3525 to read as follows:

Sec. 51.3525. RESPONSIBILITY OF GOVERNING BOARDS REGARDING DIVERSITY, EQUITY, AND INCLUSION INITIATIVES. (a) In this section, "diversity, equity, and inclusion office" means an office, division, or other unit of an institution of higher education established for the purpose of:

(1) influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;

(2) promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

(3) promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or

(4) conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

(b) The governing board of an institution of higher education shall ensure that each unit of the institution:

(1) does not, except as required by federal law:

(A) establish or maintain a diversity, equity, and inclusion office;

(B) hire or assign an employee of the institution or contract with a third party to perform the duties of a diversity, equity, and inclusion office;

(C) compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;

(D) give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution; or

(E) require as a condition of enrolling at the institution or performing any institution function any person to participate in diversity, equity, and inclusion training, which:

(i) includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation; and

(ii) does not include a training, program, or activity developed by an attorney and approved in writing by the institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; and

(2) adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Subdivision (1).

(c) Nothing in this section may be construed to limit or prohibit an institution of higher education or an employee of an institution of higher education from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

(1) highlights the institution's work in supporting:

(A) first-generation college students;

(B) low-income students; or

(C) underserved student populations; or

(2) certifies compliance with state and federal antidiscrimination laws.

(d) Subsection (b)(1) may not be construed to apply to:

(1) academic course instruction;

(2) scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work;

(3) an activity of a student organization registered with or recognized by an institution of higher education;

(4) guest speakers or performers on short-term engagements;

(5) a policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;

(6) data collection; or

(7) student recruitment or admissions.

(e) An institution of higher education may not spend money appropriated to the institution for a state fiscal year until the governing board of the institution submits to the legislature and the Texas Higher Education Coordinating Board a report certifying the board's compliance with this section during the preceding state fiscal year.

(f) In the interim between each regular session of the legislature, the governing board of each institution of higher education, or the board's designee, shall testify before the standing legislative committees with primary jurisdiction over higher education at a public hearing of the committee regarding the board's compliance with this section.

(g) The state auditor shall periodically conduct a compliance audit of each institution of higher education to determine whether the institution has spent state money in violation of this section. The state auditor shall adopt a schedule by which the state auditor will conduct compliance audits under this subsection. The schedule must ensure that each institution of higher education is audited at least once every four years.

(h) If the state auditor determines pursuant to a compliance audit conducted under Subsection (g) that an institution of higher education has spent state money in violation of this section, the institution:

(1) must cure the violation not later than the 180th day after the date on which the determination is made; and

(2) if the institution fails to cure the violation during the period described by Subdivision (1), is ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

(i) A student or employee of an institution of higher education who is required to participate in training in violation of Subsection (b)(1)(E) may bring an action against the institution for injunctive or declaratory relief.

(j) The Texas Higher Education Coordinating Board, in coordination with institutions of higher education, shall conduct a biennial study to identify the impact of the implementation of this section on the application rate, acceptance rate, matriculation rate, retention rate, grade point average, and graduation rate of students at institutions of higher education, disaggregated by race, sex, and ethnicity. Not later than December 1 of each even-numbered year, the coordinating board shall submit to the legislature a report on the results of the study and any recommendations for legislative or other action. This subsection expires September 1, 2029.

SECTION 14. A public institution of higher education may provide to each employee in good standing at the institution whose position is eliminated as a result of the implementation of Section 51.3525, Education Code, as added by this Act, a letter of recommendation for employment for a position at the institution or elsewhere.

SECTION 15. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the spring semester of the 2023-2024 academic year.

(b) Section 51.3525(e), Education Code, as added by this Act, applies beginning with money appropriated to a public institution of higher education for the state fiscal year beginning September 1, 2024.

SECTION 16. 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 January 1, 2024.

The corrected Conference Committee Report on **SB 17** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 12**

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas  
May 26, 2023

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

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 12** 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.

HUGHES  
PAXTON  
SPRINGER

SHAHEEN  
GEREN  
CAROLINE HARRIS  
PATTERSON

On the part of the Senate

On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to the authority to regulate sexually oriented performances and to restricting those performances on the premises of a commercial enterprise, on public property, or in the presence of an individual younger than 18 years of age; authorizing a civil penalty; creating a criminal offense.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

**CHAPTER 769. SEXUALLY ORIENTED PERFORMANCES**

**Sec. 769.001. DEFINITIONS.** In this chapter:

**(1) "Premises" has the meaning assigned by Section 46.03, Penal Code.**

**(2) "Sexually oriented performance" has the meaning assigned by Section 43.28, Penal Code.**

**Sec. 769.002. CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED ON PREMISES OF COMMERCIAL ENTERPRISE; CIVIL PENALTY; INJUNCTION.** (a) A person who controls the premises of a commercial enterprise may not allow a sexually oriented performance to be presented on the premises in the presence of an individual younger than 18 years of age.

**(b) A person who violates this section is liable to this state for a civil penalty of not more than \$10,000 for each violation.**

**(c) The attorney general may bring an action to:**

**(1) recover the civil penalty imposed under this section; or**

**(2) obtain a temporary or permanent injunction to restrain the violation.**

(d) An action under this section may be brought in a district court in:

(1) Travis County; or

(2) a county in which any part of the violation occurs.

(e) The attorney general shall deposit a civil penalty collected under this section in the state treasury to the credit of the general revenue fund.

(f) The attorney general may recover reasonable expenses incurred in bringing an action under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

SECTION 2. Chapter 243, Local Government Code, is amended by adding Section 243.0031 to read as follows:

Sec. 243.0031. AUTHORITY TO REGULATE CERTAIN SEXUALLY ORIENTED PERFORMANCES. (a) In this section, "sexually oriented performance" has the meaning assigned by Section 43.28, Penal Code.

(b) Subject to Subsection (c), a municipality or county may regulate sexually oriented performances as the municipality or county considers necessary to promote the public health, safety, or welfare.

(c) A municipality or county may not authorize a sexually oriented performance:

(1) on public property; or

(2) in the presence of an individual younger than 18 years of age.

(d) Except as provided by Subsection (c), this section does not limit the authority of a municipality to license, tax, suppress, prevent, or otherwise regulate theatrical or other exhibitions, shows, or amusements under Section 215.032.

SECTION 3. Subchapter B, Chapter 43, Penal Code, is amended by adding Section 43.28 to read as follows:

Sec. 43.28. CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED. (a) In this section:

(1) "Sexual conduct" means:

(A) the exhibition or representation, actual or simulated, of sexual acts, including vaginal sex, anal sex, and masturbation;

(B) the exhibition or representation, actual or simulated, of male or female genitals in a lewd state, including a state of sexual stimulation or arousal;

(C) the exhibition of a device designed and marketed as useful primarily for the sexual stimulation of male or female genitals;

(D) actual contact or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person; or

(E) the exhibition of sexual gesticulations using accessories or prosthetics that exaggerate male or female sexual characteristics.

(2) "Sexually oriented performance" means a visual performance that:

(A) features:

(i) a performer who is nude, as defined by Section 102.051, Business & Commerce Code; or

(ii) any other performer who engages in sexual conduct; and

(B) appeals to the prurient interest in sex.

(b) A person commits an offense if, regardless of whether compensation for the performance is expected or received, the person engages in a sexually oriented performance:

(1) on public property at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child; or

(2) in the presence of an individual younger than 18 years of age.

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

SECTION 4. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

SECTION 5. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 12** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 30**

Senator King submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 30** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KING  
FLORES  
KOLKHORST  
HUFFMAN  
HINOJOSA  
On the part of the Senate

MOODY  
BURROWS  
TURNER  
METCALF  
SLAWSON  
On the part of the House

The Conference Committee Report on **HB 30** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 12**

Senator Kolthorst submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 12** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST

CAMPBELL

HUGHES

PERRY

ZAFFIRINI

On the part of the Senate

ROSE

BURROWS

HARLESS

HOWARD

JETTON

On the part of the House

The Conference Committee Report on **HB 12** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4635

Senator Flores submitted the following Conference Committee Report:

Austin, Texas

May 27, 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 4635** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

FLORES

KING

BLANCO

BIRDWELL

HINOJOSA

On the part of the Senate

GUILLEN

LEACH

LOZANO

MARTINEZ

MOODY

On the part of the House

The Conference Committee Report on **HB 4635** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 621

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas

May 25, 2023



Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 621** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES  
CREIGHTON  
PAXTON  
LAMANTIA  
PARKER  
On the part of the Senate

SHAHEEN  
BUCKLEY  
CUNNINGHAM  
CODY HARRIS  
HINOJOSA  
On the part of the House

The Conference Committee Report on **HB 621** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3440**

Senator Hinojosa submitted the following Conference Committee Report:

Austin, Texas  
May 26, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3440** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HINOJOSA  
BETTENCOURT  
BIRDWELL  
JOHNSON  
NICHOLS  
On the part of the Senate

CANALES  
GOLDMAN  
HOLLAND  
T. KING  
LOZANO  
On the part of the House

The Conference Committee Report on **HB 3440** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 17**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 17** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

|                           |                          |
|---------------------------|--------------------------|
| HUFFMAN                   | COOK                     |
| BETTENCOURT               | MOODY                    |
| HINOJOSA                  | C. MORALES               |
| HUGHES                    | DARBY                    |
| PARKER                    | MURR                     |
| On the part of the Senate | On the part of the House |

The Conference Committee Report on **HB 17** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3372**

Senator Parker submitted the following Conference Committee Report:

Austin, Texas  
May 26, 2023

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3372** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

|                           |                          |
|---------------------------|--------------------------|
| PARKER                    | THIMESCH                 |
| CAMPBELL                  | CAPRIGLIONE              |
| CREIGHTON                 | GOLDMAN                  |
| HUGHES                    | SLAWSON                  |
| ZAFFIRINI                 | E. MORALES               |
| On the part of the Senate | On the part of the House |

The Conference Committee Report on **HB 3372** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 915**

Senator Parker submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 915** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PARKER  
CREIGHTON  
HUGHES  
SPARKS  
ZAFFIRINI

On the part of the Senate

CRADDICK  
ROSE  
PRICE  
CAPRIGLIONE  
FRANK

On the part of the House

The Conference Committee Report on **HB 915** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1933**

Senator Bettencourt submitted the following Conference Committee Report:

Austin, Texas  
May 26, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1933** 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.

BETTENCOURT  
CREIGHTON  
HUGHES

SMITH  
BUCY  
DEAYALA

KOLKHORST  
MIDDLETON  
On the part of the Senate

METCALF  
SCHOFIELD  
On the part of the House

A BILL TO BE ENTITLED  
AN ACT

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

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

SECTION 1. This Act may be cited as the Alan Vera Election Accountability Act of 2023.

SECTION 2. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, and 31.022 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. (a) In a county with a population of more than 4 million, the secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state by a person who participated in the relevant election as:

(A) a candidate;

(B) a county chair or state chair of a political party;

(C) a presiding judge;

(D) an alternate presiding judge; or

(E) the head of a specific-purpose political committee that supports or opposes a measure;

(2) the secretary of state has provided notice to the county election official with authority over election administration or voter registration under Section 31.018; and

(3) the secretary of state, after conducting an investigation under Section 31.019, has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county, including any recurring:

(A) malfunction of voting system equipment that prevents a voter from casting a vote;

(B) carelessness or official misconduct in the distribution of election supplies;

(C) errors in the tabulation of results that would have affected the outcome of an election;

(D) violations of Section 66.053;

(E) discovery of properly executed voted ballots after the canvass of an election that were not counted; or

(F) failure to conduct maintenance activities on the lists of registered voters as required under this code.

(b) The secretary of state shall make a determination on whether to implement administrative oversight under Subsection (a) not later than the 30th day after the earliest of:

(1) the day a response by the county election official with authority over election administration or voter registration is received by the secretary of state under Section 31.018;

(2) the last day the county election official with authority over election administration or voter registration could provide a response to the secretary of state under Section 31.018; or

(3) the day the report on the findings of an investigation is provided to the county election official with authority over election administration or voter registration under Section 31.019.

Sec. 31.018. NOTICE OF COMPLAINT. (a) In a county with a population of more than 4 million and not later than the 30th day after receiving an administrative election complaint under Section 31.017(a)(1), the secretary of state shall provide notice of the complaint to the applicable county election official with authority over election administration or voter registration, including the specific allegations against the election official in the complaint.

(b) Subject to Subsection (c), not later than the 30th day after receiving notice of the administrative election complaint under Subsection (a), the county election official with authority over election administration or voter registration may provide a response with any supporting documentation relating to the complaint or the allegations in the complaint to the secretary of state.

(c) If the administrative election complaint filed under Section 31.017(a)(1) concerns an election for which voting by personal appearance has begun and the final canvass has not been completed, the county election official with authority over election administration or voter registration must provide a response under Subsection (b) not later than 72 hours after receiving notice of the complaint under Subsection (a).

Sec. 31.019. INVESTIGATION OF COMPLAINT. (a) In a county with a population of more than 4 million, the secretary of state may direct personnel in the secretary of state's office to conduct an investigation on an administrative election complaint received under Section 31.017(a)(1) and must consider any response or supporting documentation provided by the county election official with authority over election administration or voter registration under Section 31.018, if applicable.

(b) If the secretary of state decides to conduct an investigation under Subsection (a), the secretary must provide the county election official with authority over election administration or voter registration notice of the determination to conduct the investigation.

(c) After completing an investigation under this section, the secretary of state must provide a report on the findings of the investigation to:

(1) the county election official with authority over election administration or voter registration; and

(2) the individual who filed the administrative election complaint under Section 31.017(a)(1).

Sec. 31.020. COUNTY ELECTION OFFICE OVERSIGHT BY SECRETARY. (a) If the secretary of state implements administrative oversight under Section 31.017, the secretary shall provide written notice to the county election official with authority over election administration or voter registration and the county judge of the determination by the secretary to implement administrative oversight in the county.

The notice must include the specific recurring pattern of problems with election administration or voter registration identified by the secretary under Section 31.017(a)(3).

(b) The authority of administrative oversight over a county granted to the secretary of state under this subchapter must include:

(1) requiring the approval and review by the secretary of state of any policies or procedures regarding the administration of elections issued by the county; and

(2) authorizing all appropriate personnel in the secretary of state's office to conduct in-person observations of the county election office's activities, including any activities related to election preparation, early voting, election day, and post-election day procedures.

(c) The county election office being overseen by the secretary of state shall provide sufficient access to the appropriate personnel in the secretary of state's office to perform their duties under Subsection (b).

(d) Once each quarter during the period when the secretary of state is overseeing elections in a county under Subsection (a), the secretary shall submit a report regarding the activities of the oversight personnel to the members of the county election commission and the county attorney.

(e) The secretary of state shall deliver the report required by Subsection (d) in person to the county commissioners court if requested by the commissioners court.

(f) The secretary of state shall conduct the administrative oversight of a county until the earlier of:

(1) December 31 of the even-numbered year following the first anniversary of the date the complaint was received under Section 31.017(a)(1); or

(2) the date on which the secretary of state determines that the recurring pattern of problems with election administration or voter registration is rectified.

Sec. 31.021. REMOVAL OR TERMINATION OF COUNTY ELECTION OFFICIAL AFTER ADMINISTRATIVE OVERSIGHT. (a) At the conclusion of administrative oversight under this subchapter, if the recurring pattern of problems with election administration or voter registration is not rectified or continues to impede the free exercise of a citizen's voting rights in the county, the secretary of state may file a petition for the removal under Section 87.015, Local Government Code, of the applicable county officer with authority over election administration or voter registration.

(b) At the conclusion of administrative oversight under this subchapter, the secretary of state may enter a written order to terminate the employment of a county elections administrator, in a county that has the position, under Section 31.037(b).

Sec. 31.022. RULES. The secretary of state may adopt rules necessary to implement the administrative oversight of a county as provided under this subchapter.

SECTION 3. Section 31.037, Election Code, is amended to read as follows:

Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a) The employment of the county elections administrator may be suspended, with or without pay, or terminated at any time for good and sufficient cause on the four-fifths vote of the county election commission and approval of that action by a majority vote of the commissioners court.

(b) In a county with a population of more than 4 million, the secretary of state may enter a written order to terminate the employment of a county elections administrator at the conclusion of administrative oversight of the county elections administrator's office under Subchapter A if the recurring pattern of problems with election administration or voter registration is not rectified or continues to impede the free exercise of a citizen's voting rights in the county.

SECTION 4. Section 127.351, Election Code, is amended by amending Subsections (a) and (d) and adding Subsections (e) and (f) to read as follows:

(a) Immediately after the uniform election date in November of an even-numbered year, the secretary of state shall conduct an audit of the elections held on the uniform election date in four counties during the previous two years.

(d) If the secretary of state completes the audit of a county under Subsection (b)(1) before the end of a two-year period, the secretary may randomly select another county with a total population of less than 300,000 to be audited.

(e) If not later than July 31 of the first odd-numbered year following the commencement of an audit under this section, the audit findings demonstrate to the secretary of state that a recurring pattern of problems with election administration or voter registration, as described under Section 31.017(a)(3), exists in an audited county and the problems impede the free exercise of a citizen's voting rights, the secretary:

(1) shall:

(A) publicly release the preliminary findings of the audit; and

(B) recommend the county for administrative oversight under Subchapter A, Chapter 31; and

(2) may conduct an audit of other elections held in the county in the previous two years, as determined necessary by the secretary.

(f) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 5. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1933** was filed with the Secretary of the Senate.

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 1677**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas

May 27, 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 1677** 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.

PERRY  
HALL  
HANCOCK  
KOLKHORST  
LAMANTIA  
On the part of the Senate

PRICE  
CAPRIGLIONE  
CRADDICK  
FRANK  
C. MORALES  
On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to the establishment and administration of Health and Human Services Commission programs providing mental health services to certain individuals in this state.

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

SECTION 1. Section 531.0991, Government Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) If the commission is appropriated money to implement this section for a state fiscal year in an amount that exceeds the total amount of grants awarded under this section in the previous state fiscal year, the commission, in selecting grant recipients for the excess amount, must accept applications or proposals from applicants that were not selected as grant recipients under this section in the previous state fiscal year or applicants that were selected as grant recipients but require additional funding for the recipient's community mental health program for purposes of this section.

SECTION 2. Section 531.0993, Government Code, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) The commission shall establish procedures to assist a community collaborative that includes a county with a population of less than 250,000 with submission of a petition under Subsection (d).

(d-2) If the commission is appropriated money to implement this section for a state fiscal year in an amount that exceeds the total amount of grants awarded under this section in the previous state fiscal year, the commission, in selecting grant recipients for the excess amount, must accept petitions from community collaboratives that were not selected as grant recipients under this section in the previous state fiscal year or collaboratives that were selected as grant recipients in the previous state fiscal year but require additional funding for the recipient's collaborative for purposes of this section.

SECTION 3. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09936 to read as follows:



Sec. 531.09936. ESTABLISHMENT OR EXPANSION OF REGIONAL BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a) In this section:

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

(2) "Local mental health authority" has the meaning assigned by Section 531.002, Health and Safety Code.

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

(b) To the extent money is appropriated to the commission for that purpose, the commission, in cooperation with local mental health authorities located primarily in rural areas of this state, shall contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers or jail diversion centers in the authorities' local service areas to:

(1) provide additional forensic hospital beds and competency restoration services;

(2) provide inpatient and outpatient mental health services to adults and children; and

(3) provide services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the service areas.

(c) The executive commissioner shall develop criteria for the evaluation of applications or proposals submitted by a nonprofit organization or governmental entity seeking to contract with the commission under this section.

(d) This section may not be construed to affect a grant program established by the commission under this code.

SECTION 4. (a) The state auditor's office shall conduct an audit of the inmates in county jails who are waiting for a forensic hospital bed for the provision of competency restoration services. The audit must identify any issues and inefficiencies in the commitment process.

(b) Not later than December 1, 2024, the state auditor shall prepare a report of the audit conducted under Subsection (a) of this section and publish the report on the state auditor's Internet website. The report must include:

(1) a review of the history and status of the waitlist beginning September 2018 through the most current year for which information is available;

(2) any disparities in treatment in the forensic commitment process based on race, gender, ethnicity, or age; and

(3) any other analysis the state auditor determines appropriate.

(c) This section expires September 1, 2025.

SECTION 5. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Sections 531.0993(d-1) and 531.09936, Government Code, as added by this Act.

SECTION 6. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1677** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3474**

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas  
May 26, 2023

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

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3474** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES  
CREIGHTON  
HANCOCK  
HUFFMAN  
WEST

LEACH  
VASUT  
MOODY  
J. E. JOHNSON  
MURR

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 3474** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1243**

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 1243** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES  
CREIGHTON  
KOLKHORST  
MIDDLETON

HEFNER  
BURROWS  
SMITH

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 1243** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 1727**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 1727** 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.

SCHWERTNER  
HUFFMAN  
JOHNSON  
KING  
PERRY  
On the part of the Senate

CANALES  
K. BELL  
CLARDY  
GOLDMAN  
HOLLAND  
On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to the continuation and functions of the Texas Juvenile Justice Department, the functions of the office of independent ombudsman for the Texas Juvenile Justice Department, and the powers and duties of the office of inspector general of the Texas Juvenile Justice Department.

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

SECTION 6. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety;

(5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;

(6) law enforcement agents of the Texas Alcoholic Beverage Commission;

(7) each member of an arson investigating unit commissioned by a city, a county, or the state;

(8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;

(9) officers commissioned by the General Services Commission;

(10) law enforcement officers commissioned by the Parks and Wildlife Commission;

(11) officers commissioned under Chapter 23, Transportation Code;

(12) municipal park and recreational patrolmen and security officers;

(13) security officers and investigators commissioned as peace officers by the comptroller;

(14) officers commissioned by a water control and improvement district under Section 49.216, Water Code;

(15) officers commissioned by a board of trustees under Chapter 54, Transportation Code;

(16) investigators commissioned by the Texas Medical Board;

(17) officers commissioned by:

(A) the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, the Bexar County Hospital District, or the El Paso County Hospital District under Section 281.057, Health and Safety Code;

(B) the board of directors of the Ector County Hospital District under Section 1024.117, Special District Local Laws Code;

(C) the board of directors of the Midland County Hospital District of Midland County, Texas, under Section 1061.121, Special District Local Laws Code; and

(D) the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, under Section 1053.113, Special District Local Laws Code;

(18) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(19) investigators employed by the Texas Racing Commission;

(20) officers commissioned under Chapter 554, Occupations Code;

(21) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

(22) investigators commissioned by the attorney general under Section 402.009, Government Code;

(23) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

(24) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(25) officers commissioned by the state fire marshal under Chapter 417, Government Code;

(26) an investigator commissioned by the commissioner of insurance under Section 701.104, Insurance Code;

(27) officers appointed by the inspector general of ~~[apprehension specialists and inspectors general commissioned by]~~ the Texas Juvenile Justice Department ~~[as officers]~~ under Section [Sections] 242.102 [and 243.052], Human Resources Code;

(28) officers appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(29) investigators commissioned by the Texas Commission on Law Enforcement under Section 1701.160, Occupations Code;

(30) commission investigators commissioned by the Texas Private Security Board under Section 1702.061, Occupations Code;

(31) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code;

(32) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section; and

~~(33) [investigators commissioned by the Texas Juvenile Justice Department as officers under Section 221.011, Human Resources Code; and~~

~~(34)~~ the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

SECTION 7. Articles 18B.001(1) and (4), Code of Criminal Procedure, are amended to read as follows:

(1) "Authorized peace officer" means:

(A) a sheriff or deputy sheriff;

(B) a constable or deputy constable;

(C) a marshal or police officer of a municipality;

(D) a ranger or officer commissioned by the Public Safety Commission or the director of the department;

(E) an investigator of a prosecutor's office;

(F) a law enforcement agent of the Texas Alcoholic Beverage Commission;

(G) a law enforcement officer commissioned by the Parks and Wildlife Commission;

(H) an enforcement officer appointed by the inspector general of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(I) a law enforcement officer appointed by the inspector general of the Texas Juvenile Justice Department under Section 242.102, Human Resources Code;

(J) an investigator commissioned by the attorney general under Section 402.009, Government Code; or

(K) [↯] a member of an arson investigating unit commissioned by a municipality, a county, or the state.

(4) "Designated law enforcement office or agency" means:

(A) the sheriff's department of a county with a population of 3.3 million or more;

- (B) a police department in a municipality with a population of 200,000 or more; ~~[or]~~
- (C) the office of inspector general of the Texas Department of Criminal Justice; or
- (D) the office of inspector general of the Texas Juvenile Justice Department.

SECTION 8. Article 18B.252(b), Code of Criminal Procedure, is amended to read as follows:

(b) If the director of the department or the director's designee approves the policy submitted under Article 18B.251, the inspector general of the Texas Department of Criminal Justice or the inspector general's designee, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency or the sheriff's or chief's designee, as applicable, shall submit to the director a written list of all peace officers in the designated law enforcement office or agency who are authorized to possess, install, operate, or monitor pen registers, ESN readers, or similar equipment.

SECTION 9. Article 18B.302(a), Code of Criminal Procedure, is amended to read as follows:

(a) The inspector general of the Texas Department of Criminal Justice, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency, as applicable, shall submit to the director of the department a written report of expenditures made by the designated law enforcement office or agency to purchase and maintain a pen register, ESN reader, or similar equipment authorized under this chapter.

SECTION 10. Article 18B.451, Code of Criminal Procedure, is amended to read as follows:

Art. 18B.451. SUBPOENA AUTHORITY. The director of the department or the director's designee, the inspector general of the Texas Department of Criminal Justice or the inspector general's designee, the inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency or the sheriff's or chief's designee may issue an administrative subpoena to a communication common carrier or a provider of an electronic communications service to compel the production of any carrier's or service provider's business records that:

- (1) disclose information about:
  - (A) the carrier's or service provider's customers; or
  - (B) users of the services offered by the carrier or service provider; and
- (2) are material to a criminal investigation.

SECTION 11. Article 18B.452, Code of Criminal Procedure, is amended to read as follows:

Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later than the 30th day after the date on which an administrative subpoena is issued under Article 18B.451, the inspector general of the Texas Department of Criminal Justice, the

inspector general of the Texas Juvenile Justice Department or the inspector general's designee, or the sheriff or chief of a designated law enforcement agency, as applicable, shall report to the department the issuance of the subpoena.

SECTION 12. Section 51.12(c-1), Family Code, is amended to read as follows:

(c-1) The Texas Juvenile Justice Department shall [~~annually~~] inspect each public or private juvenile pre-adjudication secure detention facility. The department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children in accordance with:

(1) the requirements of Subsections (a), (f), and (g); and

(2) minimum professional standards for the detention of children in pre-adjudication secure confinement promulgated by the department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 13. Section 51.125(c), Family Code, is amended to read as follows:

(c) The Texas Juvenile Justice Department shall [~~annually~~] inspect each public or private juvenile post-adjudication secure correctional facility that is not operated by the department. The department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in post-adjudication secure confinement promulgated by the department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 14. Section 51.126(c), Family Code, is amended to read as follows:

(c) The Texas Juvenile Justice Department shall [~~annually~~] inspect each nonsecure correctional facility. The Texas Juvenile Justice Department shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the confinement of children in accordance with minimum professional standards for the confinement of children in nonsecure confinement promulgated by the Texas Juvenile Justice Department or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

SECTION 15. Sections 51.20(a), (b), (c), and (d), Family Code, are amended to read as follows:

(a) At any stage of the proceedings under this title, including when a child is initially detained in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility, the juvenile court may, at its discretion or at the request of the child's parent or guardian, order a child who is referred to the juvenile court or who is alleged by a petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision to be examined by a disinterested expert, including a physician, psychiatrist, or psychologist, qualified by education and clinical training in mental health or intellectual disability [~~mental retardation~~] and experienced in forensic evaluation, to determine whether the child has a mental illness, as defined by Section 571.003, Health and Safety Code, is a person with an

intellectual disability, ~~[mental retardation]~~ as defined by Section 591.003, Health and Safety Code, or suffers from chemical dependency, as defined by Section 464.001, Health and Safety Code. If the examination is to include a determination of the child's fitness to proceed, an expert may be appointed to conduct the examination only if the expert is qualified under Subchapter B, Chapter 46B, Code of Criminal Procedure, to examine a defendant in a criminal case, and the examination and the report resulting from an examination under this subsection must comply with the requirements under Subchapter B, Chapter 46B, Code of Criminal Procedure, for the examination and resulting report of a defendant in a criminal case.

(b) If, after conducting an examination of a child ordered under Subsection (a) and reviewing any other relevant information, there is reason to believe that the child has a mental illness or intellectual disability ~~[mental retardation]~~ or suffers from chemical dependency, the probation department shall refer the child to the local mental health ~~[or mental retardation]~~ authority, to the local intellectual and developmental disability authority, or to another appropriate and legally authorized agency or provider for evaluation and services, unless the prosecuting attorney has filed a petition under Section 53.04.

(c) If, while a child is under deferred prosecution supervision or court-ordered probation, a qualified professional determines that the child has a mental illness or intellectual disability ~~[mental retardation]~~ or suffers from chemical dependency and the child is not currently receiving treatment services for the mental illness, intellectual disability ~~[mental retardation]~~, or chemical dependency, the probation department shall refer the child to the local mental health ~~[or mental retardation]~~ authority, to the local intellectual and developmental disability authority, or to another appropriate and legally authorized agency or provider for evaluation and services.

(d) A probation department shall report each referral of a child to a local mental health ~~[or mental retardation]~~ authority, to a local intellectual and developmental disability authority, or to another agency or provider made under Subsection (b) or (c) to the Texas Juvenile Justice Department in a format specified by the department.

SECTION 16. Section 56.01(c), Family Code, is amended to read as follows:

(c) An appeal may be taken:

(1) except as provided by Subsection (n), by or on behalf of a child from an order entered under:

(A) Section 54.02 respecting transfer of the child for prosecution as an adult;

(B) Section 54.03 with regard to delinquent conduct or conduct indicating a need for supervision;

(C) Section 54.04 disposing of the case;

(D) Section 54.05 respecting modification of a previous juvenile court disposition; or

(E) Chapter 55 by a juvenile court committing a child to a facility for persons with mental illness ~~[the mentally ill]~~ or intellectual disabilities ~~[intellectually disabled]~~; or

(2) by a person from an order entered under Section 54.11(i)(2) transferring the person to the custody of the Texas Department of Criminal Justice.



SECTION 17. Section 58.009, Family Code, is amended by amending Subsections (c) and (f) and adding Subsection (f-1) to read as follows:

(c) The Texas Juvenile Justice Department may grant ~~[the following entities]~~ access to juvenile justice information:

(1) for research and statistical purposes or for any other purpose approved by the department to:

(A) ~~[(1)]~~ criminal justice agencies as defined by Section 411.082, Government Code;

(B) ~~[(2)]~~ the Texas Education Agency, as authorized under Section 37.084, Education Code;

(C) ~~[(3)]~~ any agency under the authority of the Health and Human Services Commission; or

(D) ~~[(4)]~~ the Department of Family and Protective Services; or

(2) for a purpose beneficial to and approved by the department to an individual or entity that:

(A) is working on a research or statistical project that meets the requirements of and is approved by the department; and

(B) has a specific agreement with the department that:

(i) specifically authorizes access to identifiable juvenile justice information;

(ii) limits the use of the information to the purposes for which the information is given;

(iii) ensures the security and confidentiality of the information; and

(iv) provides for sanctions if a requirement imposed under

Subparagraph (i), (ii), or (iii) is violated ~~[(5) a public or private university].~~

(f) The Texas Juvenile Justice Department may not release juvenile justice information in identifiable form, except for information released under Subsection (c) ~~[(c)(1), (2), (3), or (4) or under the terms of an agreement entered into under Subsection (d)(2)].~~ For purposes of this subsection, identifiable information means information that contains a juvenile offender's name or other personal identifiers or that can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular juvenile offender.

(f-1) In accordance with Chapter 552, Government Code, the Texas Juvenile Justice Department may grant access to juvenile justice information that is not identifiable information for research or statistical purposes or for any other purpose approved by the department to:

(1) criminal justice agencies as defined by Section 411.082, Government Code;

(2) the Texas Education Agency, as authorized under Section 37.084, Education Code;

(3) any agency under the authority of the Health and Human Services Commission;

(4) the Department of Family and Protective Services;

(5) a public or private university; or

(6) an individual or entity working on a research or statistical project.

SECTION 18. Section 662.005(b), Government Code, is amended to read as follows:

(b) Except as provided by Section 662.010, and notwithstanding Section 659.015 or another law, a state employee who is a peace officer commissioned or appointed, as applicable, by a state officer or state agency listed under Article 2.12, Code of Criminal Procedure, or who is employed by the Department of Public Safety either to perform communications or dispatch services related to traffic law enforcement or as a public security officer, as that term is defined by Section 1701.001, Occupations Code, or who is employed by the Parks and Wildlife Department to perform communications and dispatch services to assist law enforcement officers commissioned by the Parks and Wildlife Commission in performing law enforcement duties, or who is employed by the Texas Juvenile Justice Department to perform communication service duties for the incident reporting center and to assist law enforcement officers appointed by the office of inspector general of the Texas Juvenile Justice Department in performing investigative duties, or who is employed as a security officer providing security and entry searches for secure correctional facilities operated by the Texas Juvenile Justice Department, and who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday.

SECTION 19. Sections 202.001(a) and (b), Human Resources Code, are amended to read as follows:

(a) The board is composed of the following nine ~~[13]~~ members appointed by the governor with the advice and consent of the senate:

(1) one member who is a district court judge of a court designated as a juvenile court;

(2) one member who is a member ~~[three members who are members]~~ of a county commissioners court with juvenile justice experience;

(3) one prosecutor in juvenile court;

(4) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes fewer than 7,500 persons younger than 18 years of age;

(5) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes at least 7,500 but fewer than 80,000 persons younger than 18 years of age;

(6) one chief juvenile probation officer of a juvenile probation department serving a county with a population that includes 80,000 or more persons younger than 18 years of age;

(7) one adolescent mental health treatment professional licensed under Subtitle B or I, Title 3, Occupations Code, or a representative from a local mental health authority designated under Chapter 533, Health and Safety Code, who has experience working with children;

(8) one member who is:

(A) an educator, as that term is defined by Section 5.001, Education Code, with juvenile justice experience; or

(B) a juvenile justice professional with experience managing a secure juvenile justice facility operated by the department or a county; and

(9) one member [three members] of the general public.

(b) Members serve staggered six-year terms, with the terms of three [~~four or five~~] members expiring on February 1 of each odd-numbered year.

SECTION 20. Section 202.005, Human Resources Code, is amended to read as follows:

Sec. 202.005. BOARD MEMBER RECUSAL. (a) A chief juvenile probation officer who is a board member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts the juvenile probation department over which the chief juvenile probation officer has authority. The chief juvenile probation officer may not vote or render any decisions regarding matters of officer discipline [~~abuse and neglect~~] presented to the board regarding the chief juvenile probation officer's department.

(a-1) If a juvenile justice professional is appointed as a board member under Section 202.001(a)(8), the member shall avoid the appearance of a conflict of interest by not voting or participating in any decision by the board that solely benefits or penalizes or otherwise solely impacts any juvenile probation department or facility the professional is employed by or works for under a contract. The professional may not vote or render any decisions regarding matters of officer discipline presented to the board regarding any juvenile probation department or facility the professional is employed by or works for under a contract.

(b) The board may adopt recusal requirements in addition to those described by Subsections [~~Subsection~~] (a) and (a-1), including requirements that are more restrictive than those described by those subsections [~~Subsection (a)~~].

SECTION 21. Section 202.006, Human Resources 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 department operations [~~the legislation that created the department~~];

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

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

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

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

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

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

(6) [(5)] any applicable ethics policies adopted by the department 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 board. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 22. Section 202.010, Human Resources Code, is amended to read as follows:

Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice Board and the Texas Juvenile Justice Department are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board and the department are abolished September 1, 2027 [~~2023~~].

SECTION 23. Section 203.001, Human Resources Code, is amended by adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(b-1) The board may delegate to the executive director the board's responsibilities as the board determines appropriate.

(b-2) In making a delegation under Subsection (b-1), the board shall provide, as appropriate:

(1) to the executive director with respect to each delegation:

(A) clear direction;

(B) performance measures; and

(C) reporting requirements; and

(2) to the department, sufficient oversight to ensure that delegated responsibilities are performed according to the mission and funding priorities described by Subsection (c).

(b-3) The executive director is a full-time employee of the board and shall:

(1) perform the regular administrative functions of the board and any other duty as the board directs; and

(2) under the direction of the board, perform the duties required by this subtitle or designated by the board.

(b-4) The executive director may not perform a discretionary or decision-making function for which the board is solely responsible.

SECTION 24. Section 203.002, Human Resources Code, is amended to read as follows:

Sec. 203.002. EXECUTIVE DIRECTOR. (a) The board shall:

(1) employ an executive director to administer the department; and

(2) supervise the director's administration of the department.

(b) The executive director must possess the following minimum qualifications:

(1) five years of experience in the field of juvenile corrections or congregate care in an administrative capacity;

(2) three years of experience in the field of juvenile corrections or congregate care in an administrative capacity and a graduate degree from an institution of higher education in a relevant field, including penology, adolescent development, behavior management, or rehabilitative services; or

(3) seven years of experience in management and administration of a government agency, institution of higher education, or business enterprise of a size comparable to the department.

(c) The department shall track the frequency with which the executive director takes the following actions as defined by department rule:

(1) selects a child for a conditional placement;

(2) selects a child for a home placement;

(3) waives the requirement for a child with a determinate sentence to spend the child's entire minimum period of confinement in a high-restriction facility;

(4) waives the requirement for a child to be on intensive supervision when initially released on parole;

(5) authorizes early discharges for a child on parole; or

(6) finalizes an appeal brought by an advocacy group or social service provider who was denied certain access to department facilities.

(d) The executive director shall provide the board and the Sunset Advisory Commission at the beginning of each calendar quarter aggregated data on the number of times each action described by Subsection (c) was taken during the previous calendar quarter.

SECTION 25. Section 203.0081, Human Resources Code, is amended by amending Subsections (a) and (e) and adding Subsection (c-1) to read as follows:

(a) The advisory council on juvenile services consists of:

(1) the executive director of the department or the executive director's designee;

(2) the director of probation services of the department or the director's designee;

(3) the director of state programs and facilities of the department or the director's designee;

(4) the executive commissioner of the Health and Human Services Commission or the commissioner's designee;

(5) one representative of the county commissioners courts appointed by the board;

(6) two juvenile court judges appointed by the board; ~~and~~

(7) seven chief juvenile probation officers appointed by the board as provided by Subsection (b); and

(8) the commissioner of the Department of Family and Protective Services or the commissioner's designee.

(c-1) The board shall adopt rules regarding:

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

(2) the quorum requirement for the advisory council;

(3) training requirements for advisory council members;

(4) policies to avoid conflicts of interest by advisory council members;

(5) a periodic review process to evaluate the continuing need for the advisory council;

(6) policies to ensure the advisory council does not violate any provision of Chapter 551, Government Code, applicable to the board or the advisory council;

(7) the appropriate level of participation from ex officio advisory council members designated under Subsections (a)(1)-(4) and (8); and

(8) reporting requirements and other communication procedures between the board and the advisory council.

(e) The advisory council shall assist the department in:

(1) determining the needs and problems of county juvenile boards and probation departments;

- (2) conducting long-range strategic planning;
- (3) reviewing and proposing revisions to existing or newly proposed standards affecting juvenile probation programs, services, or facilities;
- (4) analyzing the potential cost impact on juvenile probation departments of new standards proposed by the board; ~~and~~
- (5) assessing and developing recommendations to improve the sharing of information between agencies that serve children, including agencies serving children in both the juvenile justice and child welfare systems; and
- (6) advising the board on any other matter on the request of the board.

SECTION 26. Chapter 203, Human Resources Code, is amended by adding Sections 203.0083, 203.0084, and 203.0085 to read as follows:

Sec. 203.0083. AUTHORITY TO ESTABLISH ADVISORY COMMITTEES.

(a) The board by rule may establish advisory committees to make recommendations to the board on programs, rules, and policies administered by the board.

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

- (1) the purpose, role, responsibility, goals, and duration of the committee;
- (2) the size of and quorum requirement for the committee;
- (3) qualifications for committee membership;
- (4) appointment procedures for members;
- (5) terms of service for members;
- (6) training requirements for members;
- (7) policies to avoid conflicts of interest by members;
- (8) a periodic review process to evaluate the continuing need for the

committee; and

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

(c) The board shall establish a youth career and technical education advisory committee and adopt rules required by Subsection (b) for the committee. The advisory committee shall assist the department with overseeing and coordinating vocational training for youth in the custody of the department, including training provided by community colleges and other local entities with which the department may partner.

Sec. 203.0084. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a) The department shall develop a comprehensive set of risk factors to use in assessing the overall risk level of the facilities and entities inspected by the department under:

- (1) Chapter 51, Family Code;
- (2) Section 221.008 of this code; and
- (3) Subtitle C, Title 12, of this code.

(b) The risk factors described by Subsection (a) may include:

- (1) the entity type;
- (2) available programming;
- (3) past and repeat standards violations;
- (4) the volume and types of complaints received by the department;
- (5) recent leadership changes;
- (6) high staff turnover;

(7) relevant findings from the office of independent ombudsman and the office of inspector general;

(8) negative media attention; and

(9) the number of months since the date of the department's last inspection of the entity.

(c) The department shall use the risk factors developed under this section to guide the inspections process for facilities and entities described by Subsection (a) by developing risk assessment tools with clear, objective standards to use in assessing the overall risk level of each entity.

(d) The department may develop distinct assessment tools under Subsection (c) for different entity types, as appropriate.

(e) The department shall periodically review the assessment tools developed under this section to ensure that the tools remain up to date and meaningful, as determined by the department.

Sec. 203.0085. RISK-BASED INSPECTIONS. (a) The department shall adopt a policy prioritizing inspections conducted by the department under:

(1) Chapter 51, Family Code;

(2) Section 221.008 of this code; and

(3) Subtitle C, Title 12, of this code.

(b) The policy under Subsection (a) must require the department to:

(1) prioritize the inspection of entities based on the relative risk level of each entity; and

(2) use the risk assessment tools established under Section 203.0084 to determine how frequently and intensively the department conducts risk-based inspections.

(c) The policy under Subsection (a) may provide for the department to use alternative inspection methods for entities determined to be low risk, including the following methods:

(1) desk audits of key documentation;

(2) abbreviated inspection procedures;

(3) videoconference technology; and

(4) other methods that are an alternative to conducting an in-person inspection.

(d) On request by the department, a juvenile probation department or a private facility under the department's jurisdiction shall provide information on a routine basis, as determined by the department, to assist the department in implementing a risk-based inspection schedule.

SECTION 27. Section 203.010(c), Human Resources Code, is amended to read as follows:

(c) Criminal complaints initially referred to the office of [the] inspector general relating to juvenile probation programs, services, or facilities shall be sent to the appropriate local law enforcement agency. The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Section 242.102. Any other complaint shall be referred to the appropriate division of the department. The board by rule shall establish policies for the referral of noncriminal complaints.

SECTION 28. Chapter 203, Human Resources Code, is amended by adding Section 203.0101 to read as follows:

Sec. 203.0101. STATISTICAL ANALYSIS OF COMPLAINTS. (a) The department shall make available on the department's Internet website a statistical analysis of the complaints received against certified officers by the department.

(b) The complaint analysis under this section must include aggregate information on the number, source, type, and disposition of complaints received against certified officers during the preceding fiscal year and include the following information:

- (1) the number of certified officers by certification type;
- (2) the number of complaints against certified officers by certification type;
- (3) the number of complaints resolved and the manner of resolution,

including:

(A) the total number of agreed, default, and board orders entered;

(B) the total number of cases referred for contested case hearings by the State Office of Administrative Hearings;

(C) the total number of contested cases heard by the State Office of Administrative Hearings; and

(D) the total number of contested cases that were appealed to a district court;

(4) the average number of days required to resolve a complaint;

(5) a detailed analysis of the resolution for each closed complaint, by the nature of the alleged violation; and

(6) a detailed analysis of each closed complaint, by source.

SECTION 29. Section 203.013, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The executive director shall acknowledge receipt of and discuss the results of internal audits with the board.

SECTION 30. Section 203.014(c), Human Resources Code, is amended to read as follows:

(c) The office of inspector general shall operate the toll-free number required by Subsection (a) and the 24-hour incident reporting center and [department] shall share the complaints received with the appropriate department entity [on the toll free number with the office of inspector general and the office of the independent ombudsman].

SECTION 31. Section 203.017, Human Resources Code, is amended by adding Subsections (a-1), (a-2), (b-1), and (e-1) and amending Subsection (e) to read as follows:

(a-1) The department shall update and submit the regionalization plan developed under Subsection (a) to the Sunset Advisory Commission and standing legislative committees with primary jurisdiction over juvenile justice matters by December 1 of each even-numbered year. Before submitting the plan, the department must present an updated draft of the regionalization plan to the board for public comment and board approval.



(a-2) The department may incorporate relevant suggestions, needs, or recommendations from the regionalization plan into subsequent strategic plans, legislative appropriation requests, and any other necessary document to support the plan's implementation.

(b-1) In addition to the requirements of Subsection (b), in developing the regionalization plan, the department shall consult with:

(1) the advisory council on juvenile services;

(2) juvenile probation departments;

(3) regional juvenile probation associations;

(4) advocacy groups;

(5) parents and guardians of children under the jurisdiction of the department;

(6) individuals formerly involved in the juvenile justice system; and

(7) any other stakeholder the department determines may be helpful.

(e) The regionalization plan must, as applicable:

(1) include a budget review, redirection of staff, and funding mechanisms necessary to support the plan;

(2) create a new division of the department responsible for administering the regionalization plan and monitoring program quality and accountability;

(3) ~~include sufficient mechanisms to divert at least:~~

~~[(A) 30 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2015; and~~

~~[(B) 150 juveniles from commitment to secure facilities operated by the department for the state fiscal year beginning September 1, 2016; and~~

~~[(4)] for the state fiscal year beginning September 1, 2017, and each subsequent state fiscal year, include any savings that are generated by the decreases in the population of the secure facilities operated by the department under Subtitle C that exceed the cost of implementing the plan;~~

(4) include:

(A) information on the department's compliance with statutory regionalization requirements;

(B) information on internal goals for diverting children from commitment to the department; and

(C) an analysis of rates of commitment to the custody of the department, broken down by region and county, and any relevant recommendations regarding trends in these rates; and

(5) include specific, actionable steps regarding how the department will enhance regional capacity, coordination, and collaboration among juvenile probation departments to keep children closer to home as an alternative to commitment to the department's facilities while ensuring access to programs and the supervision necessary to maintain public safety.

(e-1) In developing the steps under Subsection (e)(5), the department shall consider:

(1) options to target or expand funding for juvenile probation departments to enhance community-based programs and maximize the use of existing juvenile justice beds;

(2) opportunities to use financial and other incentives to encourage diversion, facilitate cooperation within and across the regions established under Subsection (c), and emphasize the benefits of sharing available resources among counties;

(3) plans for creating additional capacity to minimize gaps in juvenile justice beds and services at the local level, including the expansion or development of beds and facilities designated specifically for regional use; and

(4) processes for downsizing, closing, or repurposing large state secure facilities to shift toward a more regionally based juvenile justice system.

SECTION 32. Section 203.018(e), Human Resources Code, is amended to read as follows:

(e) The department or any local probation department may ~~not~~ use or contract with a facility that was constructed or previously used for the confinement of adult offenders if the department determines that the facility is appropriately retrofitted to accommodate youth-specific requirements and needs.

SECTION 33. Chapter 203, Human Resources Code, is amended by adding Section 203.0185 to read as follows:

Sec. 203.0185. RESOURCE MAPPING. (a) The department shall partner with one or more public or private institutions of higher education to inventory and map resources available for children in the juvenile justice system. To determine the types of information the department requires to timely identify and address resource, program, and service gaps in probation regions that result in commitments to department secure facilities, the department shall consult with:

- (1) institutions of higher education;
- (2) the advisory council on juvenile services; and
- (3) other relevant stakeholders.

(b) The board shall adopt rules requiring juvenile probation departments, at useful and reasonable intervals, to report to the department relevant information on resource, program, and service gaps identified under Subsection (a), including information on:

- (1) the needs of children committed to the department that are not being met with community resources; and
- (2) the types of resources, programs, and services that, if available in the community, may allow juvenile probation departments to keep children closer to home as an alternative to commitment to the department.

SECTION 34. Section 221.002, Human Resources Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In adopting rules under Subsection (a)(4), the board shall authorize a juvenile probation department to house a child committed to the department in a pre-adjudication secure detention facility or a post-adjudication secure correctional facility as the child awaits transfer to the department.

SECTION 35. Section 221.056(a), Human Resources Code, is amended to read as follows:

(a) The department may contract with a local mental health ~~[and mental retardation]~~ authority for the establishment of a residential treatment facility for juveniles with mental illness or emotional injury who, as a condition of juvenile

probation, are ordered by a court to reside at the facility and receive education services at the facility. The department may work in cooperation with the local mental health [~~and mental retardation~~] authority to provide mental health residential treatment services for juveniles residing at a facility established under this section.

SECTION 36. Section 222.001, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) To be eligible for appointment as a probation officer, a person who was not employed as a probation officer before September 1, 1981, must:

(1) [~~be of good moral character;~~

~~[(2) have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Texas Higher Education Coordinating Board;~~

~~[(3) have either:~~

~~[(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by the department; or~~

~~[(B) one year of experience in full time case work, counseling, or community or group work;~~

~~[(i) in a social service, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons; and~~

~~[(ii) that the department determines provides the kind of experience necessary to meet this requirement;~~

~~[(4)] have satisfactorily completed the course of preservice training or instruction and any continuing education required by the department;~~

(2) [~~(5)~~] have passed the tests or examinations required by the department; and

(3) [~~(6)~~] possess the level of certification required by the department.

(b-1) The department by rule shall establish, with input from the advisory council on juvenile services and other relevant stakeholders, the minimum education and experience requirements a person must meet to be eligible for a juvenile probation officer certification. Rules adopted by the department under this subsection must be the least restrictive rules possible to ensure certified juvenile probation officers are qualified to protect children and public safety without creating barriers to entry into the profession.

SECTION 37. Section 222.002, Human Resources Code, is amended to read as follows:

Sec. 222.002. MINIMUM STANDARDS FOR DETENTION OFFICERS. To be eligible for appointment as a detention officer, a person who was not employed as a detention officer before September 1, 2005, must:

(1) [~~be of good moral character;~~

~~[(2)] be at least 21 years of age;~~

(2) [~~(3)~~] have acquired a high school diploma or its equivalent;

(3) [(4)] have satisfactorily completed the course of preservice training or instruction required by the department;

(4) [(5)] have passed the tests or examinations required by the department; and

(5) ~~(6)~~ possess the level of certification required by the department.

SECTION 38. Subchapter B, Chapter 222, Human Resources Code, is amended by adding Sections 222.0521 and 222.0522 to read as follows:

Sec. 222.0521. APPLICATION OF CERTAIN LAW. Chapter 53, Occupations Code, applies to the issuance of a certification issued by the department.

Sec. 222.0522. PROVISIONAL CERTIFICATION. (a) The department may issue a provisional certification to an employee of a juvenile probation department or a private facility that houses youth on probation until the employee is certified under Section 222.001, 222.002, or 222.003, as applicable.

(b) The department shall adopt rules to implement Subsection (a), including rules regarding eligibility for provisional certification and application procedures.

SECTION 39. Section 223.001, Human Resources Code, is amended by adding Subsections (a-1), (a-2), and (d-1) and amending Subsection (c) to read as follows:

(a-1) The department may incorporate as factors in the basic probation funding formula under Subsection (a) measures that create incentives for diverting children from the juvenile justice system. The department may prioritize factors for which the department collects relevant information. The board may adopt rules establishing and defining the factors under this subsection.

(a-2) When revising the basic probation funding formula under Subsection (a), the department shall consult and coordinate with relevant stakeholders, including:

- (1) the advisory council on juvenile services; and
- (2) the Legislative Budget Board.

(c) The department shall set aside a portion of the funds appropriated to the department for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. The department shall develop discretionary grant funding protocols based on documented, data-driven, and research-based practices. The department may incorporate incentives into the discretionary grant funding protocols that encourage collaboration between juvenile probation departments.

(d-1) The board, in consultation with the advisory council on juvenile services, shall adopt rules requiring a juvenile probation department to apply for the placement of a child in a regional specialized program before a juvenile court commits the child to the department's custody under Chapter 54, Family Code. The board by rule may establish exceptions to this requirement for offenses or circumstances the department considers inappropriate for diversion from commitment to state custody.

SECTION 40. Chapter 241, Human Resources Code, is amended by adding Section 241.009 to read as follows:

Sec. 241.009. COMMITMENT INFORMATION. (a) Not later than October 1 of each year, the department shall publish on the department's Internet website aggregated information on the number of children committed to the department during the previous fiscal year, categorized by:

- (1) committing offense level;
- (2) sentence type;
- (3) age; and
- (4) sex.

(b) The department shall publish quarterly on the department's Internet website end-of-month data described by Subsection (a), aggregated for all children committed to the department and for children placed in each secure facility and halfway house.

(c) The department shall ensure that information regarding an individual child cannot be identified in any of the aggregated information published under this section.

SECTION 41. The heading to Section 242.002, Human Resources Code, is amended to read as follows:

Sec. 242.002. [~~EVALUATION OF~~] TREATMENT PROGRAMS; AVAILABILITY.

SECTION 42. Sections 242.002(c) and (d), Human Resources Code, are amended to read as follows:

(c) The department shall offer or make available programs for the rehabilitation and reestablishment in society of children committed to the department, including programs for females and for sex offenders, capital offenders, children who are chemically dependent, and children with mental illness, [described by Subsection (a)] in an adequate manner so that a child in the custody of the department receives appropriate rehabilitation services recommended for the child by the court committing the child to the department.

(d) If the department is unable to offer or make available programs described by [~~Subsection (a) in the manner provided by~~] Subsection (c), the department shall, not later than December 31 of each even-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

- (1) which programs are not offered or are unavailable; and
- (2) the reason the programs are not offered or are unavailable.

SECTION 43. Section 242.056(a), Human Resources Code, is amended to read as follows:

(a) The department shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, persons with mental illness [the mentally ill], or victims of sexual assault to provide on-site information, support, and other services for children confined in department facilities.

SECTION 44. Section 242.102, Human Resources Code, is amended by amending Subsections (a), (b), (c), (d), (e), (g), and (h) and adding Subsections (a-1), (a-2), (b-1), and (c-1) to read as follows:

(a) The office of inspector general is established at the department under the direction of the board as a law enforcement agency for the purpose of:

- (1) preventing, detecting, and investigating:

(A) crimes committed by department employees, including parole officers employed by or under a contract with the department; and

(B) crimes and delinquent conduct committed at a facility operated by the department, a residential facility operated by another entity under a contract with the department, or any facility in which a child committed to the custody of the department is housed or receives medical or mental health treatment, including:

- (i) unauthorized or illegal entry into a department facility;
- (ii) the introduction of contraband into a department facility;
- (iii) escape from a secure facility; and

(iv) organized criminal activity; ~~[and]~~

(2) investigating complaints received under Section 203.010 involving allegations of abuse, neglect, or exploitation of children in juvenile justice programs or facilities under Section 261.405, Family Code;

(3) investigating complaints of abuse, neglect, or exploitation of:

(A) juveniles housed in a pre-adjudication or post-adjudication public or private secure or nonsecure facility regardless of licensing entity; and

(B) juveniles committed to the department;

(4) apprehending juveniles after escape or violation of release conditions as described by Section 243.051;

(5) investigating gang-related activity within the juvenile justice system;  
and

(6) performing entry security and exterior perimeter security searches for a department-operated secure correctional facility, as defined by Section 51.02, Family Code.

(a-1) The office of inspector general has concurrent jurisdiction on agreement with the local law enforcement agency to conduct a criminal investigation under Subsection (a)(3).

(a-2) The office of inspector general shall operate the incident reporting center for the department under Section 203.014.

(b) The office of inspector general shall prepare an investigative ~~[and deliver a]~~ report concerning the results of investigations ~~[any investigation]~~ conducted under this section and may deliver the report to any of the following:

(1) the department ~~[board]~~;

(2) the appropriate district or county attorney ~~[executive director]~~;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;

(8) the special prosecution unit;

(9) the state auditor; or ~~[and]~~

(10) any other appropriate state agency responsible for licensing or certifying department employees or facilities.

(b-1) An individual or entity that receives a report under Subsection (b) may not disclose the information unless otherwise authorized by law.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a determination ~~[finding]~~ that abuse, neglect, or exploitation, a criminal offense, or delinquent conduct occurred, and a description of the determination ~~[finding]~~. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(c-1) The board by rule shall require any findings related to an administrative investigation under Subsection (a)(2) to be reviewed for legal sufficiency before being made public.

(d) The office of inspector general may employ investigators and security officers and employ and appoint ~~[commission]~~ inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and appointed ~~[commissioned]~~ under Subsection (d) must:

(1) be certified by the Texas Commission on Law Enforcement under Chapter 1701, Occupations Code; and

(2) complete advanced courses relating to the duties of peace officers employed and appointed ~~[commissioned]~~ under Subsection (d) as part of any continuing education requirements for the peace officers.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the board;

(2) the executive director;

(3) any applicable advisory board;

(4) the governor;

(5) the lieutenant governor;

(6) the speaker of the house of representatives;

(7) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;

(8) the state auditor; ~~and~~

(9) the comptroller; and

(10) the special prosecution unit.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the department shall publish the report on the department's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;

(2) the relationship of a victim to a perpetrator, if applicable; ~~and~~

(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the department at secure facilities, on parole, or at other placement locations; and

(4) the final disposition of any complaint received under Section 203.010 related to juvenile probation departments and Section 261.405, Family Code, that concerns the abuse, neglect, or exploitation of a juvenile.

SECTION 45. Section 243.001, Human Resources Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall place a child in the most restrictive setting appropriate as the child awaits an adjudication or prosecution for conduct constituting a felony of the first or second degree while in the department's custody. The board by rule shall establish placement procedures that guide the department in determining the most appropriate setting for the child based on rehabilitative needs while preserving due process rights.

SECTION 46. The heading to Section 244.011, Human Resources Code, is amended to read as follows:

Sec. 244.011. CHILDREN WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITIES [~~MENTAL RETARDATION~~].

SECTION 47. Sections 244.011(a), (b), (e), (f), and (g), Human Resources Code, are amended to read as follows:

(a) The department shall accept a child with mental illness or intellectual disabilities who is committed to the department [~~who is mentally ill or mentally retarded~~].

(b) Unless the [~~a~~] child is committed to the department under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, the department shall discharge a child with mental illness or intellectual disabilities [~~who is mentally ill or mentally retarded~~] from its custody if:

(1) the child has completed the minimum length of stay for the child's committing offense; and

(2) the department determines that the child is unable to progress in the department's rehabilitation programs because of the child's mental illness or intellectual disabilities [~~mental retardation~~].

(e) If a child who is discharged from the department under Subsection (b) as a result of an intellectual disability [~~mental retardation~~] is not receiving intellectual disability [~~mental retardation~~] services, the child's discharge is effective on the earlier of:

(1) the date the court enters an order regarding an application for intellectual disability [~~mental retardation~~] services filed under Section 244.012(b); or

(2) the 30th day after the date that the application is filed.

(f) If a child who is discharged from the department under Subsection (b) as a result of an intellectual disability [~~mental retardation~~] is receiving intellectual disability [~~mental retardation~~] services, the child's discharge from the department is effective immediately.

(g) If a child with mental illness or intellectual disabilities [~~who is mentally ill or mentally retarded~~] is discharged from the department under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

SECTION 48. Section 244.012, Human Resources Code, is amended to read as follows:

Sec. 244.012. EXAMINATION BEFORE DISCHARGE. (a) The department shall establish a system that identifies children with mental illness or intellectual disabilities in the department's custody [~~who are mentally ill or mentally retarded~~].



(b) Before a child with mental illness [~~who is identified as mentally ill~~] is discharged from the department's custody under Section 244.011(b), a department psychiatrist shall examine the child. The department shall refer a child requiring outpatient psychiatric treatment to the appropriate mental health authority. For a child requiring inpatient psychiatric treatment, the department shall file a sworn application for court-ordered mental health services, as provided in Subchapter C, Chapter 574, Health and Safety Code, if:

(1) the child is not receiving court-ordered mental health services; and

(2) the psychiatrist who examined the child determines that the child is a child with mental illness [~~mentally ill~~] and the child meets at least one of the criteria listed in Section 574.034 or 574.0345, Health and Safety Code.

(c) Before a child who is identified as having an intellectual disability [~~mentally retarded~~] under Chapter 593, Health and Safety Code, is discharged from the department's custody under Section 244.011(b), the department shall refer the child for intellectual disability [~~mental retardation~~] services if the child is not receiving intellectual disability [~~mental retardation~~] services.

SECTION 49. Section 244.014, Human Resources Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) After a child sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years of age but before the child becomes 19 years of age, the department shall refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the Texas Department of Criminal Justice for confinement if:

(1) the child has not completed the sentence;

(2) while the child was committed to the custody of the department, the child was subsequently adjudicated or convicted for conduct constituting a felony of the first or second degree or an offense punishable under Section 22.01(b)(1), Penal Code; and

(3) the child was at least 16 years of age at the time the conduct occurred.

SECTION 50. Sections 245.0535(h) and (i), Human Resources Code, are amended to read as follows:

(h) The department shall conduct and coordinate research:

(1) to determine whether the comprehensive reentry and reintegration plan developed under this section reduces recidivism rates; and

(2) to review the effectiveness of the department's programs for the rehabilitation and reestablishment in society of children committed to the department, including programs for females and for sex offenders, capital offenders, children who are chemically dependent, and children with mental illness.

(i) Not later than December 31 of each even-numbered year, the department shall deliver a report of the results of research conducted or coordinated under Subsection (h) to the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the standing committees of each house of the legislature with primary jurisdiction over juvenile justice and corrections.

SECTION 51. Section 261.002, Human Resources Code, is amended to read as follows:

Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of ~~the~~ children:

(1) committed to the department, including a child released under supervision before final discharge; and

(2) adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board.

SECTION 52. Section 261.056(a), Human Resources Code, is amended to read as follows:

(a) The department shall allow any child committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

(1) may be in person, by mail, or by any other means; and

(2) is confidential and privileged.

SECTION 53. Section 261.057, Human Resources Code, is amended to read as follows:

Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The independent ombudsman shall promote awareness among the public and the children committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board of:

(1) how the office may be contacted;

(2) the purpose of the office; and

(3) the services the office provides.

SECTION 54. Section 261.061(c), Human Resources Code, is amended to read as follows:

(c) The office shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation.

SECTION 55. Section 261.101, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) The independent ombudsman shall:

(1) review the procedures established by the board and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the department, juvenile probation departments, or other entities operating facilities in which children adjudicated for conduct that constitutes an offense are placed and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the department, a child adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board, or the child's family may be in need of assistance from the office; or

(B) a systemic issue raised in a complaint about the [department's] provision of services to children by the department, juvenile probation departments, or other entities operating facilities in which children adjudicated for conduct that constitutes an offense are placed [is raised by a complaint];

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child adjudicated for conduct that constitutes an offense has been placed by the department or a juvenile probation department, whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board;

(8) make appropriate referrals under any of the duties and powers listed in this subsection;

(9) supervise assistants who are serving as advocates in internal administrative and disciplinary hearings by representing [in their representation of] children committed to the department or adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board [internal administrative and disciplinary hearings];

(10) review reports received by the department relating to complaints regarding juvenile probation programs, services, or facilities and analyze the data contained in the reports to identify trends in complaints;

(11) report a possible standards violation by a [local] juvenile probation department to the appropriate division of the department; and

(12) immediately report the findings of any investigation related to the operation of a post-adjudication correctional facility in a county to the chief juvenile probation officer and the juvenile board of the county.

(g) The department and juvenile probation departments shall notify the office regarding any private facility described by Subsection (f)(1) with which the department or the juvenile probation department contracts to place children adjudicated as having engaged in conduct indicating a need for supervision or delinquent conduct. The report under this subsection must be made annually and updated at the time a new contract is entered into with a facility described by this subsection. The office shall adopt rules to implement the reporting requirements under this subsection, including the specific times the report must be made.

SECTION 56. Section 261.102, Human Resources Code, is amended to read as follows:

Sec. 261.102. TREATMENT OF ~~[DEPARTMENT]~~ EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The department, a juvenile probation department, or another entity operating a facility in which children adjudicated for conduct that constitutes an offense are placed may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

SECTION 57. Subchapter C, Chapter 261, Human Resources Code, is amended by adding Sections 261.105 and 261.106 to read as follows:

Sec. 261.105. RISK FACTORS AND RISK ASSESSMENT TOOLS. (a) The office shall develop a comprehensive set of risk factors to use in assessing the overall risk level of facilities and entities described by Section 261.101(f) and of department parole offices. The risk factors may include:

- (1) the entity type;
- (2) past and repeat children's rights violations;
- (3) the volume and types of complaints received by the office;
- (4) recent changes in a facility or parole office leadership;
- (5) high staff turnover;
- (6) relevant investigations by the office of the inspector general of the department;
- (7) negative media attention; and
- (8) the number of months since the date of the office's last inspection of the

entity.

(b) The office shall use the risk factors developed under this section to guide the inspections of facilities and entities described by Section 261.101(f), and of department parole offices, by developing risk assessment tools with clear, objective standards to use in assessing the overall risk level of each facility, entity, or parole office.

(c) The office may develop distinct assessment tools under Subsection (b) for different entity types, as appropriate.

(d) The office shall periodically review the assessment tools developed under this section to ensure that the tools remain up to date and meaningful, as determined by the office.

Sec. 261.106. RISK-BASED INSPECTIONS. (a) The office shall adopt a policy prioritizing the inspection of facilities conducted under Section 261.101(f) and of department parole offices based on the relative risk level of each entity.

(b) The policy under Subsection (a) must require the office to use the risk assessment tools established under Section 261.105 to determine how frequently and intensively the office conducts risk-based inspections.

(c) The policy under Subsection (a) may provide for the office to use alternative inspection methods for entities determined to be low risk, including the following methods:

- (1) desk audits of key documentation;
- (2) abbreviated inspection procedures;
- (3) videoconference technology; and

(4) other methods that are an alternative to conducting an in-person inspection.

(d) On request by the office, the department, a juvenile probation department, or a private facility under the office's jurisdiction shall provide information on a routine basis, as determined by the office, to assist the office in implementing a risk-based inspection schedule.

SECTION 58. Section 261.151(c), Human Resources Code, is amended to read as follows:

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the department or any child adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board.

SECTION 59. Section 261.152, Human Resources Code, is amended to read as follows:

Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the department or a child adjudicated for conduct that constitutes an offense and placed in a private facility contracted with a juvenile probation department or juvenile board.

SECTION 60. Subchapter D, Chapter 261, Human Resources Code, is amended by adding Section 261.153 to read as follows:

Sec. 261.153. ACCESS TO INFORMATION OF JUVENILE PROBATION DEPARTMENTS. The independent ombudsman shall have access to the records of a juvenile probation department that relate to a child adjudicated for conduct that constitutes an offense and placed in a facility operated by or contracted with a juvenile probation department or juvenile board.

SECTION 61. The following provisions are repealed:

- (1) Section 58.009(d), Family Code;
- (2) Section 221.011, Human Resources Code;
- (3) Section 221.055, Human Resources Code;
- (4) Sections 222.001(b) and (f), Human Resources Code;
- (5) Sections 242.002(a) and (b), Human Resources Code;
- (6) Section 243.052, Human Resources Code; and
- (7) Section 246.002, Human Resources Code.

SECTION 62. (a) Not later than January 1, 2024, the Texas Juvenile Justice Department shall repeal any rule requiring that an individual must be of good moral character to qualify for a department certification.

(b) Not later than December 1, 2024, the Texas Juvenile Justice Department shall submit the first updated regionalization plan required by Section 203.017(a-1), Human Resources Code, as added by this Act.

SECTION 63. (a) Notwithstanding Section 202.001(b), Human Resources Code, as amended by this Act, and except as otherwise provided by this subsection, the term for a member of the Texas Juvenile Justice Board serving on September 1, 2023, expires on that date. A board member serving on that date may continue to

serve as a member of the board until a majority of appointments to the board are made under Subsection (b) of this section. A member of the board described by this subsection is eligible for reappointment under Subsection (b) of this section.

(b) In making the initial appointments to the board according to the changes in law made by this Act to Section 202.001, Human Resources Code, the governor shall designate:

- (1) three members to serve terms expiring February 1, 2025;
- (2) three members to serve terms expiring February 1, 2027; and
- (3) three members to serve terms expiring February 1, 2029.

SECTION 64. (a) Except as provided by Subsection (b) of this section, Section 202.006, Human Resources Code, as amended by this Act, applies to a member of the Texas Juvenile Justice Board appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Juvenile Justice Board who before the effective date of this Act completed the training program required by Section 202.006, Human Resources 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 202.006, Human Resources Code. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2023, until the member completes the additional training.

SECTION 65. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 1727** was filed with the Secretary of the Senate.

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 22**

Senator Springer submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 22** 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.

SPRINGER  
BETTENCOURT  
HINOJOSA  
HUFFMAN

GUILLEN  
ASHBY  
GEREN  
E. MORALES  
PRICE

On the part of the Senate

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

relating to the establishment of grant programs to provide financial assistance to qualified sheriff's offices, constable's offices, and prosecutor's offices in rural counties.

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

SECTION 1. Subchapter Z, Chapter 130, Local Government Code, is amended by adding Sections 130.911, 130.912, and 130.913 to read as follows:

Sec. 130.911. RURAL SHERIFF'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural sheriff's office salary assistance grant program established by this section.

(2) "Qualified county" means a county with a population of 300,000 or less.

(b) The comptroller shall establish and administer the rural sheriff's office salary assistance grant program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to sheriff's offices in qualified counties.

(c) Not later than the 30th day after the first day of a qualified county's fiscal year, the county may submit an application for a grant to the comptroller. A county may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified county that applies for the grant using money appropriated to the comptroller for that purpose. The grant must be in the following applicable amount:

(1) \$250,000 if the county has a population of less than 10,000;

(2) \$350,000 if the county has a population of 10,000 or more and less than 50,000; or

(3) \$500,000 if the county has a population of 50,000 or more and 300,000 or less.

(e) A county that is awarded a grant shall use or authorize the use of the grant money only:

(1) to provide a minimum annual salary of at least:

(A) \$75,000 for the county sheriff;

(B) \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties; and

(C) \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county;

(2) to increase the salary of a person described by Subdivision (1);

(3) to hire additional deputies or staff for the sheriff's office; or

(4) to purchase vehicles, firearms, and safety equipment for the sheriff's office.

(f) A county that is awarded a grant may not use or authorize the use of the grant money for a purpose other than to meet the minimum salary requirements prescribed by Subsection (e)(1) until those requirements are satisfied.

(g) A county may not reduce the amount of funds provided to the sheriff's office because of grant funds provided under this section.

(h) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;

(2) deadlines for:

(A) applying for the grant;

(B) disbursement of grant money; and

(C) spending grant money; and

(3) procedures for:

(A) monitoring the disbursement of grant money to ensure compliance with this section; and

(B) the return of grant money that was not used by a county for a purpose authorized by this section.

Sec. 130.912. RURAL CONSTABLE'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural constable's office salary assistance grant program established by this section.

(2) "Qualified constable" means a constable elected to an office created on or before January 1, 2023, who primarily makes motor vehicle stops in the routine performance of the constable's duties.

(3) "Qualified county" means a county with a population of 300,000 or less.

(b) The comptroller shall establish and administer the rural constable's office salary assistance grant program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to constable's offices in qualified counties.

(c) Not later than the 30th day after the first day of a qualified county's fiscal year, the county may submit an application for a grant to the comptroller. A county may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified county that applies for the grant using money appropriated to the comptroller for that purpose. The comptroller may only award a grant to a county if the county agrees in writing to contribute at least 75 percent of the money required to meet the minimum annual salary requirement established under Subsection (e) for each qualified constable for which the county will also use grant money to provide that salary.

(e) Subject to Subsection (d), a county that is awarded a grant shall use or authorize the use of the grant money only to provide a minimum annual salary of \$45,000 to a qualified constable.

(f) A county may not reduce the amount of funds provided to the constable's office because of grant funds provided under this section.

(g) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;



(2) deadlines for:

(A) applying for the grant;

(B) disbursement of grant money; and

(C) spending grant money;

(3) procedures for:

(A) monitoring the disbursement of grant money to ensure compliance with this section; and

(B) the return of grant money that was not used by a county for a purpose authorized by this section; and

(4) standards to determine if a constable is a qualified constable.

Sec. 130.913. RURAL PROSECUTOR'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural prosecutor's office salary assistance grant program established by this section.

(2) "Qualified prosecutor's office" means, in a jurisdiction with a population of 300,000 or less, the office of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties.

(b) The comptroller shall establish and administer the rural prosecutor's office salary assistance grant program to support the state purpose of ensuring professional legal representation of the people's interests throughout the state by providing financial assistance to qualified prosecutor's offices.

(c) Not later than the 30th day after the first day of a qualified prosecutor's office's fiscal year, the prosecutor's office may submit an application for a grant to the comptroller. A prosecutor's office may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified prosecutor's office that applies for the grant using money appropriated to the comptroller for that purpose. The grant must be in the following applicable amount:

(1) \$100,000 if the prosecutor's office's jurisdiction has a population of less than 10,000;

(2) \$175,000 if the prosecutor's office's jurisdiction has a population of 10,000 or more and less than 50,000; or

(3) \$275,000 if the prosecutor's office's jurisdiction has a population of 50,000 or more and 300,000 or less.

(e) A prosecutor's office that is awarded a grant shall use or authorize the use of the grant money only:

(1) to increase the salary of an assistant attorney, an investigator, or a victim assistance coordinator employed at the office; or

(2) to hire additional staff for the office.

(f) A county may not reduce the amount of funds provided to a prosecutor's office because of grant funds provided under this section.

(g) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;

(2) deadlines for:

- (A) applying for the grant;  
 (B) disbursement of grant money; and  
 (C) spending grant money; and  
 (3) procedures for:  
 (A) monitoring the disbursement of grant money to ensure compliance with this section; and  
 (B) the return of grant money that was not used by a qualified prosecutor's office for a purpose authorized by this section.

SECTION 2. A qualified county or prosecutor's office, as defined by Section 130.911, 130.912, or 130.913, Local Government Code, as added by this Act, may not apply for a rural sheriff's office salary assistance grant, rural constable's office salary assistance grant, or rural prosecutor's office salary assistance grant before January 1, 2024.

SECTION 3. Not later than January 1, 2024, the comptroller of public accounts shall comply with the requirements of Sections 130.911, 130.912, and 130.913, Local Government Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 22** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2121

Senator Springer submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 2121** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SPRINGER  
BETTENCOURT  
MIDDLETON  
PARKER  
WEST

On the part of the Senate

PAUL  
E. THOMPSON  
MURR  
PEREZ

On the part of the House

The Conference Committee Report on **HB 2121** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 3104**

Senator Parker submitted the following Conference Committee Report:

Austin, Texas  
May 26, 2023

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

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3104** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

PARKER  
HUFFMAN  
CREIGHTON  
WEST  
PAXTON

ANDERSON  
BOWERS  
T. KING

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 3104** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 357**

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 357** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUGHES  
BIRDWELL  
ZAFFIRINI

BUCY  
CAPRIGLIONE  
J. GONZÁLEZ  
MANUEL  
SMITH

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 357** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 2729**

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 2729** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CREIGHTON  
KING  
PARKER

CODY HARRIS  
BUCKLEY  
TALARICO  
HEFNER

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 2729** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 4443**

Senator Kolkhorst submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 4443** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

KOLKHORST  
ALVARADO  
MIDDLETON  
NICHOLS  
SPRINGER

CUNNINGHAM  
GARCIA  
LUJAN  
TEPPER  
LOZANO

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 4443** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 5344**

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 5344** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

CREIGHTON  
PARKER  
LAMANTIA  
FLORES

C. BELL  
METCALF  
MOODY  
MUÑOZ  
SHINE

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 5344** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL 1500**

Senator Schwertner submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 1500** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

SCHWERTNER  
JOHNSON  
KING

HOLLAND  
K. BELL  
CANALES

MIDDLETON  
NICHOLS  
On the part of the Senate

HUNTER  
SPILLER  
On the part of the House

The Conference Committee Report on **HB 1500** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENAT JOINT RESOLUTION 75**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 **SJR 75** 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.

PERRY  
BLANCO  
FLORES  
HANCOCK  
KOLKHORST  
On the part of the Senate

T. KING  
GEREN  
PRICE  
RAMOS  
E. THOMPSON  
On the part of the House

**A JOINT RESOLUTION**

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

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

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

Sec. 49-d-16. (a) The Texas water fund is created as a special fund in the state treasury outside the general revenue fund. The fund is administered by the Texas Water Development Board or by that board's successor in function as provided by general law. The legislature may appropriate money for the purpose of depositing the money to the fund to be available for transfer as provided by Subsection (b) of this section.

(b) The administrator of the Texas water fund may use the fund only to transfer money to other funds or accounts administered by the Texas Water Development Board or that board's successor in function. The administrator may restore to the fund money transferred from the fund and deposited to the credit of another fund or

account. Legislative appropriation is not required for the administrator to transfer money from or restore money to the fund, including the transfer of money from the fund to or the restoration of the money from:

- (1) the Water Assistance Fund No. 480;
- (2) the New Water Supply for Texas Fund;
- (3) the Rural Water Assistance Fund No. 301; or
- (4) the Statewide Water Public Awareness Account.

(c) The Texas water fund consists of:

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

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

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

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

(5) money returned from any authorized transfer.

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

(e) Of the amount of money initially appropriated to the Texas water fund, the administrator of the fund shall allocate not less than 25 percent to be used only for transfer to the New Water Supply for Texas Fund.

(f) The expenses of managing the investments of the Texas water fund shall be paid from that fund.

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

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

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

(h) Any unexpended and unobligated balance remaining in the Texas water fund at the end of a state fiscal biennium is appropriated to the administrator of that fund for the following state fiscal biennium for the purposes authorized by this section.

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

The Conference Committee Report on **SJR 75** was filed with the Secretary of the Senate.

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 28**

Senator Perry submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 28** 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.

PERRY  
BLANCO

FLORES  
HANCOCK  
KOLKHORST

On the part of the Senate

T. KING  
GAMEZ  
GEREN  
PRICE

E. THOMPSON

On the part of the House

A BILL TO BE ENTITLED  
AN ACT

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

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

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

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

(1) monitor trends in water conservation implementation;

(2) monitor new technologies for possible inclusion by the board as best management practices in the best management practices guide developed by the water conservation implementation task force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003;

(3) monitor the effectiveness of the statewide water [~~conservation~~] public awareness program developed under Section 16.026 [~~16.401~~] and associated local involvement in implementation of the program;

(4) develop and implement a state water management resource library;

(5) develop and implement a public recognition program for water conservation;

(6) monitor the implementation of water conservation strategies by water users included in regional water plans; and

(7) monitor target and goal guidelines for water conservation to be considered by the board and commission.

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

SUBCHAPTER C-1. NEW WATER SUPPLY FOR TEXAS FUND

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

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



(1) money appropriated for transfer or deposit to the credit of the fund;  
(2) money the board transfers to the fund from any available source;  
(3) depository interest allocable to the fund and other investment returns on money in the fund;

(4) money from gifts, grants, or donations to the fund; and  
(5) any other fees or sources of revenue that the legislature may dedicate for deposit to the fund.

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

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

(b) The fund may be used to:

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

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

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

(C) aquifer storage and recovery projects; and

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

(2) make transfers from the fund:

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

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

(3) make transfers from the fund to the water bank account established under Section 15.707.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The state water implementation revenue fund for Texas is a special fund in the state treasury outside the general revenue fund to be used by the board, without further legislative appropriation, only for the purpose of providing financing for projects included in the state water plan that are authorized under Subchapter C-1, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J or L, Chapter 17. The board may establish separate accounts in the fund. The board has legal title

to money and investments in the fund until the money is disbursed as provided by this subchapter and board rules. It is the intent of the legislature that the fund will never be used:

- (1) for a purpose other than the support of projects in the state water plan; or
- (2) to certify that appropriations from the treasury are within the amount estimated to be available in a fund of the treasury affected by the appropriation.

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

(a) Except as provided by Subsection (c), money in the fund may be used by the board only to provide financing or refinancing, under terms specified by the board, for projects included in the state water plan that are authorized under Subchapter C-1, Q, or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J or L, Chapter 17, including water conservation or reuse projects designed to reduce the need for this state or political subdivisions of this state to develop additional water resources.

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

SUBCHAPTER H-1. TEXAS WATER FUND

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

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

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

- (1) the water assistance fund established under Subchapter B;
- (2) the new water supply for Texas fund established under Subchapter C-1;
- (3) the state water implementation fund for Texas established under

Subchapter G;

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

Subchapter H;

- (5) a revolving fund established under Subchapter J;

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

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

16.027;

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

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

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

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

(e) The fund consists of:

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

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

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

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

(5) money returned from any authorized transfer.

Sec. 15.503. MANAGEMENT AND INVESTMENT OF FUND. (a) Money in the fund shall be held and invested by the Texas Treasury Safekeeping Trust Company, taking into account the purposes for which money in the fund may be used.

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

(c) In managing the assets of the fund, the trust company may acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment. The reasonable expenses of managing the fund's assets shall be paid from the fund.

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

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

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

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

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

(A) rural political subdivisions; and

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

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

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

(4) water conservation strategies; and

(5) water loss mitigation projects.

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

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

(f) The board may use the fund to pay the necessary and reasonable expenses of the board in administering the fund not to exceed two percent.

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

(1) the board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) water loss audits submitted to the board;

(2) the population served by the utility; and

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

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

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

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

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

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

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

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

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

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

- (1) money appropriated to the board for deposit to the credit of the account;
- (2) money transferred by the board to the credit of the account from other funds available to the board;
- (3) money from gifts or grants to the account from any source, including the federal government, an educational institution, or a private donor;
- (4) proceeds from the sale of educational or public awareness materials, publications, and other items deposited to the credit of the account; and
- (5) interest earned on the investment of money in the account and depository interest allocable to the account.

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

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

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

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

- (1) Subchapters C, C-1, D, E, G, H, J, O, Q, and R, Chapter 15;
- (2) Subchapters E and F of this chapter; and
- (3) Subchapters D, F, I, K, and L, Chapter 17.

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

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

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

The Conference Committee Report on **SB 28** was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 2315**

Senator Hughes submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 2315** 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.

HUGHES  
BIRDWELL  
KOLKHORST  
HINOJOSA  
PARKER

CLARDY  
BUTTON  
LAMBERT

On the part of the Senate

On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

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.

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

SECTION 1. The purpose of this Act is to provide for the creation of a task force to develop a plan for the consolidation of workforce development programs administered by the Texas Workforce Commission and social services programs administered by the Health and Human Services Commission. Though federal law and guidance currently restricts the consolidation of these federally funded services, the United States Congress is considering legislation to reverse the federal restrictions and allow states to consolidate these functions. This Act would provide an opportunity for Texas to implement a consolidation plan, if and when federal law allows.

SECTION 2. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 319 to read as follows:

**CHAPTER 319. TASK FORCE ON CONSOLIDATION OF WORKFORCE AND  
SOCIAL SERVICES**

**Sec. 319.001. DEFINITION. In this chapter, "task force" means the task force established under this chapter to develop a plan for the consolidation of workforce development and social services programs in this state.**

Sec. 319.002. TASK FORCE MEMBERSHIP; COMPENSATION. (a) The task force consists of:

- (1) three members appointed by the governor;
- (2) three members appointed by the lieutenant governor; and
- (3) three members appointed by the speaker of the house of representatives.

(b) A vacancy on the task force must be filled in the same manner as the original appointment.

(c) Members of the task force serve without compensation or reimbursement for expenses.

Sec. 319.003. TASK FORCE DUTIES. (a) The task force shall:

(1) develop a plan for best courses of action and a regulatory framework for the consolidation of workforce development programs administered by the commission and social services programs administered by the Health and Human Services Commission; and

(2) make recommendations to the legislature regarding the consolidation of programs described by Subdivision (1).

(b) The consolidation plan developed by the task force must:

(1) examine all state resources, including financial, manpower, and technology resources, to determine if those resources are being used effectively and efficiently to achieve the desired outcomes for recipients of the workforce development and social services programs and for the purposes of the programs' intended goals;

(2) identify opportunities for cost savings or reallocations of resources to improve the effectiveness of the programs by streamlining essential functions and eliminating duplicative efforts;

(3) identify potential improvements to child-care data systems in order to streamline child-care data collection as necessary to evaluate the need for and availability of subsidized and unsubsidized child care for recipients of program services;

(4) be designed to improve the delivery of the programs by ensuring that applicants for and recipients of the services provided are better served by having access to a single point of contact case manager for all services sought or received; and

(5) identify the changes to federal law that would be necessary to implement the consolidation plan.

Sec. 319.004. ADMINISTRATIVE SUPPORT. The commission and the Health and Human Services Commission shall provide staff and administrative support as necessary to enable the task force to carry out its duties under this chapter, including by providing:

(1) meeting space;

(2) staff to assist the task force in conducting research and drafting the consolidation plan and related materials; and

(3) funding available from existing resources appropriated to the commission or the Health and Human Services Commission to pay for costs associated with the task force's functions.



Sec. 319.005. REPORT TO LEGISLATURE. Not later than December 31, 2024, the task force shall prepare and submit to the legislature a report that includes:

- (1) a description of the activities of the task force;
- (2) the consolidation plan developed by the task force; and
- (3) the findings and recommendations of the task force.

Sec. 319.006. EXPIRATION. The task force is abolished and this chapter expires September 1, 2025.

SECTION 3. Not later than January 1, 2024, the governor, the lieutenant governor, and the speaker of the house of representatives shall appoint the members of the task force as required by Section 319.002, Labor Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2023.

The Conference Committee Report on **SB 2315** was filed with the Secretary of the Senate.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3452**

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 3452** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN  
BETTENCOURT  
CREIGHTON  
HINOJOSA  
HUGHES

JETTON  
SLAWSON  
VASUT

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 3452** was filed with the Secretary of the Senate.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3699**

Senator Bettencourt submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 3699** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BETTENCOURT  
HALL  
PAXTON  
SPRINGER  
WEST

WILSON  
C. BELL  
VASUT  
E. THOMPSON

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 3699** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL 3697

Senator Bettencourt submitted the following Conference Committee Report:

Austin, Texas  
May 27, 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 3697** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BETTENCOURT  
HALL  
HUFFMAN  
MIDDLETON  
SPRINGER

WILSON  
C. BELL  
E. THOMPSON  
VASUT

On the part of the Senate

On the part of the House

The Conference Committee Report on **HB 3697** was filed with the Secretary of the Senate.

### CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION 125

Senator Huffman submitted the following Conference Committee Report:

Austin, Texas  
May 25, 2023

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HJR 125** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

HUFFMAN  
BETTENCOURT  
CAMPBELL  
HINOJOSA  
NICHOLS

ASHBY  
HUNTER  
GEREN  
ROSE  
LONGORIA

On the part of the Senate

On the part of the House

The corrected Conference Committee Report on **HJR 125** was filed with the Secretary of the Senate.

#### **CO-SPONSOR OF HOUSE BILL 12**

On motion of Senator Kolkhorst, Senator Whitmire will be shown as Co-sponsor of **HB 12**.

#### **CO-SPONSOR OF HOUSE BILL 17**

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 17**.

#### **CO-SPONSOR OF HOUSE BILL 3452**

On motion of Senator Huffman, Senator Bettencourt will be shown as Co-sponsor of **HB 3452**.

#### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

##### **Memorial Resolutions**

**SR 694** by Hughes, In memory of John Frank Abbott.

**SR 695** by Hughes, In memory of MaryEllen Massey Moore.

**SR 696** by Hughes, In memory of Lauren Gray Gilstrap.

**SR 697** by Hughes, In memory of Alicia Pekema Lippman.

**SR 698** by Hughes, In memory of Marvin Graydon Stephens Jr.

**HCR 114** (Huffman), In memory of Arch Hartwell Aplin Jr.

##### **Congratulatory Resolutions**

**SR 699** by Hughes, Recognizing Emily F. Cutrer on the occasion of her retirement.

**HCR 122** (Hancock), Congratulating Don Ward on his retirement as executive director of the One-Call Board of Texas.

**RECESS**

On motion of Senator Whitmire, the Senate at 4:09 p.m. recessed until 1:00 p.m. tomorrow.

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**APPENDIX**

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**BILLS AND RESOLUTIONS ENROLLED**

May 27, 2023

**SB 15, SB 24, SB 26, SB 133, SB 189, SB 222, SB 232, SB 365, SB 532, SB 544, SB 718, SB 719, SB 773, SB 999, SB 1056, SB 1070, SB 1098, SB 1192, SB 1289, SB 1376, SB 1414, SB 1516, SB 1518, SB 1565, SB 1670, SB 1720, SB 1916, SB 1929, SB 1930, SB 1998, SB 2052, SB 2091, SB 2105, SB 2120, SB 2133, SB 2200, SB 2248, SB 2292, SB 2314, SB 2325, SB 2370, SB 2376, SB 2406, SB 2429, SB 2453, SB 2476, SB 2479, SB 2601, SB 2605, SB 2620, SCR 52, SR 686, SR 691, SR 694, SR 695, SR 696, SR 697, SR 698, SR 699**

**SIGNED BY GOVERNOR**

May 27, 2023

**SB 241, SB 577, SB 768, SB 811, SB 825, SB 943, SB 1032, SB 1186, SB 1381, SB 1413, SB 1506, SB 1592, SB 1612, SB 1716, SB 1780, SB 1850, SB 1869, SB 2123, SB 2124, SB 2258, SB 2261, SB 2294, SB 2355, SB 2566, SCR 47**

**FILED WITHOUT SIGNATURE OF GOVERNOR**

May 27, 2023

**SB 887, SB 1801, SB 1809, SB 2576, SB 2577, SB 2579, SB 2583, SB 2599, SB 2600**